

“I Owe It To Her”: Commitments, Obligations, and the Posthumous Relationship

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Many among us have personal experience reckoning with powerful feelings of obligation towards deceased loved ones. Typically, these are conceptualized as direct duties with a defined scope: to fulfill deathbed promises, protect the departed’s reputation, and honor their stated or reasonably inferred wishes. Some believe we hold more general obligations to preserve or protect the interests of the dead, to help realize the ends they valued, to remember and honor them, or to treat them with dignity. However, it remains philosophically contentious whether we can have real moral commitments to the dead. There is much debate surrounding the metaphysical difficulty of establishing a clear subject to which posthumous obligations could be directed.

In this paper, obligations are taken to be moral commitments which arise in the context of a relationship between an obligator and an obligee. An obligee is obligated to take an action because of their commitment to the obligator. The primary criticism of the view that we have posthumous obligations, which I will refer to as *the problem of the subject*, is that the dead no longer exist as persons and so cannot be such obligators or obligees. Such critics try to explain the often powerful sense of obligation many do feel towards the dead by arguing that these are *mistaken obligations* or *mistakenly-directed obligations*. If our sense of posthumous obligation is fully

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mistaken, this would mean that there is not a real obligation to anyone in these cases. If our sense of posthumous obligation is mistakenly-directed, then an obligation does exist, just not one that is directed at the dead themselves. Rather, the sense of duty towards the dead is truly directed at another subject, perhaps oneself or one's community. If a clear posthumous subject is not established, and so the conditions of obligation are unmet, it seems that proponents of posthumous obligation must ultimately concede to one of these two views.

I will begin by attempting to argue against critical views of posthumous obligation, supporting the idea that we do in fact have *real, directed obligations* to the dead. I will go on to describe what an account of real, directed posthumous obligations would entail, specifically as it regards the metaphysical commitments and theory of personal identity it requires. I will then provide an alternative account of posthumous obligation which focuses on the relationship one has with the departed, describing how the commitments generated in a pre-existing relationship can continue to be morally binding after death. Finally, I will demonstrate how this account of posthumous commitment is better able to explain common experiences amongst the bereaved.

Section I: Posthumous Personhood and The Problem of the Subject

The literature on posthumous obligation, posthumous harm, and posthumous wrongs are deeply intertwined. In each case, the central question is whether, after death, there is a clear subject—one that has been wronged or harmed, or one that we can be obligated to. George Pitcher, when discussing whether the dead can be wronged, states the problem bluntly: “The dead, if they exist at all, are so much dust. How is it possible for so much dust to be wronged?” (183). According to Pitcher, there are two ways to understand the subject of posthumous harm or wrongs. We can describe the now deceased subject as they were when they were alive, termed the *ante-mortem* person. We can also describe the now deceased subject as they are in death, termed the *post-mortem* person. In Pitcher's account, the true subject of posthumous wrongs is the ante-mortem person (183). Although the ante-mortem person cannot be harmed in the same ways the living person could have been (e.g., they cannot be subject to pain), the living person may have had interests and desires that could still be impacted after their death. If these interests are thwarted or these desires frustrated, this would harm the ante-mortem person. At this point, one may be concerned by the apparent backward causation this entails. If the ante-mortem person is the deceased person as they were when they were

alive, then harming the ante-mortem person would seem to necessitate harming the person as they were when they were alive. This amounts to harming the *living* person. So if the event which one claims harms the ante-mortem person occurs after death, then this would mean an event which occurs after a person's death harms them during their lifetime. This is suspiciously akin to backwards causation. Pitcher rejects the claim that posthumous harm involves backwards causation, stating that it relies on a misleading view of harm as "a kind of alteration in one's metaphysical state" (186). He does not view the relationship between wronging someone and their being wronged as casual per se. Rather, it involves backwards *signification*. This means that the properties which we assign to the pre-mortem, living person are impacted by events which are not realized until after their death. A harm or a wrong can occur after a person's death, and still be a harm or a wrong attributable to them during their lifetime (McKinnell 6). To use Pitcher's example, written in May 1983: "If the world should be blasted to smithereens during the next presidency after Ronald Reagan's, this would make it true (be responsible for the fact) that even now, during Reagan's term, he is the penultimate president of the United States" (188). Under Pitcher's view, it is in this way that we should imagine how posthumous harms and wrongs impact the ante-mortem person. Given this picture, posthumous harm or wrong is never directed at the dead themselves (i.e., the post-mortem person)—it always impacts the living, or at least the living as conceived of after their death (i.e., the ante-mortem person).

This approach to posthumous harm, wrongs, and obligations is mirrored in other accounts. When discussing whether death can itself be a harm, Nagel utilizes an argument similar to Pitcher's, stating that not every harm which a person experiences is a harm attributable to them at that same moment in time. He claims that harms can be "irreducibly relational," meaning that they are "relations between a person . . . and circumstances which may not coincide with him in either space or in time" (78). To illustrate his point, he describes a case in which a man is suffering from advanced dementia. Unbeknownst to him, the disease has reduced him to a childlike mental state. Nagel argues that he has been harmed, but that this harm is not attributable to him in his current state. In his current state, he may in fact be quite happy and satisfied. Instead, we attribute the harm to the person he was *before* this fate befell him. Nagel draws an analogy to the case of posthumous harm: a person can be harmed posthumously, even if this harm cannot be attributed to them in their posthumous state. Rather, the harm should be attributed to the person they were before their death.

Joel Feinberg expands upon Pitcher's account of posthumous harms, focusing specifically on the Pitcher's claim that living persons can have interests which may be posthumously affected. This idea is central to Feinberg's account of posthumous harm, in which he distinguishes between there being a posthumous subject that is the object of harm and there being posthumous, harmable interests. In his account, called *invaded interest theory*, a person's interest, as they continue after the person's death, are the objects of harm rather than the person themselves being harmed as a posthumous subject. Feinberg illustrates his argument with the following example:

When Cain harms Abel by punching him in the nose, it is Abel's interest in the physical integrity of his nose that is the immediate object of the harm, and Abel himself is harmed in the derivative sense of being the owner of a harmed interest. (301)

Feinberg goes on to explain how this account could preserve the notion of posthumous harm even if there is no longer an existing individual that is being harmed, stating: "Although he no longer exists, we can refer to his earlier goals (as a matter of identification) as his interests, and they were the interests directly harmed by his death" (301).

Hence, even if there is no identifiable posthumous subject, there may still be something—one's posthumous interests—that is harmed by the failure to fulfill an obligation. This theory provides strong support for not just the existence of posthumous obligations, but also why they are particularly important. Under an invaded-interest account, in protecting or furthering the interests of someone after their death we are *lessening the harm of their death*. This is because we are ensuring that their interests do not suffer more than is inevitable given their demise. In addition to providing an alternative object of harm, this theory helps capture one potential reason why honoring death-bed promises and other posthumous obligations is especially imperative. After death, the obligator is unable to further their own interests. Hence, the full burden to the maintenance and protection of the obligator's interests, as it relates to that promise, is upon the surviving obligee.

Although the invaded-interest account provides a mechanism for explaining why we remain morally bound to the dead, it does not link our obligations directly to the dead themselves. This remains inessential to Feinberg's account, since it does not require the existence of a posthumous subject. Our obligations exist, or persist, because the interests of the dead are believed to continue after their demise. Hence, there are two objections which may be raised to Feinberg's account. One, advanced by Ernest Partridge,

is that after death there is no individual who *holds* relevant interest. If interests persist after death, even when no one holds the interests, then it is difficult to say how working towards or against these interests would actually benefit or harm the person who once held them.

The second objection to Feinberg's theory is that it does not provide a satisfying account of posthumous obligations precisely because it does not directly link our obligations to the deceased. The deceased's interests, though important to those who survive them, are not as important as the deceased themselves—the individual in whose name we may protect or further given interests. If it is true that the deceased individual themselves matters more than the interests which survive them, then it is the deceased individual that is the true subject of concern. We are morally tied to their interests *because* we feel obligated to them. Hence, it is to them that we must appeal when we make a commitment to protecting their posthumous interests. If we fail to do so, then it becomes unclear why those who survive should concern themselves with the interests of the deceased.

One potential response to Partridge's objection is to combine Feinberg's invaded-interest account with Nagel's claim that not all harms to which a person is subjected need to be attributable to that person in their deceased state. The interests are held by the individual before their demise, though they can be impacted by events which occur after their death. This response retains the framework of interests developed by Feinberg, providing a natural explanation of how harm occurs—an individual's interest is harmed, meaning the ante-mortem individual themselves suffers a derivative harm. It is easier to see how an individual's interests can continue posthumously—through the continuation of their projects and the lives of their surviving loved ones—than it is to develop a theory of identity that allows for a true posthumous subject. Furthermore, these interests are not "free-floating," capable of existing without a subject, as Partridge suggests in his critique. Instead, they are attributable to the now-deceased individual at a particular pre-mortem state.

However, this account does not fully meet the criteria necessary to support the existence of posthumous obligations. The only potential object of posthumous obligation is the individual's interests—the subject of a posthumous obligation is more naturally the deceased person themselves. One can state that, in virtue of having *had* an obligation to the decedent before their demise, we feel responsible for protecting or furthering their interests. This is distinct, however, from the claim that we have continuing obligations to the dead. In order to defend that claim, one would need to provide a reason why and an explanation of how obligations to an individual may continue or arise after their death. In the following

sections, I will develop two positive accounts of how we may come to have such obligations or commitments.

Section II: An Account of Posthumous Personhood

None of the above accounts establish the existence of a posthumous person, a subject which can be harmed after death and the harm to which is not explained by reference to some variation of the living or ante-mortem person. There has been little in the way of secular, philosophical accounts of personal identity meaningfully continuing after death in a way sufficient to establish the existence of a posthumous person. Liz McKinnell gestures at one potential approach. She writes:

It might be arguable that, even after our biological life has come to an end, some of the constituents of our identity carry on in the form of our projects and relationships. . . . If we can hold a theory of personal identity that allows people (in an unconventional, non-conscious sense) to exist after their deaths, then we can escape the [problem of the subject]. (4)

This would require creating a new theory of personal identity, in which personhood is not contingent upon consciousness, self-awareness, or the state of being alive itself. Rather, one's life projects and relationships—which do not themselves disappear after death — would be sufficient to establish a subject. As an example of what this approach could entail, I develop a “remnants” based account of posthumous identity where remnants are the important aspects of an individual that survive their death (e.g., their life projects, relationships, interests).

Remnants Theory of Posthumous Identity

When a person dies, we can no longer interact with their living form. We cannot call them, or spend time with them, or think of them as being “out there” in the world as an experiencing being. At least, we cannot do these things in the ways we used to when that person was alive. Instead, other aspects of their identity—their works, projects, and interests—become central to our understanding of them as a presence in our life. Since the living being with whom these aspects of identity were once associated no longer exists, we construct our understanding of the posthumous person using these remnants. It is these things that help shape and locate the identity that persists posthumously.

To demystify this idea, imagine a living individual who has been stripped of their goals, interests, life projects, major works, and relationships. Others' memories of them are completely altered, and perhaps their memories of themselves are altered as well. Such an individual would have undergone a profound change in their identity—one that may lead us to question, on a certain level, whether they are the same person as they were before such a change. This indicates that these aspects of self, which may become "remnants" after death, are in some way integral to one's identity. This is true among the living, and it remains true after death. Those very same aspects of self remain important, and may become even more important once we are no longer able to communicate with an individual in the way we did when they were alive. If our conception of posthumous personhood was rooted in such remnants, then we would have a truly posthumous subject. We could be obligated to an individual themselves even after death, having a subject which we may benefit or harm without needing to refer to their ante-mortem selves and without risk of implying backwards causation.

Many may still find the remnants account suspect, as it is substantially different from other, more traditional theories of personal identity. Unifying such disparate objects and giving them the status of a moral subject is potentially a metaphysically problematic approach. One may argue that it is unlikely to lead to a fulfilling picture of posthumous personhood. At this point, it appears that there is little hope for theories of posthumous obligation, given the integral role the posthumous subject has played in framing such obligations.

Section III: Posthumous Obligations and Personal Relationships

In order to defend posthumous obligations without recourse to the revised account combining the views of Feinberg, Nagel, and Pitcher, it seems we must abandon the search for a true posthumous subject. The non-existence of the posthumous subject, however, does not condemn theories of posthumous obligation. It suggests that there is another mechanism for explaining how these obligations arise. I will argue that our sense of obligation to the dead comes from the relationships we had with them. Even if the dead no longer exist as subjects, such relationships between the dead and those who knew them when they were alive may still result in morally binding commitments.

Under Feinberg's invaded interest theory, it remained unclear as to why those who survive the deceased should care about the interests of the deceased if there was no posthumous subject. Without a posthumous

subject, there was no one who was directly harmed if those interests were neglected or undermined. Surviving loved ones may be concerned with the interests of the deceased because they align with their own interests, but this is distinct from caring about the interests of the deceased *because* they belong to the deceased. This latter kind of commitment is characteristic of love or friendship, relationships which generate strong reasons to care about the interests of another. Close interpersonal relationships involve making commitments to protect or further one another's interests. Even when both parties are alive, such relationships generate commitments that are not necessarily bound by each party's lifetime. It is understood that each party may have interests that continue after their death, and there is an expectation within the relationship that, upon the death of one party, the surviving party will not renege on their commitment to those interests.

Hence, close interpersonal relationships have two components that help frame our posthumous commitments. They involve commitments to another's interests, commitments which are not necessarily bound by the lifetime of the interest holder. These relationships are also the source of our reason to care about those interests. In close interpersonal relationships, we make commitments to someone's interests at least in part because we love or care about them. When one party dies, some of their interests continue on, meaning, absent a nullifying condition, the surviving party's commitment to their interests persists. This commitment may not constitute an obligation in the traditional sense, given that there is no longer an existing obligator. However, it remains morally binding—because it is a commitment to the interests, which continue to exist—and it is generated because of one's connection to the original interest holder. Hence, it is still *directed* at the deceased, since we are committed to certain interests because of them. The directed nature of posthumous commitments makes it a suitable alternative to posthumous obligations. The crucial aspect of posthumous obligation—that it morally binds the obligee to the obligor—is also present in a posthumous commitment. Posthumous commitments morally bind the surviving party to the decedent's interests, and the reason for this connection is the deceased individual themselves. The commitment exists because the deceased individual existed, and because of the relationship that the surviving party had with them.

Our sustained posthumous commitment means that we remain emotionally sensitive to the deceased, continuing to consider their thoughts, preferences, and desires as we work to fulfill our commitment to their interests. This continued consideration of them is an integral aspect of the posthumous relationship—the way in which we relate to an individual after their death. Even though the deceased no longer exist

as persons, this relationship involves something akin to reciprocity—we continue to care about the deceased's interests *because* they were the interests of the deceased. The deceased is still the source of our reason to care. The way in which we protect or further their interests is still guided by our understanding of what they would have wanted or what would have been good for them. We would not bring yellow flowers to their gravesite if they despised yellow, and we would try to bring purple flowers if they loved purple. It is this continuing sensitivity that makes fulfilling our posthumous commitments more than an empty duty—it can be a way of honoring the deceased, of continuing to use our understanding of them in furthering their interests.

In demonstrating how our sense of obligation may arise from our relationship to a deceased individual, we avoid the problem of the subject which plagued the initial accounts of posthumous obligation. Our commitment to the deceased individual is to their interests, and arises because of the relationship we had with them—this explanation does not require the deceased to exist as a posthumous subject. Furthermore, this understanding of our posthumous commitments as arising from our duties as loved ones of the deceased enables us to better understand the importance these obligations have. When a loved one dies, those who survive them remain connected to that individual's interests because of the commitments they made in their relationship. The original holder of those interests is no longer able to protect or further them. They are rendered helpless by death. This means it is ever more important for those who survive them to continue to guard their interests. Whether or not the deceased's friends and loved ones do so is perhaps a testament to the strength of their bond, as those who survive the deceased may be acting without hope of reciprocity from the dead.

Even if a deceased subject themselves cannot be harmed, the posthumous relationship may fare better or worse over time. We can feel closer to a deceased person when doing something to further the interests they held, when remembering them, or when engaging in a similar activity. If we forget them, or let their projects and interests rest neglected, we may feel further removed from them. If one accepts that backwards signification is possible, then perhaps the pre-mortem relationship can be harmed or benefited by the actions of the surviving party. In fulfilling one's posthumous commitments, one reaffirms the importance of the relationship they had with the deceased—it was a relationship that was strong enough to motivate one's continued consideration of their interests after their death. Similarly, the commitments resting unfulfilled may constitute a harm to the relationship, as it signifies that the commitments made in the relationship were weaker than initially thought or intended.

Section IV: Grief and the Posthumous Relationship

I will now explore how this account may provide insight into the puzzle of the diminution of grief as described in Berislav Marušić's paper *Do Reasons Expire? An Essay on Grief*. Some empirical research on grief suggests that, generally, we do not grieve for as long or as intensely as generally believed. This suggests that grieving individuals return to their pre-loss baseline level of wellbeing within a few weeks or months after their loss. Marušić suggests that this empirical fact is at odds with our valuing of the person we lost—from the perspective of a grieving individual, it seems that if we truly cared for someone, we would not move on easily or quickly. If we truly loved a particular person, and the fact of their death does not change with time, then it seems curious that the grief that stems from their death does diminish over time. Therein lies the puzzle of the diminution of grief.

Marušić goes on to outline several potential resolutions of the puzzle. Of most interest is the process view of grief, in which grief constitutes a necessary healing process which ends when we “heal” from the loss. He rejects this view, as this view would have us accept that we grieve for a particular end. Furthermore, it would suggest that this end is something we look forward to, since it brings the end of the pain which accompanies grief. He deems this unrealistic given our moral psychology—grieving persons typically do not look forward to “the end” of their grief. Rather, their grief ending may seem to them to be a horrible betrayal of the person they are grieving. Marušić also considers a theory of grief as work, in which we work to detach ourselves from the person that we lost, and rejects it for similar reasons. Eventually, Marušić asserts an ineliminable double vision view of grief based on Sartre's account of bad faith. We rationally know that our grief will likely diminish over time. However, from the perspective of a grieving person, it seems impossible for them to move past their grief if they truly did love the person they lost.

This puzzle is also addressed in Dan Moller's *Love and Death*. One key contribution made by Moller is his discussion of the so-called Adaptive Theory, which states, “The best reaction to a loss is the one that promotes the interests of the one suffering the loss” (304). When this theory is placed alongside empirical evidence indicating that people can “completely” recover from loss and return to their pre-loss level of wellbeing, it suggests that the diminution of grief is an appropriate adaptive response which emotionally protects the bereaved.

Neither Moller's and Marušić's descriptions of the diminution of grief adequately explores the period after intense grief, when individuals seemingly recover from their bereavement. Both accounts refer generally

to an individual's level of "well-being" after the demise of a loved one, not delving further into changes which occur in the bereaved person's life which do not impact well-being in a directly measurable way. The primary focus is on the perceived rapidity with which grieving persons are restored to their prior level of functioning, with Marušić describing his surprise at how "quickly . . . and thorough the recovery was" after his mother's death (2). Moller discusses prior studies that indicate that, after an initial grieving period, bereaved individuals tend to return to the same level of well-being as they had before their loss. In emphasising the initial period after bereavement and characterizing it in terms of levels of well-being, they overlook a key aspect of the grieving process: the development of the posthumous relationship, a period in which surviving loved ones work to understand how to relate to the person they have lost.

In light of this, I propose that grief is best understood, in part, as a process by which one reconfigures or reconstructs their relationship with the person they lost. In the initial period after a death, surviving loved ones are forced into a state akin to emotional exile. Even given all the knowledge that the bereaved have of their loved one, they suddenly cannot use it in their relationship with them anymore. It suddenly appears not to matter that one knows their friend's favorite song, or their partner's morning habits, or their parent's idea of a good joke. Much of this knowledge cannot be used any longer—it sits in one's memory. This experience renders one seemingly impotent, leaving one unable to act on their understanding of their loved one. Everything one knows about their loved one suddenly has "nowhere to go." Much as Phillip Larkin writes in his poem "Aubade," after death we have "nothing to love or link with," no immediate point of connection with the deceased which allows us to reach them. Hence, for many, grief involves a process of learning how to connect with a loved one after death. This means changing one's understanding of how the relationship functions in order to meaningfully express love or friendship to the deceased.

Hence, the process of grieving is not just coming to terms with loss itself and returning to a pre-bereavement "level of well-being." Coming to terms with the changed nature of one's relationship with the deceased individual is also integral to the grieving process—what it means to love this person, or to be a good friend to them, may now look very different. Our usual expressions of love are no longer available to us. However, over time, our relationship with the deceased person is "reconfigured"—we find new ways in which our love and care can be expressed, a process which enables many to cope with the feeling of emotional exile. Hence, the diminution of grief may not itself mean that the bereaved fail to value their loved ones. Rather, over time one determines how to continue to express love and

friendship toward the deceased, in spite of the barriers to such expression placed by death. Given this, the diminution of grief may reflect a process in which the value our loved ones have to us is expressed differently, not a process which results in their no longer being valued.

The posthumous relationship is integral to explaining the origins of posthumous commitments. If we remain committed to the interests of the ante-mortem person, and have reasons to care about those interests which originate with them, then we are still capable of expressing our care in a way which connects us to the deceased. We are still tied to the dead in virtue of the relationship we have, or had, with them—a relationship which means we are committed to protecting or furthering their interests in some capacity. It may be difficult to determine exactly what our posthumous commitments entail, given that the ways in which we connect with or relate to our loved ones change after their death. The continued development of the posthumous relationship, in which we relearn how to express our care and concern for our loved ones, guides how we fulfill our posthumous commitments and gives us a continued reason to care for our departed loved ones' interests.

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