

BODYWORLDS AND THE ETHICS OF USING HUMAN REMAINS: A PRELIMINARY DISCUSSION

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ABSTRACT

Accepting the claim that the living have some moral duties with regard to dead bodies, this paper explores those duties and how they bear on the popular travelling exhibition *Bodyworlds*. I argue that the concept of informed consent presupposes substantial duties to the dead, namely duties that reckon with the meaning of the act in question. An attitude of respect and not regarding human remains as mere raw material are non-alienable substantial duties. I found the ethos of *Bodyworlds* premature but full of promises such as public attitudes to organ donations. At the practical level I conclude that *Bodyworlds* should use only willed donations or unclaimed bodies for which dignified funerals are not available. In the case of live donations, *Bodyworlds* has a duty to participate in the medical care of needy donors. However, secrecy with regard to the sources of cadavers seems to be the most troublesome aspect of *Bodyworlds*.

INTRODUCTION

In the past few years the exposition *Bodyworlds* (www.bodyworlds.com) by German anatomist Günter von Hagens has been travelling around the world engendering much attention and controversy. Millions have flocked to see *Bodyworlds*, which is by now the most attended exhibition in German history. Opponents, mainly conservative Christians, try to ban the exhibition on the grounds of moral impropriety, usually with little success. When I wrote these words, *Bodyworlds* was open to the public in the Olympic park in Munich. Only one item, a dissected horseman mounting a dissected horse, was censored by the High Bavarian Court which ruled that the object had no educational value and that it also offended human dignity by degrading

man to the level of the beast.¹ In this article I offer a preliminary analysis of the *Bodyworlds* phenomenon as well as an ethical discussion that bears upon some of its aspects.

¹ The eighteenth century French artist Honore Fragonard injected a metal alloy into the blood vessels of the corpses of a man and a horse, left the tissue to dry and covered it with varnish. The end product, which is on public display in the National School of Veterinary in Paris, is very much like the plastinized horseman, a combination of desiccated tissue and artificial materials. In 1521 Berengario published an anatomical image of a flailed man clad with a skin of a tiger. R. Herrlinger. 1970. *History of medical illustration from antiquity to 1600*. Munich. Graham Fulton-Smith: 80. Perhaps this is linked to the fall of the Aztec empire in 1519 since Aztec priests used to wear skin removed from their sacrificial victims, human or animal. It is notable that opponents to Jenner's vaccination also invoked the argument of blurring the boundaries between the human and the animal. R. Porter 2001. *Bodies politic: disease, death and doctors in Britain, 1650–1900*. London. Reaktion: 217.

WHAT IS BODYWORLDS?

The Bodyworlds phenomenon is comprised of a few components.

1. **Plastination.** This is the technology at the heart of the matter since it allows, for the first time in history, to transform dead tissue into a colorful, odorless and durable material. In the first stage, a traditionally dissected specimen is frozen and all its fat and water are replaced with acetone. Then acetone is vacuumed out and replaced by plastic resins. The final product is about 80% plastic and 20% organic. From a practical point of view, a plastinized object feels, smells and behaves just like plastic. It looks, though, like genuine human tissue.
2. **Exposure.** Von Hagens, who was the key figure in the development of plastination, harnesses this new technique in the service of science and popular education by displaying anatomical exhibits without the extraordinary protection and discomfort (brittle tissues emitting irritating and offensive fumes of preservatives) that are associated even with the best of traditional embalming techniques. Moreover, the plastinized object may be suspended in the open air, allowing unmediated interaction with the beholder, apparently banishing actual or symbolic barriers between the living and the dead.
3. **Style.** In addition to 'standard' anatomical specimens, von Hagens creates many items that invoke the visual language of Renaissance and Baroque artists. Their anatomical atlases depict dissected people in all sorts of mannerist gestures and classical postures, often engaged in activities such as sports or in compositions of the kind that show a flayed body holding his own skin in his hand, as if offering it to the beholder. This iconography is often linked to religious themes, mainly the Crucifixion and martyrdom.
4. An **ethos.** Bodyworlds' explicit and implicit web of assertions and morals bears not only on anatomy, but also on broader issues such as embodiment, the meaning of life and death etc. Von Hagens,² for example, speaks about exposing the

'inner face' of people, which is the anatomical and histological structure of their bodies. Bodyworlds offers both detailed anatomical dissections and 'whole body' exhibits, thus openly mixing academic teaching for the educated and experiential impressions for lay people in the tradition of the 'transparent man'.³

Von Hagens' visions and innovations transcend the uses of his invention. On November 20th, 2002 he carried out a public dissection of a freshly dead body in a makeshift anatomical theatre in London, a controversial and probably illegal feat that has nothing to do with plastination.

ETHICAL CONSIDERATIONS: DUTIES WITH REGARD TO DEAD BODIES

Bodyworlds raises many interesting philosophical questions. For example, to what extent are plastinized objects human? After all, most of the original tissue is replaced by artificial polymers. One may point out that only water and fat are removed while more 'significant' components such as proteins and DNA remain intact. On the other hand, a traditional Tibetan philosopher might regard water and fat as more 'significant' than nucleic acids.

In this paper, however, I concentrate on the problem of our duties with regard to dead bodies. Phrased in such a general way, I wish not to tie the discussion to questions such as whether the dead have interests and rights, whether the person has rights of property over her body, or what is the nature of our duties with regard to dead bodies, in case we have such duties. I also wish not to enter into discussions about the ultimate meaning of highly charged terms such as 'human dignity' and 'respect for persons'. I also avoid specific moral discourses such as utilitarianism, Kantianism or virtue ethics because not much has been written on the treatment of dead bodies from the point of view of any such paradigm.

in G. von Hagens and A. Whalley, eds. Heidelberg. Institut für Plastination: 9–36.

³ K. Vogel. 1999. The transparent man – some comments on the history of a symbol. in *Manifesting medicine: bodies and machines*. R. Bud and B. Fin and H. Trischler, eds. Amsterdam. Harwood: 31–62.

² G. Von Hagens. 2002. Anatomy and Plastination. In *Bodyworlds, the anatomical exhibition of real human bodies: catalogue on the exhibition*.

POSSIBLE DUTIES WITH REGARD TO DEAD BODIES

1. Duties to the living

1a. Duties to the family and friends of the deceased

The unauthorized use of dead bodies is widely considered objectionable to people who are personally affiliated with the deceased. Courts have awarded compensation to people who found out that the bodies of their relatives had been exploited.⁴

Although I am not aware of attempts to reject the notion of duties to the relatives, the use of unclaimed cadavers for research and plastination is legal and common in many countries.⁵ When a body is unclaimed because no friends or relatives exist, there cannot be *personal* duties to the living. In actuality most unclaimed bodies belong to poor and uprooted people whose families do not know about their death, or, possibly worse, cannot afford funerary services. In 2001 von Hagens took a consignment of 56 corpses from the Medical Academy of Novosibirsk. Some were believed to be of prisoners, homeless people and psychiatric patients.⁶ Had relatives surfaced, objected and expressed a wish to take the bodies for burial, their requests would have been respected. Such relatives presumably exist⁷ and have wishes. They just cannot articulate or realize them. Ignorance and weakness do not nullify moral duties or moral rights. Many cultures take upon themselves to provide anonymous bodies with decent funerals. In some places, unclaimed bodies are cremated without service or buried in mass graves, practices that are considered dishonorable.

⁴ L.B. Nelkin & L.B. Andreas. 1998. Do the dead have interests: policy issues for research after life. *Am J Law Med* 1998; 24: 261–291.

⁵ D. Price. From Cosmas and Damian to Van Velzen, the human tissue saga continues. *Med Law Rev* 2003; 11: 1–47 p. 43.

⁶ P. Harris & K. Connolly. World trade in bodies is linked to corpse art show. *The Observer* March 17th, 2002. I have no personal information about Bodyworlds' methods of procuring cadavers, a sensitive issue that bears on confidentiality and privacy of both Bodyworlds and its sources. Von Hagens only asserts that he uses donations from (1) the deceased (2) family (3) 'unclaimed bodies' and (4) bodies already in the possession of anatomical institutes, some of which are very old. *op. cit.* p. 30.

⁷ The laws in many countries refer to the 'closest kin', not indicating how far the search for a blood relation should go. At a deeper level, I wish we had never regarded a human being 'lonely', since a spirit of fraternity should make us claim the unclaimed.

Therefore, one may suggest that plastination for the sake of important goals is an alternative superior to 'industrial' and impersonal disposition. One might not have wished that one's brother be plastinated in the first place, the argument goes, but one would have opted for it as the lesser unpleasantness.⁸

I conclude, therefore, that if the feelings of the family are to be respected, the use of unclaimed bodies is immoral, at least in places where a dignified funeral is a viable alternative to plastination. However, the use of corpses belonging to people who have no relatives or friends might be moral. I explore this possibility in the following sections.

1b. Duties associated with non-personal public sentiments and interests

These duties are non-personal because they have nothing to do with the person of the deceased or with his or her family. They refer to the dead human body as such. It is customary to perform autopsies when a contagious disease is suspected. In this case we *utilize* the dead body for the sake of values unrelated to it, the preservation of life. The kind of duties I have in mind in this section are duties to public sentiments and conceptions about the fate of the dead body, for example, the Biblical decree against the exposure of executed felons. Such an act is described as an offense to God, to the land and, evidently, to the community (Deut. 21:23). The person, the criminal, might deserve humiliation, but his humanness stops us from desecrating the body.

Some representatives of indigenous ethnicities object to the scientific study of bones excavated in archeological sites purportedly belonging to 'their people'. The claimants usually act on the metaphysical assumption that 'the dead are still with us',⁹ thus establishing their objection on an alleged insult to a *living community* that encompasses the 'spirits' belonging to a certain heritage.¹⁰

⁸ Relatives often find themselves burdened with unwanted duties, often to people they have no personal feelings for. 'Traditional' burials cost a few thousands dollars, much beyond what many feel they should spend on dead relatives. Do it your self funerals. *Time International* May 31st, 1999; 153(21): 33.

⁹ T. Mulgan. The place of the dead in liberal political society. *J Political Phil* 1999; 7: 52–70. See also M. Ridge. Giving the dead their due. *Ethics* 2003; 114: 38–59.

¹⁰ Nelkin and Andrews *op. cit.*

People, who have appealed to the court in an attempt to stop Bodyworlds events, have invoked both the values of public sentiment and those of keeping the peace, arguing that the exhibition offends the religious and personal feelings of too many citizens thereby 'outraging public decency'.¹¹ It is important, however, that we distinguish between claims about the dead and claims raised in the name of public peace.

Feinberg¹² criticizes a variant of the 'public peace' argument, in which an apparently utilitarian claim is made to the effect that 'smashing dead bodies' blunts moral sentiments in ways that result in complete moral degeneration. In my view, not only do such arguments need empirical validation, they also disregard refinement and discrimination as key elements in morality. Many medievalists objected to surgical therapy on the grounds that opening up the human body produces depravity that is worse than leaving patients uncared for.¹³ Morality is about being able to preserve our feelings of repugnance *only* to those acts that are morally objectionable. Otherwise we condemn marginalize and violate the rights of people without justification. A belief in humanity's need of wall-to-wall prohibitions expresses pessimistic utilitarian moralism according to which the average person is too crude for internalizing accurate moral discriminations.

2. Duties to the living person who is now dead

Many believe that when mischief is suspected, an investigation should take place in order to find out the true cause of death and to bring those responsible for it to justice. Not only is this a social interest, but it is also a personal duty to the victim of crime. Imagine an evil doctor who is convicted of murdering one hundred patients. Evidence surfaces indicating that he probably killed one more patient. From the point of view of public interest it seems unimportant whether this felon killed a hundred or a

hundred and one. The criminal will anyhow be put away from society. It still makes sense, however, to exhume one more body and to establish the cause of death as a duty of justice to the person of that body. Similarly, when a patient dies of an unknown disease, it seems that carrying out an autopsy is compatible with good medical practice, as an inseparable component of medical care. Many patients want to be diagnosed, even if only posthumously. The person is dead, but the interests in question survive and relate to her as a living human being.

Bodyworlds is engaged in a sophisticated dialogue with the history of anatomy. In England, the office of the Inspector of Anatomy, whose authority von Hagens defied by performing his public dissection, was instituted following the exposure of the conspiracy of Burke and Hare. In 1829 these two partners lured innocent vagabonds to join them for a drink in a tavern, murdered the vagrants and sold the cadavers to the Scottish surgeon Dr. Knox.¹⁴ As recently as 1992 human rights activists in Columbia exposed the attempted murder of an indigent truck driver whose presumably dead body was sold to a medical school, which had also a modern willed body program. The same school used to pay for bodies brought in by the police, not too many questions being asked.¹⁵

These unusual atrocities add up to the habits of 'body snatching' which furnished early 19th century medical schools with stolen cadavers.¹⁶

Augustine (*City of God, Against the Pagans, Book 22, ch. 24*) and Tertullian (*On The Soul, ch. 10*) condemned anatomy because of the alleged practice of *human* vivisection by anatomists. Augustine writes that 'sometimes [the anatomists] dissected sick persons who died in their hands'. Whether such accusations have a factual basis or not does not really matter. It is important to realize that this is how the public construed the art of anatomy. Had anatomists been more careful with the living

¹¹ P.D.G. Skegg. Criminal liability for the unauthorized use of corpses for medical education and research. *Med Sci Law* 1992; 32: 51–54.

¹² J. Feinberg. The mistreatment of dead bodies. *Hastings Cent Rep* 1985; 15(1): 31–37.

¹³ M.C. Pouchelle. 1990. *The body and surgery in the Middle Ages*. Oxford. Polity Press.

¹⁴ R. Richardson. 1987. *Death dissection and the destitute*. London. Routledge and Kegan Paul: Ch. 6.

¹⁵ M. Roach. 2003. *Stiff: the curious lives of human cadavers*. New York, Norton: 50.

¹⁶ S.M. Shultz. 1992. *Body snatching: the robbing of graves for the education of physicians*. London. MacFarland & co. M. Sappol. 2001. *A traffic of dead bodies: anatomy and embodied Social identity in nineteenth-century America*. Princeton. Princeton University Press.

and particularly with their fears and prejudices, the Church and lay culture might not have objected to dissecting the dead. We have also to bear in mind that in those times the diagnosis of death was too often dubious. The anatomy season took place in the winter, when hypothermia ran high in the differential diagnosis of death. When irrefutable signs of death appeared – that is to say putrefaction of the body – it was also too late for an informative dissection.¹⁷

In the 14th century, dissection of dead bodies was introduced into European culture, but only the bodies of publicly executed felons were legally handed over to the surgeons. Historians discuss this practice, which lasted until the 19th century. I conjecture that the tradition of dissecting only executed persons protected all others who die privately from being prematurely (possibly following a therapeutic intent), hastily or non-consensually dissected.¹⁸

Vesalius as well as every famous anatomist of the Renaissance was accused of *human vivisection*. Historians unanimously hold these suspicions to be false. The anatomists only stole dead bodies,¹⁹ an

unethical habit in its own right. Suspicion of medicine is a modern problem as well. As Marshal shows,²⁰ the creation of the myth of Frankenstein, the epitome of evil science and doctoring, and its unprecedented popular reception is rooted in the body-snatching scandals and in the involvements of the utilitarians in the enactment of the Poor Laws and the Anatomy Law.

I conclude that Bodyworlds, as well as every other institution that uses human remains, is obliged to subject its practice to appropriate inspection so as to ascertain that it does not fall prey to villains who seek opportunities to conceal crime and malpractice. The grim history of the anatomy obliges its practitioners, particularly those who directly connect to its heritage, to be ever respectful of laws and regulations. The anonymization of the cadavers intends to protect their dignity, but it also makes future identification for forensic and personal purposes very difficult. I think that Bodyworlds must subject itself (or be subjected by law) to more transparency with regard to the sources of its bodies. If commercial secrecy is an issue, all relevant data, as well as documentation of unidentified bodies prior to their anonymization should be available for surveillance by an independent body, a coroner, a review board and the like. I find it quite odd – to say the least – that anybody can travel around the globe with anonymized corpses without the authorities asking some pressing questions.

Additionally, people who sign an informed consent to be plastinized become participants in a project that is very similar, if not identical, to an experiment on human beings. A moneymaking enterprise such as Bodyworlds should not let donors perish uncared for and then take advantage of their bodies thus deriving benefit from the neglected condition that made the body available for plastination and demonstration. I believe Bodyworlds has a moral duty to participate in the medical care of needy donors. I believe that the rights of the living are the most urgent, most important and most neglected aspect of the moral debate on Bodyworlds.

¹⁷ J. Bondeson. 2002. *Buried alive: the terrifying mystery of our most primal fear*. New York. W. W. Norton. Even if it is unlikely that anatomists accidentally cut up people who were still alive, the populace certainly tended to believe in this possibility. Besides, the notion of a 'moment of death' is a cultural construct that does not easily fit with the gradual dying of separate organs. Today biomedical law equates 'brain death' with 'death'. But many people feel differently and accuse transplantation doctors of murdering patients. M. Lock. 2002. *Twice dead: organ transplantation and the reinvention of death*. Berkeley. University of California Press: ch. 3. I wonder what people and Bodyworlds enthusiasts would say if – having given their consent during their lifetime – brain-dead patients were to be assigned for public display of the circulatory system in action, instead of for harvesting organs for transplantation. Is death a stable concept throughout all domains of our lives?

¹⁸ One such situation was possibly obstructed labour. The church fought against embryotomy (destroying the fetus) and cesarean surgery performed on hopeless and dying birthing women. Cesareans were mostly fatal in pre-modern settings. If the surgeons wanted to save lives, they had to make a tough choice: to cut the mother or to cut the baby. Labour was the only setting in which caregivers dissected live patients, often with sacrificial intentions. Elsewhere I dwell on the historical significance of this situation and on how it bears on the formation of medical ethics. Y.M. Barilan. Abortion in Jewish religious law: neighbourly love, imago Dei and the Medieval blood libel. *Review of Rabbinic Judaism* 2005; 8: 1–34.

¹⁹ A. Cunningham. 1997. *The anatomical renaissance: the resurrection of the anatomical projects of the ancients*. Brookfield, VT. Scholar Press: 147–160.

²⁰ T. Marshal. 1995. *Murdering to dissect: grave-robbing, Frankenstein and the anatomy literature*. Manchester. Manchester University Press.

3. Possible duties to the dead with regard to the use of their bodies

3a. *Formal duties*

There is one formal duty, namely to abide by the explicit wishes of the deceased. Take the following proposition

She wants that X be done with her dead body

From the point of view of formal duties, we have to respect this wish regardless of the content of X (assuming, of course, that X does not collide with moral duties to other people, etc).

A *default formal duty* is the action taken when the personal wishes of the dead are unknown. In such cases we treat the body in ways that are in line with his or her culture or presumed values and wishes. Jews, for example, bury their dead. Our *default formal duty* to an unknown Jewish body is burial. We assume that this particular and anonymous Jew had wishes compatible with his culture. If a reliable witness convinces us that the Jew in question wanted to be cremated, our formal duty to that dead Jew would be cremation.

Different peoples and cultures vary considerably in their *default formal duties*. In the Bible, exposure to wild beasts is the worst insult to the dead imaginable (see for example Deut. 28, 26), whereas for Zoroastrians this is the only way to leave the world honorably. They expose their dead for the vultures to eat on specially designated towers.²¹ *Default formal duty* need not constitute a single practice. For instance, contemporary Western societies seem to accept both burial and cremation as their *default formal duty*.

The people of Belgium (as well as of some other countries) decided that saving life by means of organ transplantation is such an important goal so as to make it a *default formal duty* for Belgians. According to the Belgian law organs may be harvested for transplantation unless the prospective donor opted out while alive. The Belgian law does not claim that transplantation is more important than *formal duties*. The law does not even propose that saving

life is more important than duties to the dead. Rather it claims that we may take it for granted that the average person would donate her body to such a noble goal. If she opted out while alive, the law does not permit to harvest her organs even if this would bring about preventable deaths of innocent people.

Ardagh²² argues that physicians may practice endotracheal intubation on cadavers donated for transplantation and research, *assuming* consent to this form of training as well. Benfield et al.²³ stretch this line of reasoning even further, arguing for the permissibility of practicing endotracheal intubation on newly dead infants. Benfield is disinclined to establish his argument solely on the assertion that training medical personnel in life-saving skills is more important than our duties regarding the dead. He incorporates proxy and presumed consent of infants, a very tenuous assertion, in the argument.

3b. *Substantial duties*

Substantial duties pertain to the *meanings* of the actions taken. Default substantial duties are the practices sanctioned by a certain society in respect of the dead. The common denominator of *default substantial duties* is that the acts in question are taken solely with the intention of honouring and benefiting the deceased. Some practices aim at keeping the dead at bay, protecting the community from their potential malice. However, they are never acts that *exploit* the dead. Respect is usually the most reliable means of avoiding the wrath of the dead.²⁴

Obviously, societies tend to take their *default substantial duties* to be *formal duties* as well. Probably many people do not even bother thinking over this distinction. Non-liberal societies would not recognize *formal duties* that are not *default substantial*

²¹ K.V. Iserson. 2001. *Death to dust: what happens to dead bodies?* 2nd ed. Tucson. Galen Press: 471–473.

²² M. Ardagh. May we practice endotracheal intubation on the newly dead? *J Med Ethics* 1997; 23: 289–294.

²³ D.G. Benfield et al. 1991. Teaching intubating skills using newly deceased infants. *JAMA* 1991; 266: 1649–1651.

²⁴ E. Westermarck. 1908. *The origin and development of the moral ideas*. Vol II. London. MacMillan: ch. 45. Neglect and utilization are often the reality behind an ideology of respect. See, for example, J. Baines and P. Lacovara. Burial of the dead in ancient Egyptian society: respect, formalism, neglect. *J Social Archeology* 2002; 2: 5–32.

duties. The Belgian example highlights the difference between *default formal duties* and *default substantial duties*. The Belgian law serves the interests of the living. Should medicine find cures for heart diseases, there will be no need for hearts for transplantation. *Default substantial duties* are respectful of the dead. The Belgian law articulates a *formal duty*, not a *substantial duty*, because it assumes a waiver in the benefit of the living.

Default substantial duties exist because death is both inevitable and highly meaningful. The dead body is symbolically and emotionally charged. It is also a potential health hazard and a source of discomfort. Something meaningful but practical has to be done with the corpse, something which is independent of other duties and utilities. This is the locus of *substantial duties*. Indeed, respectful treatment of the dead is a human universal.²⁵ Every known human society practices its own *default substantial duties*.²⁶ Plain disregard to the fate of dead bodies is not only considered immoral, it is also inhumane.

Another possibility of conceptualizing our duties regarding the dead is a policy of *only non-personal substantial duties*. An extreme Cartesian might regard death as the complete termination of the person as well as of anything personal in the body. The body which housed the now deceased person is no more related to him or her than a traveller is associated with the car he drove. In such a case we may either completely disregard the empty human body (*no duties*) or we may respect the human body as a non-personal manifestation of humanity. Christianity and Judaism probably subscribe to this sort of attitude. According to Thomas of Aquinas (*Summa Theologica* III, Q25, #6) we respect dead bodies because of their metonymic quality. The dead body is like a cloth of an important but now deceased person. The sheathe metaphor is on the personal level and is compatible with the veneration of relics. The rabbis however, describe the dead body as a worn book,²⁷ and that of the fetus as a blank

notepad (Talmud *Niddah* 30b). Characteristics of personal life – the written word – are absent from both. The Jewish tradition usually objects to personalized variation in funerary practices.²⁸

Strategies for combining formal duties with substantial duties

An attitude of strictly formal duties proclaims that the most compelling duties to the dead are formal duties. If, for example, a fully informed person requests that his dead body be thrown into the garbage, we have a duty to trash the cadaver. Any other action is disrespectful of *this individual* as an autonomous person, and by extension violates human dignity.

According to *strictly formal duties* there cannot be a duty *to the dead* that is more compelling than abiding by the wishes of his or her person. *Strictly formal duties* do not exclude *substantial duties*, for example, in the case of a person who has no wishes with regard to his dead body. Only then *substantial duties* set in. Usually *strictly formal duties* are not absolute. Many believe that strong duties to the living override *strictly formal duties* to the dead. Proponents of compulsory organ donation may still subscribe to *strictly formal duties*. As in the case of public health, we may recognize the duty to save life as even more powerful than any duty to the dead. But in actuality contemporary legislators and philosophers are loath to override *formal duties*.²⁹

An attitude of *restricted formal duties* is limited by *substantial duties*. It binds us to respect a *formal duty* if, and only if, it is compatible with a certain notion of *substantial duties*. Put in other words, *restricted formal duties* may override some *substantial duties*, but not all of them. There is a *core of substantial duties* that is non-alienable.

Opponents to Bodyworlds employ this strategy when they disregard the informed consent of donors in the name of human dignity. In order to

²⁵ D.E. Brown. 1991. *Human Universals*. New York. McGraw Hill: 139.

²⁶ Only a few societies trash aborted fetuses. G. Devereux. 1951. A study of abortion in primitive societies. New York. International Universities Press: 44.

²⁷ Respona Hatham Sofer, Yoreh Da'a, #336, #353. (Slovakia, early 19th cent.). The same rabbi also employs the metaphor of the sheath.

²⁸ Y.M. Barilan & G. Seigal. 2004. Stem cell research Jewish and Israeli perspectives. in *Grenzüberschreitungen. Kulturelle, religiöse und politische Differenzen in der Stammzellforschung*. edited W. Bender, C. Hauskeller & A. Manzei Munster: Agenda verlag: 293–323.

²⁹ Price, *op. cit.*

substantiate such opposition they have to show first that Bodyworlds is offensive to human dignity and then to convince us that the kind of dignity in question is non alienable. Alternatively, they may accept the alienability of that dignity but still condemn the taking advantage of alienation that is grossly indecent and disturbing the public order.

The current legal situation in the West seems to operate within a somewhat vague concept of *restricted formal duties*. People may choose a fate for their corpse out of a restricted socially recognized menu, usually burial, cremation (both count as *default formal duties*) and donation to science or medicine. Duties to the living might restrict *formal duties* to the dead, and the nature of restriction on *formal duties* is quite indefinite and seemingly inconsistent. An immediate life-saving need for organs does not justify compulsory harvest from cadavers, whereas stranded hikers who survive on eating the flesh of their dead friends are praised as heroes.

3c. *No duties*

According to this view, the living have no duties to the dead; the living, however, may have duties to other living people with regard to dead bodies. Harris, as well as other philosophers,³⁰ justifies certain uses of human cadavers, such as compulsory harvesting of organs for transplantation, on the grounds of ostensibly *no duties* claims. One may read Harris as saying that *in the face of significant necessity* we are in a position of *no duties*. If this is the case, we might have some duties to the dead, but our duties to the living sometimes, or always, override our duties with regard to the dead. In order to illustrate what a genuine *no duties* attitude entails, let's imagine a corpse of a lonely person who has no relatives or friends. According to *no duties* we are in the liberty of throwing the body to the garbage, letting it rot in the open or using its skin and fat for making handbags and laundry soap. I am not aware

³⁰ J. Harris. Organ procurement: dead interests, living needs. *J Med Ethics* 2003; 29: 130–134.

of any contemporary ethicist who approves of such behaviour.³¹

A true *no duties* approach might be established on two assertions: that the dead do not know (hence they cannot experience any harm) and that the dead cannot have interests and rights nor do they have the capacity to hold to the goods of life or to lose them.³² Lack of knowledge does not seem to justify immoral actions. Rather, some grave offences are considered grave simply because they take advantage of the victim's unawareness, cheating and lying for example.

In a recent paper Wilkinson³³ refutes *no duties*, making the case that the dead have interests and rights. He argues, for example, that both the living and the dead have strong enough interests of privacy to merit a moral right to privacy. Even if we owe no duties to the dead, we may possibly have duties *with regard* to dead bodies, duties that may be cast in the language of virtues, for example.

THREE INEVITABLE SUBSTANTIAL DUTIES WITH REGARD TO HUMAN REMAINS

Bodyworlds and its advocates³⁴ profess a commitment to two *substantial duties*, that the anonymity of the bodies be preserved and that the exhibitions

³¹ Skegg *op. cit.* notes that Common Law does not prohibit such acts. In 1990 a British court convicted an artist and a gallery owner for the *public display* of earrings made from human fetuses. Whether art is an 'ordinary' business or a privileged public pursuit similar to science and education is a question beyond the scope of this paper. The exhibition of art made from human cadavers is common in contemporary Chinese Art (see *Art in America*, July, 2001, p. 35 and W. Nanming. How to deal with rights – criticism of the violent trend in Chinese contemporary art. *Chinese-art.com* 2001; 4(2) <http://www.chinese-art.com/Contemporary/volume4issue2/nanming1.htm> [Accessed 01 June 2002]). It is notable that von Hagens holds a professorship in a Chinese university and that he produces his plastinized objects in China as well.

³² E. Partridge. Posthumous interests and posthumous respect. *Ethics* 1981; 91: 243–264. Feinberg 1984. *Harm to others*. Oxford: Oxford University Press. B. Baum Levenbook. Harming someone after his death. 1984; *Ethics* 94: 407–419.

³³ T.M. Wilkinson. Last rights: the ethics of research on the dead. *J Applied Phil* 2002; 19: 31–41.

³⁴ Von Hagens, *op. cit.* p. 34. D.G. Jones. Reinventing anatomy: the impact of plastination on how we see the human body. *Clin Anat* 2002; 15: 436–440.

be organized for the sake of scientific education and within the framework of the 'museum ethos'. Apparently, von Hagens would refuse a request to plastinize a body in order to transform it into a personal 'auto icon' so as to allow relatives to keep their dear one at home. Bentham willed his body to be transformed into an 'auto icon' in the benefit of friends and admirers. He knew it would also save them the trouble and expense involved in commissioning a marble bust in his honor. His stuffed mummy is still preserved in University College London.³⁵ Although Bodyworlds subscribes to some *substantial duties*, the only justification Bodyworlds offers in the above cited collection of essays³⁶ is *formal duties* or even *strictly formal duties*.

Indeed, making the case for *substantial duties* seems quite challenging. Making the case for *core substantial duties* appears even more difficult. Practices and habits vary considerably from culture to culture and from time to time. We might think that there is a substantial case against boiling a corpse in order to disengage the bones from the flesh and then disperse them in churches and monasteries all over the continent. But this is exactly what Thomas of Aquinas's fellow monks did to his still warm cadaver.³⁷ There are people who donate their bodies to forensic research that lets corpses rot in the open air.³⁸ The people of the Fore from Papua New Guinea used to eat the brains of their dead until the habit stopped in the 1960s due to considerations of public health.³⁹ One might wonder whether a belief in *core substantial duties* does not always reflect mere cultural prejudice.

My contention is that formal considerations depend on some substantial ones; that an attitude of respect is a *core substantial duty*; and that *strictly formal duties* is incompatible with regarding the

human body as a raw material in need of utilization and consumption. I do not argue directly against *no duties*. I only pointed to a universal absence of *no duties* practices among human societies and throughout known human history. I wish to propose a philosophical argument against *strictly formal duties*.

THE PROBLEM OF ADEQUATE INFORMATION

A notion of *formal duties* to the dead necessitates the existence of an informed consent. This means that a person has to be *adequately informed* about the projected act. A policy of *formal duties* does not eliminate substantial considerations. It merely relegates them to the private discretion of each individual. The person weighs the information and makes up her mind about the disposal of her body. Society stays behind, supervising the process of informed consent, which is based on freedom from coercion, mental competence and full disclosure, not on irrelevant or partial information. One cannot know that a person is adequately informed unless one is confident that the person understands what the act in question *really means* and *entails*. This is not a technical problem of inspection and regulation. It is a fundamental issue of a meaningful interpersonal communication. Posthumous decisions need two partners: the person, and those who survive him. Respect for personal autonomy is incompatible with actions neither of who understands. And according to *strictly formal duties* policy, the person has to understand the act in question while those who survive him have to know that the person actually made a free and informed choice.

The living can see for themselves and retract their informed consent, as often happens in medical experimentation. The living can persist and resist in ways that reinforce their commitments to courses of actions all others might find wrong, debasing or even absurd. Since the dead cannot monitor the uses of their bodies, and since they are not there to hold to this or that action, satisfactory consent to posthumous uses of the body seems to be even more essential.

³⁵ C.F.A. Marmoy. The 'Auto-Icon' of Jeremy Bentham at University College London. *Med Hist* 1958; 2: 77–86. From a Bethamian point of view, the College should trash his auto-icon when the costs of its upkeep exceed benefits. I wonder whether such an act is respectful or disrespectful of his memory, ideology and personal wishes.

³⁶ Von Hagens, *op. cit.*

³⁷ K. Park. The life of the corpse: division and dissection in Late Medieval Europe. *J Hist Med Allied Sci* 1995; 50: 111–132.

³⁸ Roach *op. cit.* ch. 3.

³⁹ S. Lindenbaum. 1979. *Kuru society: disease and danger in New Guinea Highlands*. Palo Alto, Ca. Mayfield.

Bodyworlds' fecundity of symbolism and multi-layered allusions render the problem of adequate disclosure even more pressing. For example, do prospective donors know that von Hagens intends to craft their bodies in a manner that was applied to victims of the death penalty as an aggravation of their punishment? Do they know that public dissections were actually spectacles of social and religious power, while the actual study of anatomy was carried out privately and usually illegally?⁴⁰ Do they know what the 'museum ethos' involves?⁴¹

Many people who consent to burial are poorly informed about decomposition or about the maggots that chomp through the putrefying flesh. Burial is a default practice. Those who want to be buried are not interested in such details; they follow a tradition. They did not choose burial; they chose membership in a community and acceptance of its customs. Even if they did choose mere burial, with no sense of participation in a culture, burial remains a *default formal duty* in our society. Failure to be adequately informed about its meaning is less likely to harm the person or his interests, since a default practice is applied to his body.

In western societies (and probably in other cultures as well) religion and tradition serve as indirect platforms for discourse about the fate of the dead. Bodyworlds offers a set of ideas and conceptions that are ostensibly independent of any particular

culture or religion.⁴² Indeed, von Hagens does not operate as mere technician and designer. He articulates many stimulating messages about the meaning of death and about the place of the dead body in our lives.

The history of anatomy offers plenty of precedence to most, if not all, of Bodyworlds' actions. On the other hand, the events took place before the era of informed consent. I believe, the revolutionary power of the unfolding ethos of Bodyworlds makes it resistant to ordinary consent. Bodyworlds throws into relief a lacuna in the public discourses within contemporary liberal societies, the role of the dead – as past persons and material remains – in law, ethics, politics and aesthetics. Informed consent cannot evolve in a vacuum, in the absence of an intricate mesh of relevant information, meanings, symbols and values.

I don't know how much knowledge and understanding make consent adequately informed. My argument, however, is that some information is

⁴⁰ J. Sawday. 1995. *The body emblazoned: dissection and the human body in Renaissance culture*. London: Routledge. A. Carlino 1999. *Books of the body: anatomical ritual and Renaissance learning*. Chicago. University of Chicago Press:188ff.

⁴¹ The ethics of anatomical museums is far from innocent. As a matter of fact, some museums exhibit human remains against the explicit wishes of their late persons. C. Fforde. The Royal College of Surgeons of England: a brief history of its collection and a catalogue of some current holdings. *World Archeology Bulletin* 1992; 6: 22–25. Body parts of victims of the holocaust are still in use by some anatomy laboratories. K. Holubar. The Pernkopf story: the Austrian perspective of 1998, 60 years after it all began. *Perspect Biol Med* 2000; 43: 382–388. The 'Irish Giant', Charles O'Brien (d. 1783), made special efforts to protect his body from the anatomists. John Hunter bribed the undertakers, took the body and put the skeleton in his collection, where it is still on display. Historian and bioethicist Alice Dreger has recently campaigned for the burial of the Irish Giant. A.D. Dreger. 2004. *One of us: conjoined twins and the future of normal*. Cambridge, MA. Harvard University Press: ch. 4. Hunter unabashedly belabored his own 'ethos' of anatomy in his voluminous diaries. S.T. Asma. 2001. *Stuffed animals and pickled heads*. Oxford. Oxford University Press: ch. 2.

⁴² Admittedly, Bodyworlds appropriates quite a lot from the heritage of the Christian West and its unique cultures of relic veneration and scientific anatomy. The Christian West broke away from taboos of purity and impurity. All aspects of earthly material existence were regarded as a whole. The veneration of the life of Jesus encompasses birth, masculinity, suffering and even the death of his human body. The Christian dead are buried inside churches and human remains of saints, relics, are placed under the altars and displayed for veneration on high holidays. Renaissance art regarded the natural yet idealized human body as the most accurate visual manifestation of the *imago dei*. Sawday, *op. cit.* p. 96. The notion of the idealized human body parallels the anatomists' search for the canonical human body from the times of Vesalius. N.G. Siraisi. Vesalius and human diversity in *De Humani Corporis Fabrica*. *J Warbourg Courtauld Inst* 1994; 57: 60–88: 68. up to the 'visible human project' sponsored lately by the NIH (http://www.nlm.nih.gov/research/visible/visible_human.html [Accessed 9th June 2006]). The life-like corpse of Renaissance anatomy also expresses a 'resistance to death' and a yearning for immortality and eternity J. Elkins. 1999. *Pictures of the Body*. Berkeley. University of California Press: 134. In opposition to the now widely accepted pathological tradition, Vesalius and other anatomists believed it was possible to understand the human body only when reconstructed so as to mimic the ways in which it is animated by the soul. G. Harcourt. Andreas Vesalius and the anatomy of antique sculpture. *Representations* 1987; 17: 28–61. The life like corpse was instrumental in helping doctors understand the workings of the human body as a living whole. J.S. Ackerman. 1991. *Early Renaissance naturalism and scientific illustration in Distance points*. Cambridge, Cambridge University Press. Hunter's brother, William, also laid the foundations of fusing art and anatomy for the sake of holistic clinical thinking that reaches beyond the scope of concrete findings M. Kemp and M. Wallace 2000. *Spectacular Bodies: The Art and Science of The Human Body from Leonardo to Now*. London, Hayward Gallery: 44.

indispensable; hence *some* substantial considerations are relevant to the formation of *formal duties*. A possible practical solution is to declare mere passive consent inadequate, while unsolicited and active requests for plastination should be honored. The latter is more of a *request* than *consent* and is more likely to reflect well-considered decisions. Additionally, ignoring *consent* is much less (if at all) offensive to a person than ignoring a *request*. I also suggest that *strictly formal duties* might necessitate a stricter notion of adequate information than mere *formal duties*, since in *strictly formal duties* the entire ethical load rests on formal consent. In the latter case, *core substantial duties* might still protect the subject from untoward uses and abuses.

The *substantial duty* of adequate information is quite thin, though. In actuality it is not substantial proper, as it entails no direct value judgment about the act in question. It is substantial, nevertheless, because a value judgment obtains with regard to there being a meaningful act that is amenable to consent. It states that:

‘John wants X done with his dead body’ is a formal duty if and only if we know X to be a meaningful act amenable to consent that expresses genuine human understanding and valuation, which John was actually engaged in.

Formal consent that falls short of this description may better be referred to as *no resistance*.

AN ATTITUDE OF RESPECT

Obviously, a person may choose to conduct her life whimsically or in accordance with an oracle or in complete submission and obedience to another person or to an external authority. I argue, however, that respect for personal autonomy cannot tolerate a duty to respect a wish created whimsically or on the basis of self-negation, for this would entail a duty to respect a whim or to respect humiliation or to respect a third party in whose respect the person accepts self-negation. The whim, the oracle and the ‘authority’ stand as barriers between the autonomy of the person and those willing to respect it. The same argument applies to willed ignorance and carelessness. Let us suppose a prospective donor who

comes and says, ‘I do not know much about Bodyworlds, but I have seen enough of it. I have made up my mind and I do not care for more information. I trust Bodyworlds’. This donor is waiving his right to be *fully* informed. Some patients do not want to be informed about their medical condition, thus entrusting decisions in the hands of their caregivers. Proxy decision makers, however, act in the best interests of their dependents. The patient does not surrender his right to be treated following informed decisions made on her behalf. Her wish not to know has nothing to do with carelessness.⁴³

Bodyworlds does not pretend to represent the interests of donors; rather, it explicitly anonymizes the body and uses it in the benefit of public education. The donor who forgoes full information expresses consent to his body being used without an *informed* consent. He does not care about the fate of his body. Possibly, he cares to a certain extent, for example, he does not want to be cremated, but otherwise he does not care. He reminds us of the more extreme attitude, that of the man who wants his body thrown in the garbage. He might say, ‘I am a despicable person, I plead with you to humiliate my dead body as much as you can’, or ‘I am a nihilist; humans and their bodies mean nothing to me’, or ‘I respect persons, but dead corpses are mere filth’.

If the person is genuinely careless about the fate of dead bodies, she should remain indifferent if we chose not to trash her body but to give it a pompous religious funeral. We are at liberty to treat *her* body according to our own perceptions of human dignity and of respect for the dead. Yet, if the person objects to the proposal of a religious funeral, it seems that she is not *careless*, but rather, she *wants* her body treated carelessly. And if we follow a policy of *strictly formal duties*, we have to abide by this wish, as well as by the wish of the careless Bodyworlds donor.

But I do not think this is plausible. Why do we have a duty to respect a plea for disrespect? Isn’t this like the famous liar’s paradox? The careless donor and the self-debasing person establish their requests on explicit disregard. If they do not care, why should we? If they seek *debasement*, why not ridicule their

⁴³ G. Dworkin. 1988. *The theory and practice of autonomy*. Cambridge, UK. Cambridge University Press: 90–99.

requests and treat their dead bodies in ways *we* find right or morally rewarding to *us*?

I contend that if we have duties to the dead as duties of respect for human dignity and personal autonomy, such duties exclude requests for humiliation and neglect. Oftentimes, we comply with strange and seemingly offensive wishes because this is how the person believes his body is best respected. Very bizarre requests often stem from a comprehensive worldview in the context of which the requests appear pretty rational and quite dignified. When we offer a body of a Zoroastrian to the vultures, we acknowledge *her* religion as well as its cognitive schemata and unique notion of dignity and humaneness. As Herodotus (*Inquiries*, III, 38:3) already noted with regard to cannibalism and funerary practices, the offensiveness and strangeness are in the eyes of the beholder.

In sum, I distinguish between two different scenarios. If John wants that X be done with his body,

- Scenario A: John finds X a dignified and worthy of asking for. We find X obnoxious.
- Scenario B: John finds X humiliating or nonsensical. We find X obnoxious.

My contention is that in scenario B, notwithstanding John's formal articulation that he wants X, there is no moral duty to do X. Rather, there is a good moral reason to refrain from doing it.

So far I have built on Wilkinson's contention that we have moral duties to the dead and that these duties are at least *formal duties*. I have made the case that any *formal duty* presupposes *core substantial duties*. Now I wish to ask whether we owe *substantial duties* to persons to whom we owe no *formal duties*?⁴⁴ The question is not only practical. It bears on the very concept of human dignity: do we have *substantial duties* to the dead independently of *formal duties*?

In the spirit of Kant I propose a *substantial duty*, that we never regard the human body as a natural resource in need of utilization. We recycle waste. We do not recycle human remains. Rather they are

interred, disappear in ashes or otherwise reunite with nature. 'For dust you are and to dust you shall return' (Genesis 3:19). Burial and cremation are respectful of the human body because the body is neither thrown as a useless object, nor is it utilized in the service of some ulterior goals.⁴⁵ Even if the person has interests that survive her death and that coexist with the cadaver, the dead body has no interests. A cadaver is not even an organism, which has a well being of its own. Hence whatever we do with it serves no interests and goals. Any goal and interest cannot be its. We make an effort and do something with the human body, an act of respect, but this act cannot have an acknowledged utility. A respectful treatment of a human body bears no economic value. Rather, people and cultures tend to spend enormous amounts of resources on the dead. The human body is often regarded as a symbolic capital that eventually reconnects to the markets of finances and power. Some mortuary practices accrue revenue. But this is not the acknowledged reasoning behind them.

Possibly 'bare' cremation and burial are neither respectful of the body nor disrespectful of it (it is not utilized or derided). Acts such as cremation and burial serve as templates to rituals or gestures that render the disposing of the dead body respectful.

We may cast the argument within a framework of *formal duties* as well. Since no known culture treats the dead as junk or uses their bodies as mere means for economic goals, there is a presumptive *default formal duty* that pertains to people in general. They do not positively want their bodies treated like offal, manure or to be utilized as raw material.

As a matter of fact, since virtually *every known human society* have well-established traditions of *disposing* of the dead rather than of *using* them, it is very difficult to construe a utilitarian theory of ethics with regard to human cadavers. We do things *for* the dead or *for* the human dignity inherent in human remains; nothing is done *with* the dead. I am

⁴⁴ Possibly Melville's Bartleby the scrivener, is a living character to whom there are no formal duties. D. Meindl. 1996. *American fiction and the metaphysics of the grotesque*. Columbia, MO. Missouri University Press: CH. 3.

⁴⁵ Worshippers of relics use dead body parts in the sense that the relics are trafficked according to perceived needs for supernatural protection and benediction. The cult of the relics, however, intends to benefit from a piece from the body as part and parcel of venerating the person and his values. It does not entail the non-personal consumption of otherwise useless tissues.

not aware of rituals and gestures that *accompany* an acknowledged use of the human body. Some medical schools conduct annual services in honor of the dead used for teaching anatomy. The sermons are performed at the end of the year, not prior or during an active use of the bodies.⁴⁶ These practices hint at an underlining perception of the human body as if it is on *loan* for the sake of science and medicine. The humane dimensions are suspended temporarily, but ultimately the body is returned to these spheres.

I wish to argue that if the human body is valueless unless it serves a purpose, the whole idea of respecting human dignity inherent in the human body collapses. Whatever we respect would be the ultimate goal, which infuses value into the body, not human dignity. If we accept the concept of human dignity with regard to dead bodies, we have to reject any use of human remains as *a goal in itself*. Humans, dead or alive, do not need to render any service in order to justify their existence and make it valuable. Human dignity is not conditioned by any utility. Whenever we use human cadavers, we do so in the service of goals and values more important than our *formal duties* or *substantial duties*. We push one value or duty for the sake of another. But the duties with regard to the dead body continue to exist. We want to live up to our duties with regard to the dead, but we simply cannot. We sometimes have to prefer other sets of duties or values.

For the sake of the discussion, let's assume Bodyworlds exhibition is such an important goal. Now let's imagine an even more revolutionary invention, a digitalized method that creates plastic models without using dead bodies at all. This method is named Digitization. In addition to Digitization, a yet, third invention, Lazarization, offers pulp models that are also virtually identical to plastinized and digitized products. The costs associated with all three methods, Plastination, Digitization and Lazarization, are equal as well. From all practical points of view plastination, digitization and Lazarization are equivalent. From an ethical point of view it makes no difference whether Bodyworlds employs Digitization or Lazarization. This indifference does

not hold when we compare Digitization or Lazarization to Plastination. I think we all agree that *in the face of such excellent alternatives* plastination becomes immoral. Put in other words, we object to *using* human remains whenever a reasonable alternative to achieve the goal in mind is available. The reason for this is that we harbour a *substantial duty* not to utilize dead bodies unless we have good enough reasons to do so. This is a universally⁴⁷ intuitive moral judgment. It indicates a deep-seated conviction that humans do not treat each other as raw material or as products for consumption. Separation between the consumers and the things consumed is a prerequisite to the formation of moral society.⁴⁸

But von Hagens writes⁴⁹ in the spirit of Bentham,

'Plastination, however, also represents a shift in value from a useless corpse to a plastinized specimen, which is useful, aesthetically instructive and produced by nature.'

We often act on the belief that education and science are noble enough causes to justify the use of the human body. Education and science do not redeem the dead body from an abject state of uselessness. Plastic, minerals and other raw materials are value-neutral. We owe minerals no duties. Neither do we have duties with regard to minerals as such. If we have duties with regard to the dead, the human body is never value free. The inherent value of the human body, even if infinitesimally small in comparison with other moral values, is the basis for our duties with regard to the dead. Proponents of commercializing the *living* human body maintain that a person has the liberty to use his body the way he sees fit. Often prostitution and selling of organs are justified as the inevitable means to dignified ends, deliverance from poverty, for example. The ethical question of prostitution typically involves a conflict between *formal duties* and what society and even the prostitute himself hold as *substantial duties*. Prostitution is not

⁴⁷ The universality is at the social and cultural levels. Among the billions of people alive, there are possibly some who feel and behave differently.

⁴⁸ Y.M. Barilan. Speciesism as a precondition to justice. *Politics Life Sciences* 2004; 23: 22–33.

⁴⁹ Von Hagens, *op. cit.* p. 34.

⁴⁶ S. Levine. 2000. *The anatomy of anatomy in images and words*. New York. Third Rail Press: 124.

about salvaging humans by means of harnessing under-used genitalia to serviceable ends.

Similar to prostitutes and sellers of organs for transplantation, a Bodyworlds donor, while still alive, might need the money tendered for his donation. If this is the case, such donations must be subjected to the ethical practices of the kind associated with other forms of commercializing human bodies; these are duties [2], duties to the deceased while still alive. We have to keep in mind, however, that the depersonalized commercialization of the living body is quite different from the commercialization of a dead body that is also undergoing inevitable processes of decomposition.

PRUDENTIAL CONSIDERATIONS

This paper is far from offering a comprehensive ethical evaluation of the Bodyworlds phenomenon or of the ethics of anatomy. Even if I felt my philosophical analysis to be comprehensive and conclusive, I believe it is advisable to look at the issue at stake from a prudential, 'common-sense' point of view as well. The following remarks do not necessarily follow from the previous discussion, but they are meant to enrich our understanding and to refine our philosophy. In Geertz's words, I'd say that social, historical and prudential considerations 'thicken' the philosophical stew, which is too often 'thin', namely limited to formal and technical syllogisms and analogies. In the meantime, until the ethical discourse solidifies, I can only offer a general measure of precaution, which I would rather regard as prudential rather than ethical.

Bodyworlds challenges us in very different ways and with regard to issues hitherto hardly explored. Many try to ban the exhibitions altogether, while many others attend them enthusiastically and even fill in the plastination donor cards available at the exit. The Bodyworlds phenomenon has created a few hybrids that defy norms of late twentieth century Western culture regarding medicine, art and anatomy. Bodyworlds challenges perceived and deeply rooted boundaries between the animal and the human, art and science, the artificial and the natural, life and death. Some regard the exhibitions as mass entertainment in the genre of the freak

show, whilst others recognize them as public events of education and veneration.

Von Hagens is a medical doctor and professor of anatomy. His public persona is that of a charismatic artist and a mysterious educator in emulation of the late German artist Joseph Beuys, a morally, aesthetically and politically charged impersonation. Recently von Hagens revealed an intention to craft plastinized male and female cadavers as if engaged in sexual intercourse,⁵⁰ thus invoking issues of voyeurism and even pornography. Is an informed consent to plastination enough, or do the donors have to consent to this sort of sculpting of their bodies? Should one of the bodies belong to a gay person, would he not have objected to heterosexual 'mummification'? I do not think that a mere consent to be plastinized covers such uses. This example underlines the poverty of formal consent that is not buttressed by a 'thick' understanding of the proposed action and of its context.

Bodyworlds straddles many boundaries and induces strong anxieties. Transgression undermines the 'ontological security' which is crucial for daily social life.⁵¹ Ritual defiance of daily norms and mores is part of the culture of the carnival, with which Renaissance anatomy is intimately linked.⁵² Uncertain boundaries, 'in-between in-between' as anthropologists refer to them, are known to stir up anxieties and even to provoke violent outrages. By no means do I think that taboos and public sentiments have to be respected merely because they exist. We must not shun away from liminal situations and new frontiers, but we had better tread such territories carefully and gradually.

Plastinized bodies still wear tattoos, anatomical curiosities, prosthetic organs and similar insignia of past personal life. Bodyworlds anonymizes the bodies but often does not depersonalize them. I find this highly pertinent to medical education and to balancing 'objective', 'evidence based' and non-voyeuristic conceptualization of the body with humane and personal clinical attitudes. I believe that the vision of

⁵⁰ D. Singh. Scientist or showman? *BMJ* 2003; 326: 468.

⁵¹ A. Giddens. 1991. *Modernity and self identity*. Cambridge, UK. Polity Press: 47.

⁵² G. Ferrari, 'Public anatomy lessons and the carnival: the anatomy theatre of Bologna' *Past Present* 2004; 117: 50–106.

‘anatomy as art’ harbours much promise in realizing the elusive ideal of bio-psycho-social medicine.⁵³ I

⁵³ Y.M. Barilan. The story of the body and the story of the person: towards an ethics of representing human bodies and body parts. *Medicine Healthcare and Philosophy* 2005; 8: 193–205. Y.M. Barilan. Contemporary art and the ethics of anatomy. *Perspect Biol Med* 2007; 50: 1.

also suspect that Bodyworlds and its ethos might answer to urgent needs such as reshaping public sentiment with regard to harvesting organs for transplantation. For the time being, however, prudential considerations call for some restraints. Ethical considerations call upon us first and foremost to secure the rights of the living who are about to become Bodyworlds’ exhibits.