

Interpreting Dead Bodies. A Peircean Approach.

by Daniel Kersting

After a person's death, there are various traces of her left behind in the world of the living. They might be photographs of her, letters or notes that she has written or her clothes etc. All these traces can be read as signs.¹ As signs they are able to convey information about the former living person, to arouse certain memories or feelings in us or have bearings on our actions. One of the most inevitably signs, which remains after a person's death is that of his or her dead body.

During the last few decades the dead body became an object of increasing interest. Technological progress in medical and natural science have provided boundless opportunities for making use of dead bodies. Pharmacological industry gains certain preparations out of dead bodies' adipose tissues; sinews and cartilages find usage in sports medicine; and since we were first able to diagnose brain-death in the 1960s, doctors are even able to separate *living* organs and tissues from *dead* bodies. Dead bodies serve as envoys within forensic and clinical autopsy, conveying information about a cause of death or a former disease, they even have become works of art in Gunther von Hagen's Body World.

Again and again such practices have caused a heated debate about the ethical and legal status of the dead body. Analyzing these debates has revealed two fundamentally contrary positions. According to the first position, the dead body is nothing but a mere "thing". From this perspective it is morally permissible to use dead bodies for the purpose of the living, and any kinds of objections to e. g. donating a body to science appear as just *irrational*. According to the other contrary position, the dead body retains the status of the person, and thus needs ethical and legal protection.² These different positions are of course not limited to the "academic world", in the sense of being merely theoretical problems. Considerations like

¹ For a detailed analysis of these "signs of the dead" see: Cashell, Kieran: Ex Post Facto: Peirce and the Living Signs of the Dead. In: Transactions of the Charles S. Peirce Society. Vol. 43, 2. 2007. What is striking is that, within his whole article, Cashell does not even mention the dead body.

² See e. g. Birnbacher, Dieter: Philosophisch-ethische Überlegungen zum Status des menschlichen Leichnams. In: Stefenelli, Norbert (Hrsg.): Körper ohne Leben. Wien 2002. S. 927-933. Rehbock, Theda: Personsein in Grenzsituationen. Paderborn 2005.

these become, in fact, very concrete and tangible in practical contexts, e. g. when we have to come to concrete decisions in dealing with a friend's or a relative's dead body, or even when we consider how we want others to deal with our own dead body in future.³

What is striking is that both positions are focused on the question what the body is. Both positions try to *fixate one* true or valid concept of the dead body, in the hope of thus solving any ethical and legal problems, as well as satisfying ethical and legal claims.

In the following presentation, I will argue that both positions are *reductionist* and that both positions miss the *normative point* of the question. In order to demonstrate this, I will be using the semiotic and pragmatistic theory of Charles S. Peirce. In a first pragmatistic preliminary, I will argue that our practices in dealing with dead bodies are founded on significant relations, which cannot be grasped by either the one or the other position. Within a semiotic analysis of the *dead body as a sign*, I will thereafter clarify these relations by examining the distinction of a theoretical vs. practical or personal dimension of *death*. Finally, I will argue that it is the *practical dimension* on which our ethical consideration is founded. I will argue that we must reconceive death as *personal death*, in order to make any sense of the normative question, how we *should* deal not only with dead bodies, but with death and dying in general.

I. Pragmatistic Preliminary

As embodied or bodily persons⁴, we are in the world as *acting* beings situated in practical contexts. According to Peirce, our actions and practices must be considered as a result of our beliefs or convictions (I use these words synonymous) since action cannot take place under the constraints of doubt. The connection between belief and action has to be conceived *logically* and not *psychologically*; psychologically we might indeed often have the feeling, to act out of doubt or uncertainty. However, these feelings are aspects of a situation or psychic

³ Both positions can furthermore be found in recent journalism. While Mary Roach tries to convince her readers that being a corpse without being useful would be quite "boring", Annie Cheney or Martina Keller provide a critical view on the commercialization of the dead body by emphasizing a more personal dimension. See Mary Roach: *Stiff. The Curious Lives of Human Cadavers*. New York 2003. Annie Cheney: *The Resurrection Man. Scenes from the cadaver trade*. In: *Harper's Magazine*. March 2004. Martina Keller: *Ausgeschlachtet. Die menschliche Leiche als Rohstoff*. Berlin 2008.

⁴ In the following I will use the term "bodily" since embodiment has quite a dualistic connotation.

additions. They undoubtedly have a deep impact on the *process of settling* belief, because doubt keeps us thinking. However, *as soon as we act*, any belief must have been already fixated.⁵

This *logical* connection between our convictions and our practices, permits the reconstruction and clarification of our beliefs through analyzing the practical effects they have. This is, in a very broad sense, the idea of what was later called Peirce's "Pragmatic Maxim"⁶. According to this maxim "our idea of anything *is* our idea of its sensible effects" or "practical bearings". (EP 1: 132) This pragmatic perspective permits us to reformulate the question of the dead body's status. Are our different practices in dealing with dead bodies founded on *fundamentally different beliefs* of what the dead body is, or are they merely different empirical manifestations of one and the same conviction?⁷

As I have already illustrated, our practices in dealing with dead bodies are fairly diverse. I mentioned the medical and scientific usage of bodies. These practices are indeed based upon and represent the idea of the dead body as a mere "thing". If we were to conceive the dead body as still holding the status of the former living person, we would definitely not "plastinate", or dissect the body – at least not without juridical consequences.

Nevertheless, of course, our practices are not limited to this field. Death and dying are not mainly a matter of clinical or scientific practice, but take place *primarily* in a non-professional, *private* context. I say *primarily* because, in fact, *this context* is not "merely" private, but it is also *existential*. It is existential, insofar that it factually terminates our *particular individual life*, and this, in turn, is the presupposition for the existence of the other contexts. In these non-professional contexts, we still hold the hand or stroke the face after a person's death, and often we cry when we are faced with the dead body. We take the body home with us, or we go to mortuaries to visit the body one last time. Mortician prepare the

⁵ In terms of Peirce's Semiotics, this connection can be reconstructed as the semiotic relation between symbol and dynamic interpretant. Our convictions are thoughts that can be conceived as signs. And signs, which are able to determine a dynamic or effective interpretant (that is, have an effect on our actions) can be called convictions or beliefs. „The *final* upshot of thinking is the exercise of volition.“ (CP 5.397) The Collected Papers of Charles S. Peirce. Vol. 1-6, edited by Charles Hartshorne and Paul Weiss, Cambridge, Harvard University Press 1980. (as CP with vol. and page)

⁶ "Consider what effects, that might conceivably have practical bearings, we conceive the object of our conception to have. Then, our conception of these effects is the whole of our conception of the object." (EP 1: 132) The Essential Peirce. (as EP with vol. and page)

⁷ If the latter is true, the whole debate about the dead body's status could be most likely resolved by clarifying the cultural, social or psychic determinants of the respective practices, and would therefore be addressed to Sociology or Psychology instead. This is because these sciences are able to reveal the complexity of the different *empirical conditions* determining our practices, and even our thinking about death and dead bodies.

body by making up the face, and dressing the body, and we bury the dead body in the context of particular ceremonies.

If, according to Peirce's pragmatic maxim, our idea of something consists in its practical bearings, then *these practices* cannot be grounded in the idea of the dead body as a mere *thing*. These practices express a belief, which is neither identical with the concept of the body as a mere thing, nor with the concept of the dead body as a person. These practices are rather grounded in a *different relation*. If we want to clarify the crucial differences in our conceptions of the dead body, we have to first clarify this relation.

In order to do so, I will be using Peirce's *semiotic* methodology. From the perspective of semiotics, our different concepts of the dead body are, like any concept, necessarily mediated through signs. Therefore, I will interpret the dead body as a sign. Since a sign is only a sign by virtue of its connectedness to a whole system of other signs, a *semiotic* analysis takes into consideration the fact that the dead body is *always* related to a semiotic cluster of different contexts, expectations, feelings, knowledge, memory and practices. For all of these relata is true that they are in themselves signs. An analysis, by contrast, that tries to determine the body's status *without* taking into account its inevitable relatedness to other signs, remains a merely *abstract* analysis.

An analysis of the dead body as a sign *in general* would reveal a manifold of different meanings. In a clinical autopsy, for example, the dead body represents a disease of the former living person. In its usage as a crash-test dummy by the car industry, it represents a particular relation between collision speed and bodily injuries. Therefore, in order to be able to visualize the *crucial difference* of the particular relations that I want to clarify, the need to limit the analysis to one *exemplary* case is *methodologically required*. In the following, this will be the *dead body as a sign of death*.

II. The dead body as a sign of death

The dead body provides different signs in order to signify a person's death, these being, cadaveric lividity and rigidity, the failure of brain activity represented by a zero-line of an EEG or represented by the lack of pupillary reflex. These signs are called *sure signs of death*, because they are informed by well founded and valid medical knowledge. Within a

clinical context these signs are indispensable. Without them, a person's death cannot be indisputably confirmed. But as already mentioned, death and dying, of course, take place not only in a clinical or professional context, but primarily in a non-professional, or personal context. As we have already seen, in these contexts different relations are significant. I will examine this difference by analyzing one of these signs, I have mentioned before, more precisely, namely the sign "fixed pupils". In order to do so, a few introductory comments on Peirce's semiotic theory are required.

11.1 What is a sign?

According to Peirce, a sign or representamen is "anything which is related to a Second thing, its *Object*, in respect to a *Quality* in such a way as to bring a Third thing, its *Interpretant*, into relation to the same object" (CP 2.92). Within this definition three conditions are given, which any sign has to fulfill. In order to represent or signify something it is first of all indispensable to represent it in some regard, or as Peirce says, "in respect to a Quality" (CP 2.92, see also 2.228, 3.361). This reference to certain qualities or more general to a certain "form" serves as the basis upon which the representation of the object is founded. Thus Peirce calls it the sign's *ground*. Secondly, the sign has to represent something; its object. (CP 2.230, W 1:287) Thirdly, the sign has to produce an interpretant, which has the same relation to the object as the sign does. The interpretant is not a person who interprets the sign, but a "translation" of the sign-object relation into an equivalent or "more fully developed" sign (CP 5.594, 8.191), which enables interpretation through its connection to a whole "system of signs" (CP 4.127). Whenever something functions as a sign, it does so by virtue of these three relations. Thus, in order to clarify the meaning of a sign (the object "death"), these three relations constituting the object, have to be analyzed more precisely.⁸

The following analysis will be limited mainly to the most powerful semiotic relation, namely the sign's relation to its object. Peirce divides the object-linked relation into icons, indices and symbols. In its broadest sense, an iconic relation represents its object on the basis of certain qualities; an indexical relation on the basis of a physical influence or contiguity, and

⁸ Each of these relations to the ground, to the object and to the interpretant is further distinguished into three different types of relatedness. This typology is based upon the three categories of Firstness, Secondness and Thirdness, which are found in Peircean Phenomenology. In this presentation it is not possible to introduce either this Typology or the ten classes of signs. Thus the analysis will be limited to the most basic distinctions of a sign.

a symbolic representation is based upon a law or generality, e.g. a habit or a convention (EP 2: 274).

II. 2. Theoretical Signs of Death

After this short introduction, we are now able to analyze the sign “lack of pupillary reflex” more precisely. Fixed pupils represent their object “death”, on the basis of a particular *ground*, and bring at the same time an *interpretant* in relation to the same object “death”. Of what type is the ground and the interpretant of this sign?

The main characteristic of this sign, like of every clinical sign, is to convey information. Fixed pupils provide the information that the person is dead. However, to convey any information a certain kind of *connection* between sign and object must be assumed. Peirce says that the sign must be “really affected by that object” (CP 2. 247) in order to be able to serve as a basis for information. In this sign, the connection consists in the physiological correspondence of a certain amount of electronic potential of the brain with the pupils’ musculature. It is the correspondence between two elements or facts, which are usually causally related to each other and which relation now has broken down. Peirce calls the signs, which representation bases upon a ground of such a causal connection, *indices*. These provide the basis upon which the sign's meaning can be established.

However, in order to grasp the meaning of a sign, one important element is still missing, namely the connection of this dyadic sign-object relation *to somebody* for whom it is at all significant, or as Peirce says, the sign’s relation to a mind. This relation is enabled by virtue of the *interpretant*. The interpretant renders the “brute action”⁹ between sign and object significant on account of its connectedness to a whole system of interpretants. In the case of the sign that we are currently examining, this system of interpretants is the system of *medical knowledge*, which enables us to give “fixed pupils” a particular meaning. However, meaning is always meaning under the constraints of semiotic structure, and thus it is limited to the representative capabilities of the representamen (fixed pupils) under the constraints of the available cluster of interpretants (e. g. medical knowledge). Therefore, the meaning of death produced by the sign “fixed pupils” cannot consist in anything else other than in the idea of

⁹ Peirce in a letter to Lady Walby, 1904 Oct.12. In: Charles S. Hardwick (Ed.): *Semiotic and Significs. The Correspondence between Charles S. Peirce and Victoria Lady Welby*. 2nd edition. Elsau, Illinois 2001. p. 26.
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death as a lack of brain reflexes, a lack of electronic potential and a disconnection of causal reactions.

II. 3. Practical Signs of Death

In examining interviews in which people describe their experiences with the body of a just deceased person, a complex system of different signs and notions of death is revealed. On the one hand, the interviewees tend to personalize the dead body by emphasizing a personal continuity beyond the person's death.¹⁰ At the same time they realize that the dead body *is* no longer the person, but that the person is dead. Some philosophers and sociologists have tried to grasp this phenomenon of the coincidence of the presence and absence of a person in the term "present absence". This notion is quite poetic and requires further clarification. And it can be clarified if we apply it to semiotics, for *indeed*, the dead body can be interpreted as a *sign of the "absent" person*, who is still present by virtue of *becoming represented* by this body. This representation is fundamentally grounded in particular *bodily qualities*. Of course there is an endless amount of other qualities in which the body of a living person does not resemble a dead body at all. A dead body's flesh is cold and stiff, it smells differently and there is no breath or any movement at all. However, since representation is always aspectual these facts do not have to hinder the representation of the former living person, as long as there are particular qualities, which enable this relation.

A sign, which signifies its object "merely by virtue of characters of its own which it possesses, just the same, whether any such Object exists or not", is called an icon (EP 2:291, see also EP 2:460f.). This definition of icons is quite instructive. The person who is represented by the dead body does in fact no longer exist. Nevertheless, the iconic nature of the sign renders it capable to produce an interpretant, which shows the image of the former living person to an interpreter. What is *present* is not the former living person, but rather an *image* of her, which achieves its status of *presence* by virtue of its iconic representation of certain bodily qualities.

As important as iconicity is for providing a representation, it alone cannot establish the reference to its object, since the reference of an icon is extremely vague (CP 4.539). An iconic

¹⁰ "This facial expression I will never forget... He looked so beautiful, so peaceful..." Or, "...being with the just deceased body I always had the feeling, that there is a kind of a close presence and that you can almost still exchange words, and that you are able intuitively to convey messages, at least mentally..." (relatives, quoted by Ploner: *Der Realität des Todes näher kommen*. S. 76, 179, my own translation).

relation alone cannot produce an interpretant, which is capable of interpreting the represented qualities as an image of the *particular person*. Therefore, the icon has to be accompanied by an indexical sign.¹¹ In the former analysis we defined an index as a sign, which denotes its object because it is extremely affected by it. However, this definition is far too narrow. A dead body does not indicate the former living person in the same way as the lack of pupillary reflex indicates brain-death. The important difference consists in a *different type of connectedness*, and in a *different interpretant* that establishes this connection.

Peirce explains in another definition that an index is “a sign [...] which refers to its object [...] because it is in dynamical (including spatial) connection both with the individual object, on the one hand, and with the senses of the memory of the person for whom it serves as a sign, on the other.” (CP 2.305) The “dynamical connection” of object and sign consists in the fact that the dead body *was* the living body of the former living person. As a result of a concrete living and dying, the dead body holds certain qualities, which are determined even physically by the concrete embodied living and dying of the person. Since every *personal* expression of the living person is at the same time necessarily a *bodily* expression – we *are* our body¹², and can therefore express ourselves only bodily – the person’s history, her concrete living and dying is fixed in her body. It is fixed in the shape of the lips and eyelids, the color of the hair or in particular wrinkles. These qualities are able to function like *traces* on which the interpreter is able to face the former living person. However, at the same time, if the object were not dynamically connected with the *memory* of the interpreting person, these qualities would not represent anything, and would, therefore, remain as mere possibilities. Peirce illustrates this point as follows:

“Very different is the case of the inexperienced and the experienced person meeting the same man and noticing the same peculiarities, which to the experienced man indicate a whole history, but to the inexperienced reveal nothing.” (EP 2: 8)

The same is true for the dead body. The bodily peculiarities are not significant per se, but they become significant as soon as a certain kind of knowledge is involved. This knowledge consists of the common experience that the interpreter and the former living person shared. It is the knowledge about the *particular individual person*, about the way she

¹¹ Peirce illustrates this necessity with an example of a map, which is “a sort of picture”, but which is useless unless a certain kind of experience is involved. “This experience of the world we live in renders the map something more than a mere icon and confers upon it the added character of an index. Thus, it is true that one and the same sign may be at once a likeness and an indication”. (EP 2: 8)

¹² See Helmuth Plessner, *Stufen des organischen und der Mensch*. Berlin/New York 1975. Cap. 7. Engl.: *The Levels of the Organic and Man. Introduction to Philosophical Anthropology* (unpublished).

expressed herself, the way she moved, talked or smiled unlike anybody else. It is the knowledge about the sound of her voice and about the particular way she looked. It is this *knowledge of experience* or *pragmatical knowledge* that renders the dead body capable to function as a sign of the former living person and to establish the status of her presence. Claiming that this kind of presence would be merely irrational – not more than a psychological product of our imaginative capacities – means to deny the *reality* of these iconic and indexical relations. They are *real* by virtue of the personal and bodily past of the dead body, and the fact that the other person participated in this past living. It means denying the power of significances, which these relations are able to enforce under the interpretants of pragmatical knowledge.¹³

So far we have analyzed the phenomenon of the *presence*. However, it is the same pragmatical knowledge, which also enables the experience of the person's *absence*. The absence becomes manifest most compellingly in the experience of a missing *response*. The eyes of the dead body do no longer response our eyes. They might be open, they might be even directed at us, but they do not *look at us*. In order to understand the meaning of this phenomenon, we have to understand what the idea of “responding eyes” or “looking” actually means.

Looking at somebody is not a physical act (*körperlich*), but rather a *bodily performance* (*leiblicher Vollzug*). It is a sign, which is, like several other body-signs, capable of representing the person as immediately present, and as a particular person who stands in a particular relation to us.¹⁴ Looking in actuality is not *any* look in general, but is instead always a *particular* looking, that is a looking which is awake, emphatic, hopeful, disgusted, sad, bewitching or blank. Therefore, looking is able to represent a particular person. This capability becomes even more reasonable if we consider that we are bodily beings, and as bodily beings we can express ourselves only bodily within signs. What we call the “other person” *is* the other person *as* she is expressed or represented in her own (responding) gestures, in her signs.

¹³ I do not say practical but pragmatic, since we do not consider them within an ethical context, so far. See Difference pragmatical / practical in Kant and Peirce.

¹⁴ In contrast to philosophers who try to grasp an immediate relation to “the other“ by virtue of our embodiment, a Peircean approach to body-philosophy allows us to reconstruct this immediacy *as represented*, that is as *mediated immediacy*. Helmuth Plessner elaborated this idea in respect to a person's body-relation.

In this perspective, the representation of the *absence* becomes conceivable. The “fixed pupils” do not represent anything; rather they represent the lack of any possibility of a look, as a tired, hopeful or emphatic look. They represent the deficiency of the possibility of being looked at, of being responded to. My point is that this deficiency is not the representation of nothing, but it is the representation of the *absence of everything*. In order to conceive this “absence of everything” in terms of a philosophical theory, we have to conceive death as personal death.

III Personal Death and Three Conclusions

The analysis of the sign “fixed pupils” revealed two completely different notions of death, which are dependent on the particular interpretants governing the respective representation. Under the interpretant of theoretical knowledge, the dead body’s “fixed pupils” can only be interpreted as the sign “lack of pupillary reflex”. However, a reflex is not a response. As the semiotic analysis has shown, a reflex is founded on causal relations, while the response is grounded in our bodily and inter-bodily practice, as well as our practical experience.

In contrast to this theoretical notion of death, the analysis has shown that the notion of death as *personal death* is founded in the first and second person perspective, that is, *my* perspective on *my own* live and death, and my perspective on the life and death *of another* particular person, whom I address as “you”. It is the perspective of a particular individual who lived a concrete life in a community with a particular group of other people. It is the perspective in which our bodies are not a primarily physical thing, but instead first and foremost they are the living bodies in which we express ourselves and in which we have, as Merleau-Ponty says, access to the world and to others.¹⁵ This is the perspective of *practice*.

Practice is the genuine field of our *action* in contrast to a mere conduct. It is the field in which the relation to ourselves and to others is conceived as modifiable and therefore creatable according to normative expectations that we impose on each other. It is the field, in which we give *reasons* for our actions, instead of merely referring to psychic or social determinants, it is, therefore, the field of justification. Furthermore, our individual and social

¹⁵ Maurice Merleau-Ponty, *Phenomenology of Perception*, Routledge 1995.

life is founded on genuine *practical* beliefs, and not merely on our theoretical - we conceive for example ourselves and others as *persons*, instead of merely biological organisms.

Now, coming to the end of my talk, I will try to grasp the main results in presenting three conclusions:

1. We started the inquiry by asking for the ethical and legal status of the dead body. As far as this question is related to the question what the dead body actually is, we can answer that its “being” or “meaning” is dependent on our practice. For not only are our practices based upon our beliefs, but at the same time, our beliefs are – factually or empirically - influenced by our social, cultural or individual practice. If, for example, donation of the dead body to an institute for transplantation becomes a civil duty by law – as it is the case in Austria, for example – this practice will have an impact on our beliefs, insofar as it might *contradict* our particular relation to a dead body. In terms of Peirce’s pragmatic belief-doubt theory this contradiction destroys our former conviction, and causes the state of doubt until a new belief can be fixated. From the perspective of pragmatism and semiotics therefore, the way we interpret the dead body is not fixed once and for all. The meaning of the dead body is, like every sign, always a meaning in motion, developing through its interpretation through always new interpretants. Meaning is subject to change, and is therefore *modifiable*.

Therefore, we can conclude, that both positions, which I have outlined at the beginning, cannot grasp the crucial point. They are reductionist, since they make a particular concept absolute, without taking into consideration that there are other significant relations besides this concept, which claim the same validity within different contexts. Under the constraints of practical interpretants, it is not irrational at all to personalize the dead body. Under these interpretants, it would be rather irrational (since logically impossible) to conceive the body as a mere “thing”.

2. The analysis of the dead body as a sign was, as a *semiotic analysis*, primarily *descriptive*. Nevertheless, it revealed the significant distinction between theoretical and practical interpretants, and this distinction bears normative consequences.

Under the interpretant of theoretical knowledge, the *personal dimension* of death is, and cannot be, expressed. Within *these signs* of death, the representation of the *particular death of a concrete person* is impossible, since the *law* (e. g. physiological knowledge or the

definition of brain death), which governs the interpretation, is not able to *refer* to the particular person.¹⁶ *This law* cannot refer to the person, because it does not assert anything about her peculiarities. It refers to the person only insofar in that she is a “token” of the general type “human being”, and for this reference *alone* it claims validity. Therefore, in order to be able to refer at all to a particular person’s death, we have to conceive our concepts of death and dead bodies, under *pragmatic or practical interpretants*. My third conclusion is now that these interpretants build the constraints under which normative-ethical questions can be at all articulated.

3. In my first conclusion, I said that the meaning or object of the dead body is not once and for all fixed, but that it is modifiable. There is no nature, no essential “being” inscribed in the dead body’s flesh. What the dead body *is*, is dependent on what meaning we are assigning to it. Therefore, the crucial question is not what the dead body actually is but what it *ought* to be.

So far we have understood the question concerning the status of the dead body, as a question concerning the *factual status* of the dead body’s “being”, or the *logical structure* of its *factual* meanings, and therefore, we have *re-constructed* different meanings. However, since these questions required a *descriptive* answer, they will not at all enable us to enter the *space of ethical thought*. In order to clarify the *normative* status of the dead body, we have to ask, which concept of the dead body’s meaning we *ought* to have.

For an audience with a background in ethical theory it might sound a little bit strange, to address the “ought-questions” to our convictions or ideas, since Kant’s prominent ethical question was “how we ought to *act*” and not how we ought to *think*. However, since we have learned from Peirce about the intrinsic logical connection of thought and action, it might be indeed sensible to convey the ethical question to our thoughts. In doing so, we leave the field of a mere *re-constructive pragmatic and semiotic* analysis and enter the space of *ethical or practical construction*.

The idea of the principal modifiability of our practices and beliefs brings along at the same time the need for *normative criteria*. If it is up to *us* to conceive the normative status of the dead body, on the basis of which criteria should we do this?

¹⁶ According to Peirce’s definition of a sign, in order to represent an object, the Interpretant must stand in the same relation *to the same object* as the representamen does. See CP 2.92.

To answer this question another lecture would probably be needed. But what I want to do is, at least outline a direction, in which I think a productive answer could be found.

Conceiving ethical thoughts from a Kantian perspective, ethical consideration finds its normative source in the idea of the *ideal of autonomy or personhood*.

Some philosophers think that these ideas were completely obsolete when dealing with death and dead bodies. They think: how should one conceive personhood and autonomy when the person no longer exists? However, I think that these problems arise only under the constraints of theoretical interpretations. Under *these interpretations*, death appears only as the death of the *third person*, as death as merely a *case of* the general law of human lethality, or a *biological fact*. Under these interpretations, there is indeed no autonomy, no will and no personhood to be found.

Nevertheless, in terms of normative ethics, autonomy, personhood, or will are *practical notions*, because they are explicable only under the presupposition of, or in reference to the idea of a particular person. According to Kant, practice presupposes the idea of *freedom* in contrast to causal determination.¹⁷ However, this idea of freedom implies the idea of the particular individual person, since freedom is *real* or can be realized only in our actions or practice, and whoever is acting is not just any anonymous third person, but the particular bodily and socially embedded individual person. It is the relation of the *first person* to his or her own death and the relation of the *second person* to the death of somebody else, in which autonomy can be realized.

I know that Kant-interpretations are fairly diverse, especially between different countries, and so, in order to prevent any misunderstandings I have just one last comment on autonomy: My emphasis on the particular person as well as on the first person perspective could be misunderstood as a mere *individualistic* perspective. However, the contrary is the case. Conceiving the idea of autonomy from the perspective of Kantian ethics, autonomy is not an empirical feature, a competence or a characteristic or a neurological structure in our brain, but it is an *ideal*. It is the idea of the possibility of the coherency of my empirical will with a universality of will. This coherency is explicated in a *certain procedure*, which Kant called the Categorical Imperative, and which has the character of a law. This law is conceived as providing the basis of legitimacy or the *quid iuris* for our normative systems of moral and justice, and therefore for our practices – also, of course, for our practices in dealing with death, dying or dead bodies. The practical notions of autonomy and personhood do not at all

¹⁷ See Immanuel Kant: Groundwork of the Metaphysics of Moral. Oxford, New York 2002.

lose their validity in dealing with death, since *whenever we act*, our actions take place under the constraints of the principal possibility of *giving reasons* for our actions, that is *justifying* our actions, and that is *to refer to normative system, or law*.

However, in order to realize the idea of autonomy in our concrete practices, we have to take into consideration the particular other. Under merely theoretical interpretations, as we have seen, the particular other vanishes, or becomes “invisible”¹⁸.

It is this *practical perspective* on death, which we have to reconsider in order to make sense of the basic ethical ideas of personhood and autonomy. This, in turn, allows us to make any sense at all of our dealing with death and dead bodies.

¹⁸ Axel Honneth: Unsichtbarkeit. Über die moralische Epistemologie von „Anerkennung“. In: Honneth: Unsichtbarkeit. Stationen einer Theorie der Intersubjektivität. Frankfurt 2003.