Towards a Theory of Moral Status of the Dead and its Contribution to Medical Research and Learning: The Case of Unclaimed Cadavers

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Abstract

Most, if not all, human cultures consider dead human bodies to be deserving of moral respect. The same moral attitude is generally absent regarding dead animal bodies. In a trade-off situation involving the stark choice of driving over either a dead human or animal body, most would venture that it is more morally permissible to drive over the dead animal body than the human one. Some may even think that it is more morally permissible to drive over a living animal than over an already dead human body. The prevailing moral intuition seems to be that we owe dead human bodies some ineliminable moral respect.

If the above claim concerning attitudes towards dead human bodies is true, then it suggests that our traditional and extant cultures tend to assume that dead human bodies have moral status. This research is motivated by the observation that this moral intuition has not been subjected to any extensive and expansive philosophical scrutiny directed at justifying or rejecting it. The research aims to speak to this theoretical gap and to investigate whether we have direct duties towards dead human bodies. To pursue this philosophical investigation, I rely on the idea of *moral status*. The term 'moral status' is a technical one used broadly in moral philosophy – specifically in bioethics and environmental ethics – to refer to the value of beings towards which we have direct moral duties. The task of this research is to investigate whether extant influential secular and religious moral theories such as Utilitarianism, Christian ethics, Confucian ethics, and so on, have the resources to account for this intuition.

This study also reflects on the implication for bioethics or medical ethics of the question of the moral status of dead bodies. Medical schools, for example, tend to use unclaimed cadavers for research. This research investigates the moral permissibility of using unclaimed cadavers for medical training and research in medical institutions. Ultimately, I argue that dead bodies have no intrinsic value or dignity, and hence that we do not owe them any direct duties. This conclusion further implies that it is morally permissible to use unclaimed cadavers for medical research and learning.

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Chapter 1: Introduction

1.1. The Research Question

This dissertation investigates the question whether we should take ourselves to have any direct moral duties towards dead human bodies. The primary question revolves around their moral value – what is the *moral status* of cadavers? That is, are human corpses things which we should treat with respect or dignity? I undertake to investigate this research question in view of both its philosophical and practical considerations in medical contexts. In terms of the former, as Michael Rosen explains, (2012: 129):

> [I]n my opinion, the universally held belief that we have a duty to treat dead [human] bodies with respect represents a deep puzzle for moral philosophy. Why it is a puzzle and how that puzzle should be resolved will be the subject of this chapter.

Some things stand out in this quotation. Firstly, Rosen observes that the belief that we have duties to corpses is a universal one. In other words, it is a moral intuition that is a feature of all people (and their cultures) in the world, hence he calls it 'universal'. Secondly, he emphasises the view that it is a universally held belief, and not a universally held truth. The intentional use of the word 'belief' could imply that the evidence to convert this belief to a truth may be lacking. Finally, it is important to consider that Rosen refers to the belief that we have a duty to treat dead bodies with respect as a puzzle of moral philosophy. This view confirms that the question of whether we owe duties to dead bodies is indeed a moral question. Hence, the theoretical aspect of this research revolves around providing an intervention in this moral puzzle. Can we offer a moral explanation that can justify this moral intuition?

The second consideration is of a practical character. Due to the scarcity of voluntarily donated human bodies in Africa, many African medical universities tend to rely on unclaimed cadavers donated annually by hospitals and government mortuaries to do medical research. According to Jones and Whitaker (2012), the use of unclaimed bodies has been one of the distinguishing features of the profession of anatomy. The issue of using unclaimed cadavers immediately presents itself as an applied ethical (specifically, medico-ethical) one. The question is whether it is morally right to use unclaimed cadavers to conduct medical research. The answer to this question is important and it depends on the underlying moral question of whether we have direct duties to respect dead human bodies. The absence or presence of these direct duties to human corpses will have significant implications for the permissibility of using cadavers in medical training and in research at universities and laboratories. The aim of this dissertation is therefore to offer a philosophical response to the moral question of whether we have direct duties towards human corpses and a response to the practical question of whether it is permissible to use unclaimed cadavers in medical research and learning contexts.

1.2. Research Method and Contribution

In this research, I will use analytic philosophy to examine the questions outlined above. The analytic approach to philosophy comprises two elements – the linguistic (or conceptual) and the argumentative (Gyekye, 1997). Philosophical engagements rely on language and concepts. The first task of a philosopher in the pursuit of wisdom or truth is to ensure a clear and correct use concepts, so as to avoid confusion or ambiguity. The second part – argument – is related to how philosophers think of evidence. Arguments are important ways to provide evidence for our views. Evidence is understood in terms of the quality or strength of reasons that support a particular claim. Only views that are well clarified conceptually and properly justified by reasons are worthy of serious consideration or acceptance. In relation to the case that is under investigation, we need to be clear about how we use the concepts of moral status and dignity, for example. Furthermore, we can only accept a theory of moral status and/or human dignity as plausible if it offers sound reasons for or against the position that dead bodies have moral status.

The study is important insofar as it aims to philosophically reflect on the under-explored moral puzzle occasioned by our attitudes towards dead bodies. Some scholars have approximated this study but their focus has differed from mine. For example, Rosen (2012) looks at whether we can justify owing respectful treatment to beings that cannot be benefitted by such conduct. Other scholars, such as Joel Feinberg (1977), have investigated whether we should respect the wishes of dead people or whether we can harm the interests of dead human beings. Most recently, Thaddeus Metz (2012) merely endorses the intuition that dead bodies have moral status without providing evidence to support this view. This research focuses specifically on the dead body as an object of moral scrutiny. The question is whether the dead body is an object of intrinsic value, or, expressed technically, whether it has moral status or not.

The study aims to make two moral contributions. Firstly, it aims to respond to the moral puzzle posed by our attitudes towards dead bodies by ascertaining whether cadavers have value in and of themselves. Secondly, this study is important because an answer to this moral question will have implications for bioethics and medical ethics. Whether or not dead human bodies have intrinsic moral value will have a direct bearing on how we relate to unclaimed or donated cadavers. This study could have an influence on our treatment of human remains in terms, for example, of the global practice of exhuming corpses to then provide them a decent burial. It could also influence practical issues such as what to do when land in which to bury dead human bodies is scarce.

1.3. Outline of Chapters

Chapter 1 introduces the research and sets out some of the important concepts entailed in it: the history and status of, and legal issues related to the use of unclaimed cadavers. I will also explore other non-philosophical material to demonstrate the point that almost all cultures have systems of belief accounting for why we must respect human corpses; I point out, however, that these are not

(usually) grounded on rational evidence. The chapter concludes with a discussion of the concept of moral status.

A consideration of influential religious ethical theories about the moral status of the dead is provided in Chapter 2. I will consider Christianity and Islam, as well as African and Oriental religious theories of moral status, focusing in the latter case on Confucian ethics.

Chapter 3 explores major Western theories of moral status and the properties that govern it in this tradition. The chapter provides a critical analysis of each moral theory as it pertains to the moral status of dead bodies. What emerges is that these theories fail to accord moral status to cadavers.

In Chapter 4, I draw on African theories of moral status written largely in the context of environmental ethics. Many of these theories reflect current thinking in African philosophy. I will rely predominantly on the theories of Thaddeus Metz (modal relationalism), Kevin Behrens (environmental relationalism) and Munamato Chemhuru (environmental consequentialism). The aim will be to assess whether these three theories can accommodate the intuition that dead bodies have moral status.

Chapter 5 discusses the under-explored field of Oriental philosophy and its implications for the moral status of the dead. I will largely draw from Chinese Philosophy, especially from Confucian ethics.

In Chapter 6, I examine phenomenological theories of moral status derived from scholars such as Husserl and Heidegger and apply them to our topic. To make a case for phenomenological ethics in relation to the standing of human corpses, I will draw largely from Levinas' moral philosophy.

Chapter 7 involves a consideration of the question of dead bodies in the light of feminist moral thought. For the sake of focus, I will draw from the philosophical works of two scholars of the ethics of care – Sarah Clarke Miller and Eva Feder Kittay. I draw from these thinkers because their philosophical works make a substantial contribution to the concept(ion) of dignity in light of care ethics. I will explain how they invoke a relational ontology associated with care ethics to rethink the idea of dignity.

The study concludes with Chapter 8, in which I identify to what extent the approaches discussed help clarify the moral intuition being investigated. I consider what the conclusion to be drawn implies for medical research on cadavers – whether it is morally permissible to use unclaimed cadavers for scientific research and learning, or not.

1.4. A Brief History of the Use of Unclaimed Cadavers

Historically, the first legal step towards the use of unclaimed cadavers in the 18th century was the passing of the Murder Act, in 1752, in England. The act legalised the dissection of the bodies of

executed murderers for anatomical research and education (Fielding, 2008; Jones 2011). It served a dual purpose: to prevent the horrid crime of murder by its association with hanging and further being dissected if found guilty, and to ensure a legal supply of fresh cadavers for anatomical studies (Richardson, 1987). During this period, anatomical dissection was associated with great dishonour and the practice of dissecting the human body stemmed from the desire to punish hardened criminals (Hildebrandt, 2008; Halperin, 2007). Punishment by death alone was believed to be insufficient – being sentenced to execution and dissection was viewed as punishment far worse than simple execution (Halperin, 2007). Because people strongly believed in the widely held Judeo-Christian view of literal resurrection, dissecting a criminal's body was considered the best punishment, being an assault on one's soul (Hildebrandt, 2008). Desecration of the corpse was believed to ensure that the dead criminals would not be resurrected, preventing them from receiving eternal salvation (Halperin, 2007). Punishing criminals in this way thus benefited the anatomists, who were permitted to dissect the bodies of criminals after execution.

As medical science began to advance and the number of medical students increased, a more constant supply of dead bodies was needed for experimental purposes. This demand led to years of body snatching from graves, a practice supported by anatomists to the extent that students were encouraged to raid graveyards and provide bodies for their own classes (Garment et al., 2007; Halperin, 2007). These actions caused civilians to panic as their dead relatives' bodies were being exhumed, and it was only after civilian unrest and protests that, in 1828, the British Parliament passed the "Dead Body Bill". The bill officially permitted the use of corpses for scientific purposes when death occurred in a poorhouse, hospital or charitable institution maintained at public expense, and the body was not claimed within a specified time by the next of kin (Halperin, 2007). This was followed by the "Anatomy Act" passed in 1832, whereby unclaimed bodies from workhouses could be sent for dissection after forty-eight hours[1]. The act allowed a person to request in writing that his/her body not be used for dissection, but the majority of people, particularly the poor, had no knowledge of this caveat (Hildebrandt, 2008; Halperin, 2007).

It is not surprising that unclaimed cadavers usually belong to the poor and disadvantaged. They are easily exploited and are the source of cadaveric material in most medical schools, especially here in Africa. According to Satyapal (2012), during Apartheid South Africa, cadavers were kept in hospital mortuaries for only three to five days. Thereafter, those bodies classified as unclaimed were bound for burial as paupers or would be donated to the regional anatomy department, with authorisation and permission from the hospital superintendent and the Inspector of Anatomy (Satyapal, 2012). During that period, communication infrastructure was poor and given the apartheid scenario, there was little willingness by the hospital authorities of the time to go the extra mile in informing the families of the deceased of the fate of the cadaver. This resulted in some dead, migrant black people being buried as paupers, with many others ending up on the dissection

[1] In my view, this is the legislation that has laid a foundation for subsequent legislation in different parts of the world on the question of claimed and unclaimed cadavers. See also Jones (2011: 18).

tables of medical schools as unclaimed bodies (Satyapal, 2012). Health sciences departments may claim to have had proper legal authority from the apartheid state, but such a claim is morally questionable considering the now established view that Apartheid was a crime against humanity.

It is important to understand the legal position regarding dead human bodies in order to understand the widespread legal acceptance of the use of unclaimed cadavers. In law, a natural person (human being) has a legal *persona* that terminates after death (Pienaar, 2018: 49–51)). In other words, legally speaking, at death the human being has expired; what is left is his/her physical remains in the form of the dead body awaiting decomposition. This means that the deceased has no legal standing and, by extension, no rights or obligations. The dead have no control over the fate of their dead bodies. Legal obligations towards the human cadaver seem essentially to be motivated by our moral obligation towards ourselves. This implies that rules made for the dead are not directly for the dead themselves but usually for the next of kin, friends, or state. Legal rules relating to a dead human body are primarily concerned with who controls the disposal of the body, and with the proper treatment of the corpse. The truth is – apart from the potential psychological harm – if we do not dispose of dead bodies properly, it may lead to life-threatening conditions. The right to possession of a dead human body for the purpose of disposal, under ordinary circumstances, vests in the spouse or relatives of the deceased (McQuoid-Mason & Dada, 2011: 129). Where the relatives or friends do not come forward to claim the body of the deceased, the state takes over.

John Troyer (2014) explains that in law, the human body after death essentially becomes an object – a property of the living or of the state. The phrase "claiming the dead body, or unclaimed body" linguistically gives a sense of the objectification of the dead human body, which was once a breathing, thinking and feeling entity. If a dead human body is able to be claimed by the family or a friend, is it some kind of property – a thing? 'Property' refers to things that are owned, and the word 'claim' may refer to the idea of a demand of ownership made for something, usually referring to items such as a piece of land or a car. The idea of ownership itself is intrinsically linked to a sense of property. But, according to the World Health Organization (WHO), the British Human Tissue Act, and similar laws in various countries, nobody can claim a right over a dead body and own it or its parts in the same way one might a house or piece of land. An unrestricted property right does not exist in relation to a corpse. This is because dead bodies are subject to control by the law rather than being subject to the desires, whims or caprice of individuals (Hammack, 2014). In terms of Principle 5 of the WHO Report on Human Organ Transplantation, the human body and its parts cannot be the subject of commercial transactions. Thus, although cadavers and organs have commercial value, a human body or its parts – dead or alive – are never to be sold or bought (World Health Organization, 1991: 8). Organs or bodies can only be used for skilled work involving research, transplantation or teaching and learning, and this is done only in cases of donation or when there is no one to claim the dead body.

Although the law (Chapter 8 of the National Health Act 61 of 2003 of South Africa included) regulates the disposal of dead bodies without mention of respect or dignity *per se*, treating the deceased with dignity is generally perceived as the right thing to do; it reflects the *bone mores* of

the society (Pienaar, 2018). In terms of the convictions of many cultural communities, the dead should be respected and treated with dignity. We are often shocked and emotionally upset if bad things are done to dead bodies because we recognise and appreciate that the dead body is someone's loved one. Besides, even in death, the human dead body is the material carrier of events that persist in our memory (Morar et al., 2008: 77). Even in death, the human body maintains a recognisable form that inspires respect for the person's identity (2008: 77). Apart from this personal or moral preference, cultural and religious beliefs play a major role. But in law, the dead are simply dead and have no rights of their own. Therefore, following the law will not help us, as it is clear that the legal status of a person ceases with death, leaving the dead and their bodies with no legal rights.

While the use of unclaimed cadavers for teaching and research purposes is legally acceptable, it raises ethical questions from a moral point of view (Jones and Whitaker, 2012). Morally speaking, the most accepted cadaver source for dissection would be a voluntary donation of someone's own body during his/her lifetime (Morar et al., 2008: 80). In this way, the fundamental principle of respect for autonomy or respect for persons is observed.

The principle of autonomy is rooted in the liberal moral and political tradition of the importance of individual freedom and choice. In moral philosophy, personal autonomy refers to personal self-governance. Autonomy refers to the personal rule of the self with adequate understanding, while remaining free from interference by others and from unnecessary limitations that prevent choice (Beauchamp & Walters, 2003). In other words, autonomy means freedom from external constraint and the presence of critical mental capacities like understanding, intention, and voluntary decision-making capacity. It is important to acknowledge that to respect an autonomous agent is to recognise another person's capacity and perspective, including his/her right to hold views, to make certain choices, and to take certain actions based on personal values and beliefs. Thus, to respect the autonomy of self-determining agents is to recognise them as entitled to determine their own destiny, with due respect for their considered evaluations and views of the world. As expressed in Kantian ethics, autonomous persons are ends in themselves, they determine their own destiny, and are not to be treated as means to the ends of others (Rachels, 2007). They must be accorded the moral right to have their own opinions and to act upon them, as long as those actions produce no moral violation. On this view, human beings, including the poor and the homeless, are autonomous, rational, self-conscious and capable of valuing their own life, and should be entitled to liberty and the right to choose for themselves (Beauchamp & Childress, 2001).

The principle of autonomy is operationalised in the concept of (informed) consent. This instrument in contemporary bioethical discourse can be traced back to the Nuremberg tribunals, where the abusive, horrible human experiments conducted on vulnerable Jews by Nazi doctors were revealed (McQuoid-Mason & Dhai, 2011). Following the Nuremberg Code of 1947, other guidelines such as the Declaration of Helsinki and the Belmont Report were adopted with the aim of putting emphasis on informed consent. It was hoped that doing so would ensure that living persons would not be subjected to medical research against their will while alive, and indeed, after their death.

The WHO provides a regulatory context for the use of cadavers for organ donation and research. Guiding Principle 1 of the WHO guidelines stipulates the following:

> Organs may be removed from the bodies of deceased persons for the purpose of transplantation if: a) any consents required by law are obtained, and b) there is no reason to believe that the deceased person objected to such removal, in the absence of any formal consent given during the person's lifetime.

In its Guiding Principle 3, the WHO continues to aver that "organs for transplantation should be removed preferably from the bodies of deceased persons" (World Health Organization, 1991: 8). While the WHO provides a basis for the general use of the body of deceased persons, the actual requirements will flow from the jurisprudential instruments of a country, which will specify obligations and limitations concerning how to use cadavers. For example, in South Africa, cadaveric donations are regulated by section 62 of the National Health Act (Act 61 of 2003) and its regulations. This section of the act makes provision for persons over the age of 16 to donate their body or tissue in a will, or in a document signed by the donor and two competent witnesses, or in an oral statement made in the presence of two competent witnesses (McQuoid-Mason & Dada, 2011: 129). In cases where a donation of tissue or body has not been made, or where the deceased has not before dying prohibited a donation, certain relatives in a specific hierarchy (spouse, partner, major child, parent, guardian, major brother or major sister of the deceased), may consent to a donation (McQuoid-Mason & Dada, 2011: 129). Where such persons cannot be located after the death of the deceased, the Director-General of Health may donate any specific tissue of the deceased or whole body to an institution such as a medical school, provided that all the steps have been taken to locate the deceased's next of kin authorised to give consent (McQuoid-Mason & Dada, 2011: 129). This is in line with the first guiding principle of the WHO quoted above (1a).

It should be noticed that the second regulating feature (1b) of this principle is an ethical one, which invokes the idea of consent. In this light, permissible use of cadavers is regulated by the prior consent of the deceased or, in the absence of prior consent, the consent of the family members. The principle proceeds to make further provisions for the use of cadavers, specifically for unclaimed cadavers. We can use unclaimed cadavers provided we have no reason to believe that they would have objected to such practices. This prescription on the use of unclaimed cadavers is therefore informed by the value of consent. The question is how far the ethical principle of autonomy and its operationalisation through consent can get us. What happens in the case of unclaimed cadavers whose positions (in life) are unknown and whose family or friends are unreachable? Very often, unclaimed corpses do not have identity documents, have no known names and are of unknown religions. This means that their personal beliefs are not known to those dissecting them, and this practice may be a violation of someone's long held belief system and religion. It may also be against the beliefs and values of the living communities to which the dead

body once belonged (Jones, 2016; Martin et al., 2013). As Andrea Winkelmann (2016: 75) observes:

> Even if there are no direct relatives, the mere awareness within the community that those who die without relatives may 'end up on the anatomist's table' can be disturbing and may endanger the trust a community has in its anatomists.

Is there a moral question about dead human bodies that is prior to and more important than the principle of autonomy and its application through consent? That is, while consent may be a vital component of ethical decision-making, if it turns out also to be the case that dead people have no moral status (for example, no autonomy or dignity), it would logically follow that the issue of consent would be rendered almost insignificant. The challenge raised by this study is that the issue of consent is important, but not ultimately decisive. The primary and decisive ethical question pertains to the question of whether we have direct moral obligations to dead human bodies on the basis of their moral status. This question thus shifts the focus from the issue of consent to theoretical investigations pertaining directly to the moral status of the dead.

In Western moral theorisation, abundant literature exists on the concept of moral status. The idea of moral status is frequently appealed to in debates around abortion, marginal cases, animal rights, environmental ethics, and so on (Jaworska & Tannenbaum, 2013). What is however a largely under-explored area of moral philosophy is the application of this concept to the evaluation of the moral standing of dead bodies. This is surprising and concerning because issues related to death are important in bioethics. It is intellectually important to intervene in the issue of whether we have direct duties to dead human bodies because it has direct theoretical and practical implication for the WHO principles of organ donation, as well as for medical research concerning the use of cadavers to advance medical knowledge. Therefore, we need to clarify our definition of moral status to proceed.

1.5. What is Moral Status?

According to Metz (2012: 389) moral status refers to "the idea of something being the object of a 'direct' duty, i.e., owed a duty in its own right, or [moral status refers to] the idea of something that can be wronged". On this definition, to have moral status is to invite some kind of moral attention or response from moral agents. Metz is specific about the kind of moral response that is required by a being with moral status – a thing that has moral status is owed moral duties of respect or even rights based on facts derived from and dependant on it. Hence, Metz talks of direct duties. In other words, the duties we owe towards a thing with moral status arise because of it and are owed to it for its own sake. This implies that this being has value in and of itself; hence the duty that accrues to it is direct rather than indirect. For example, if I break your chair, I have done something wrong by doing so, not to the chair, but to you the owner – the duty to the chair is an indirect one.

One of the leading scholars of the moral idea of personhood, particularly on the abortion debate, Mary-Ann Warren (1997), comments that for an entity to be morally considerable, it must be capable of making some kind of morally significant claim against a moral agent. It is for this reason, therefore, that moral agents must be said to have some kind of moral obligation to such an entity and can be held accountable for flouting those obligations. Moral agents are those individuals, for example, that count as fully-fledged human beings capable of rational decision making, understanding, acting upon moral principles, and who are responsible for what they do (Pluhar, 1987). Thus, a moral agent is capable of reasoning and of acting based on reason and is not restricted to acting on the basis of instinct, desire or emotion. Only moral agents have moral responsibilities and have duties towards other beings that can make them responsible for their actions or omissions. It is important to appreciate that the duties invited by the idea of moral status arise for moral agents, but the idea of moral status is an idea of 'moral patiency' (as opposed to agency). In other words, it identifies moral objects – those things towards which we have duties of respect.

To claim that some being has moral status is to identify it as a moral patient. To say of some entity that it is a moral patient is to recognise that certain ways of acting towards it are impermissible and can harm it. To say actions are impermissible is to appreciate the fact that those ways of relating to a subject violate some objective moral principle, which is specified by a theory of moral status (Molefe, 2017). On the other hand, certain ways of treating an entity do not just violate some abstract moral principle, they harm the entity itself – that is, they undermine its well-being or violate its rights (Feinberg, 1984). It is therefore not surprising that Manuel Toscano (2011: 15–16) argues that the idea of moral status "is a normative condition that determines how [an] entity should be treated"; and he continues to observe that this notion must be "spelled out in deontic terms as permissions, prohibitions and obligations". In other words, this means that the idea of moral status sets constraints around how we may or may not relate to a being of value (MacNaughton & Rawling, 2006). Moral status, understood as a constraint, sets parameters that explain what is permissible to do to a being (like aiding it), sets restrictions that specify what may not be done to a being (like unnecessarily harming it), and serves as a guide that specifies what obligations or duties we have towards a being (like treating it fairly or as it deserves) (Jaworska & Tannenbaum, 2013).

Furthermore, the idea of moral status is generally believed to be one that admits of degrees. In other words, as captured by DeGrazia (2008: 181–198), moral status does not take the form of an all-or-nothing position. Some people contend that foetuses have moral status, but a status less than that of a paradigm or fully-fledged person, or that although sentient non-human animals deserve moral consideration because of their interests or welfare, their moral status is not equal to that of human persons (2008: 181–198). Thus, moral status can vary between the poles of being fully present or absent, with human beings believed to have greater moral status than other non-human sentient animals (Toscano, 2011). Metz (2012) also agrees that moral status comes in degrees as he argues that human beings, even those who are severely mentally incapacitated, have greater

moral status than animals with identical internal properties. We might wish to say that some human being – such as those in a coma, those with severe mental disabilities, young children, infants and foetuses – have moral status. But many philosophers, like Kant, Tooley and Warren insist that only normal adults have full moral status (Jaworska & Tannenbaum, 2013). That is why DeGrazia (2008) argues that most people believe that it is generally worse to kill a person than to kill a mouse; this is because persons are due full moral consideration whereas mice are due considerably less.

Warren (1991: 310) also endorses the view that moral status comes in degrees. She cites this "fact" to argue that killing a person is harder to justify than killing a rabbit. The reason for subscribing to this kind of a view is that most animal liberationists believe that people have moral status not based upon sentience alone, but also on other capacities like rationality (Warren, 1991). Warren proffers a multi-criterial conception of moral status that invokes five properties, including rationality and the ability to communicate. This grading of moral status ascribes the highest status to human beings, not because they are humans but because they are moral agents or moral persons (Wetlesen, 1999). Other living beings, therefore, are ascribed a lower degree of moral status depending on their degree of relevant similarity to moral persons or the possession of the relevant moral features (Wetlesen, 1999). It is then presumed that animals with self-consciousness or consciousness and sentience have a higher moral status than non-conscious or non-sentient organisms (Wetlesen, 1999; Warren, 1991). However, the organisms with a lesser moral status are not devoid of it, and for this reason we do have a *prima facie* duty not to cause avoidable harm to them (Wetlesen, 1999). If we cannot avoid harming them in order to survive, then we have at least a subsidiary duty to cause the least harm to them possible (Wetlesen, 1999).

To think of moral status as existing in degrees provides a very interesting way to account for the idea of human dignity. For example, Toscano (2011: 4) defends the view that captures dignity in terms of the highest possession of moral status. Since moral status comes in degrees, it makes sense to speak of partial and full moral status among the spectrum of beings that have value. The idea of full moral status is equivalent to the notion of human dignity (Jaworska & Tannenbaum, 2013). The Romans conceptualised dignity (*dignitas*) as a selective property of nobility or of individuals that occupied high positions or rank in social strata (Rosen, 2012). In modern accounts of dignity, to speak of dignity as full or high moral status signifies that this idea has been revolutionised in the sense that it is used to elevate all human beings to a high rank where all human beings are equal on that rank. This insight is explained by Waldrow (2009: 210):

> If our modern conception of human dignity retains any scintilla of its ancient and historical connection with rank – and I think it does; I think it expresses the idea of the high and equal rank of every human person…

In the same lecture series, he makes the following point –

> I argued that we should consider ways in which the idea of human dignity keeps faith with the old hierarchical system of dignity as noble or official rank, and we should view it in its modern form as an equalization of high status rather than as something that eschews talk of status altogether. (2009: 223)

The historical use and meaning of dignity – understood as aristocratic – is inverted in modern times to disrupt the distinction between the ordinary (the commoner) and the noble. On the modern understanding of dignity, everyone is elevated to the high rank of the social strata. Everyone is equal and deserves to be treated with the highest moral respect, which is expressed in terms of human rights.

It is important to disambiguate senses associated with the concept of dignity in the literature. There is a great deal of literature that attempts this (see Waldrow, 2009; Sulmasy, 2008; Rosen, 2012). For the purposes of this study, I will use the framework proposed by Sulmasy (2008), where he distinguishes between three distinct senses of dignity: intrinsic, attributed, and inflorescent dignity.

Sulmasy avers that:

> By intrinsic dignity, I mean that worth or value that people have simply because they are human, not by virtue of any social standing, ability to evoke admiration, or any particular set of talents, skills, or powers. Intrinsic dignity is the value that human beings have simply by virtue of the fact that they are human beings. (2008: 473)

Concerning attributed dignity, he states that:

> By attributed dignity, I mean that worth or value that human beings confer upon others by acts of attribution. The act of conferring this worth or value may be accomplished individually or communally, but it always involves a choice. Attributed dignity is, in a sense, created. (2008: 473)

Finally, he defines inflorescent dignity in this fashion:

> By inflorescent dignity, I mean the way people use the word to describe the value of a process that is conducive to human excellence or the value of a state of affairs by which an individual expresses human excellence. In other words, inflorescent dignity is used to refer to individuals who are flourishing as human beings – living lives that are consistent with and expressive of the intrinsic dignity of the human. (2008: 473)

Attributed and inflorescent dignity are in some sense created. Attributed dignity depends on the valuer and inflorescent depends on the conduct of the agent. Intrinsic dignity is a function of the kind of a thing the entity is or the property it possesses. It is associated with the inherent value of the thing in question. Sulmasy then makes an important observation in relation to intrinsic dignity: "I will argue that, while all three senses have moral relevance, the intrinsic sense of dignity is the

most fundamental from a moral perspective" (2008: 470). It is this concept of dignity that features in bioethical or medical ethics. It is the idea of intrinsic dignity that is important in this research project.

In discussing moral status in this work, we will see that it can take three possible forms, discussed under the rubrics of: individualism, holism, and relationalism.

'Individualism' conceives of moral status in terms of some property intrinsic to an individual by basing it on properties like reason, pleasure, sentience, rationality, or consciousness (Behrens, 2011: 18). Theories of moral status such as utilitarianism and Kantian deontology are individualist in nature as they interpret moral status in the light of some individual capacity like reason. 'Holism' ascribes moral status relative to membership of some groups such as ecosystems or species (2011: 18.). Holists accord no moral status to an individual *per se* but assign it only to groups to which an individual belongs (Behrens, 2011). 'Relationalism' grounds moral status in relational properties (Metz, 2012: 388)[2].

In the chapters that follow, I will also look at supernatural theories of moral status to show that these do not provide fertile terrain for grounding it. I will then examine Western, African, and Chinese theories of moral status to see if they can offer anything in this regard. In order to assess the intuition from as diverse a perspective as possible, I also examine the contributions of phenomenological ethics, the ethics of care and feminist ethics. I am aware that there are many other views such as those found in Indian ethics, Buddhism and so forth that I have omitted but I hope that the theories I have selected can be taken to be representative and sufficient to give us a concrete sense of whether the intuition that human dead bodies have moral status can be secured philosophically, a view this research will contest and reject.

[2] A theory of moral status could take an individualist, holist or even a relational frame. It could be argued that my argument is strongest or would have been strong had it focused its criticism towards individualistic theories of moral status. It could also be advanced or believed that there are many versions of holism and relationalism that might accommodate corpses in the moral community - the claim that is not advanced or disputed in this dissertation. There might be other promising versions of relationalism/holism, which I might explore in a different context. In the context of this dissertation, however, the relational/holistic versions that were considered, I believe I argued satisfactorily, that they are inadequate to capture the intuition that dead human bodies do have moral status.

Chapter 2: Supernatural Theories of Moral Status and Dead Human Bodies

2.1. Introduction

In this chapter, I will be considering the moral status of dead human bodies in the light of salient supernatural theories of moral status. 'Supernaturalism' is the metaphysical view that beyond the natural or physical world (where things that can be accessed by use of scientific means), there are invisible or spiritual entities that form part of worldly reality. Mogobe Ramose (1999: 64) in his discussion of *ubuntu* as a moral theory, refers to this supernatural aspect of thought as "the ontology of invisible beings". God, the living dead (ancestors), spirits, and the not-yet-born belong to this category of invisible beings (Shutte 2001; Bujo 2005: 424-425). In other chapters of this work, for the most part, I will be considering theories that can be understood in terms of ethical-naturalism – that is, they account for morality entirely in terms of some physical or social property like harmony, welfare or dignity (see Wiredu, 1992; Gyekye, 1995; Metz, 2007a). The aim of this chapter is to ground morality on supernatural considerations: ethical supernaturalism. The central task of this chapter then is to evaluate whether we can find spiritual moral resources that could be invoked in order to help us resolve the question of the moral status of dead human bodies.

In the final analysis, I will argue that the ethical supernatural theories of moral status to be considered (namely, African, Oriental, and Western accounts) fail to secure the view that a cadaver has moral status. To pursue the argument that human corpses do not have moral status in the light of ethical supernaturalism, I will consider only spiritual moral theories that are salient in the traditions just listed. In the African tradition, I will ground a theory of moral status on the metaphysical property of vitality or life force (*Okra,* in the Akan tradition). In the Oriental tradition, I will ground it on the metaphysical system of Daoism. In the Western tradition, I will consider theories of moral status associated with the Judeo-Christian perspective that tends to ground it on the *imago dei* (Donnelly, 2009). I will further consider the Islamic perspective that also grounds moral status on the idea of the image of God (Al-Dawoody, 2017). The insight that will emerge from this chapter is that insofar as a property grounds dignity, in the four ethical systems to be considered here, it is based on some divine property that is dissociated from the human body when it dies. Therefore, morally speaking, it is safe to say that moral status is a function purely of those human beings that are still alive.

Before I discuss these four ethical systems, I will start by making the following clarifications. Firstly, in this chapter, I will limit myself predominantly to three of the traditions – the African, Western and Islamic – because Chapter 5: Chinese Philosophy and the Moral Status of Dead will be entirely devoted to the Oriental moral tradition. I devote an entire chapter to this tradition because it is largely under-explored and requires careful exposition. Secondly, the ethical systems discussed here are based on a dense fabric of metaphysical beliefs such as the assumption of the existence of God, the existence of ancestors, the belief that there is such a thing as the image of God which is a feature of human nature, or that there is a spiritual energy present in living human

beings. For the sake of articulating and evaluating spiritual theories of moral status, I assume the truth of the underlying metaphysical systems. It is beyond the scope of this chapter and dissertation to resolve metaphysical and meta-ethical questions occasioned by supernatural moral theories – my focus remains on their ethical implications.

The aim of this chapter is not to convince the reader to believe that such metaphysical properties exist. Rather, it is a moderate one: to extract theories of moral status that can be associated with these metaphysical positions. I consider supernatural theories of moral status for two reasons. Firstly, there is no denying that there are many people whose moral motivations are grounded on religious considerations, and such people may suppose that their religious beliefs might have consequences for respecting dead human bodies. Secondly, and related to the first consideration, various cultures embody different metaphysical systems that inform religious-ethical traditions. It will be of interest to determine whether such religiously grounded moral accounts can account for the moral intuition that dead bodies have moral status.

2.2. The African Metaphysical System of Vitalism

It was Father Placide Tempels (1959), in his philosophical research among the Baluba people of Congo, who first brought the idea of vitality or life force to the attention of scholars, including African philosophers. It is important that we be clear about what credit is due to Tempels – he should be rightly credited for being the first one to give this idea of vitality its philosophical pedigree. That said, this idea of vitality was present and operational among the Bantu. In terms of Godfrey Tangwa's (2000) distinction between *forensic* and *latent* philosophies, the idea of personhood was a latent philosophy among the Baluba people and most African cultures. It was Tempels that made it a forensic philosophical view. In Tempels' exposition of the philosophical system characteristic of the Baluba people, the idea of vitality plays metaphysical and moral roles. As a metaphysical concept, it offers a descriptive account of what constitutes the essence of reality. It accounts for all reality ('being') or reduces it to force. He captures this view as "force is being and being is force" (Tempels, 1959: 50).

By 'being', Tempels is referring to metaphysics – the very structure and nature of reality. In the final analysis, reality is best understood in terms of force; and to talk of force just is to talk of being. Being and force are inseparable. To make better sense of this metaphysical system, it is important to unfold its overall vision. Scholars of African thought take 'vitality' to refer to a spiritual property (energy) that is an offshoot of God (Tempels, 1959; Magesa, 1997; Shutte, 2001; Bujo, 2001). Vitality, in African metaphysical thought, refers to the invisible and spiritual energy that is considered to originate from God, who distributes it to all aspects of reality, animate and inanimate alike (Shutte, 2001: 10). All objects or entities in the world possess this divine energy, albeit in varying degrees (Shutte, 2001; Magesa, 1997; Mkhize, 2008). In other words, vitality/life force is a divine property because it originates in God, and is distributed by him to all existence. This property is essential in this conception of reality since it is a feature that characterises every

existing thing. “The concept of energy or vital force is central in African ontology” (Bikopo & Van Bogaert, 2009: 42). In some sense, in the African tradition, everything is understood to be a possessor of ‘life’; all things possess life insofar as they have the life-giving property of vitality. It is important to notice that vitality is simultaneously an individuating and collectivising metaphysical property. In other words, the property of vitality is one possessed by an individual *qua* individual, but it is also one that connects every ‘living’ thing together. Verhoef and Michel (1997: 395) observe that “everything – God, ancestors, humans, animals, plants and inanimate objects – is connected, interdependent and interrelated”. On this view, no object or entity is independent and self-sufficient: they are all held together in these relations of connectedness and dependency by the divine force of vitality.

The interconnectedness of all existing things can only be accounted for by appeal to the idea of vitality. This collectivising structure entailed by the idea of vitality can be imagined in two related ways. Firstly, the metaphysical system is holistic. That is, this conception of reality emphasises how things hold and work together, rather than the individual existence of things. A holistic approach can be contrasted against the analytic and scientific approach to studying reality. In the latter case, individual existence is primary and takes central stage in social and scientific analysis (Nisbett et al., 2001). In the former, the human individual is understood within the broader framework of social relationships that are human-to-human, human-to-divine and the rest of nature (Bujo, 2005). African scholars tend to incorporate these relationships into even the form they take regarding the furniture of the world. They usually conceive the structural relationships between the different facets of the furniture to take a hierarchical form. This view is represented by Laurenti Magesa (1997: 39) as follows:

> In the conception of African religion, the universe is a composite of divine, spirit, human, animate and inanimate elements, hierarchically perceived, but directly related, and always interacting with one another.

On this conception of the structure and order of reality, divine reality takes the highest position, followed by the human community, then the animal kingdom, plants and inanimate objects. This structure and order of reality is best explained in terms of the idea of vitality. According to Metz (2011: 24):

> Everything in the universe, even inanimate things such as a rock, is thought to be good by virtue of having some degree of life force, with animate beings having a greater share of it than inanimate ones, human beings having more than plants and animals, ancestors, whose physical bodies have died but who live on in a spiritual realm, having even more than human beings, and God, the source of all life force, having the most.

Molefe (2015: 99–100) makes the following comment about the role of vitality: “This hierarchy is usually informed by how the elements or entities in question are closer to God’s nature,

depending on the degree of their possession of vital force". God in this metaphysical view has the infinite possession of vital force, then, in descending order follow ancestors, human beings, animals, plants and inanimate elements. Firstly, it is critical to recognise that the more vital force an entity possesses the closer it is to God. In other words, the position of some entity in the hierarchy – be it an animal or ancestor – is determined by the quantity of vital force it possesses. Since vitality is the essence of divinity, it makes sense that God is at the top of the hierarchy. The closer a being is to God, in terms of possessing vitality, the higher it will be in the hierarchy.

Another important consideration that can be read off this hierarchy is the special place occupied by human beings in it. The position of human beings is central since they are the only beings in the natural realm that can connect with both the spiritual and natural realms of existence[3]. In other words, human beings participate in both the natural and spiritual domain. In the natural domain, human beings occupy the highest role, that is, in the natural plain they possess the highest quantity of vital force. Since human beings occupy a central position between the natural and supernatural domains of existence, they also play the role of linking the natural and supernatural spheres (Bujo, 1998; 2005).

The second facet related to the discourse of vitality in African philosophy is of a moral nature. Vitality is not only the most pervasive metaphysical property; it is also the most important moral category in African cultures. Appreciate the following examples that posit life force as the basis of African moral theory.

Tempels makes the following moral claim:

> … [T]heir purpose is to acquire life, strength or vital force… Each being has been endowed by God with a certain force, capable of strengthening the vital energy of the strongest being of all creation: man… the only kind of blessing, is, to the Bantu, to possess the greatest vital force (1959: 30–32).

Similarly, Onah explains:

> At the centre of traditional African morality is human life. Africans have a sacred reverence for life… To protect and nurture their lives, all human beings are inserted within a given community… The promotion of life is therefore the determinant principle of African traditional morality and this promotion is guaranteed only in the community. Living harmoniously within a community is therefore a moral obligation ordained by God for the promotion of life (cited in Metz, 2007a: 329).

[3] Scholars of African cultures and metaphysical thought take human beings to hold a central place since, unlike any other natural entity, say animals, they possess higher forms of vitality and agential abilities that gives more power to influence or even manipulate matters in the natural and spiritual realm. For example, if there is a famine, human beings can appeal or appease the supernatural realm, which animals and plants (so far as we know) cannot do.

Another influential scholar of African ethics, Iroegbu (2005: 448) comments:

> This brings to focus the positive value of life. Because it is divine in resemblance, it must be taken loftily and with highest respect. It must be seen for what it is: of high value.

This can be confusing: the idea of vitality is often used in a sense where it is tantamount to the idea of life or life force. From the above, it is clear that African scholars take the idea of vitality to be the highest good – it is intrinsically valuable. It must be clear that this goodness is of a vertical nature since it is entirely derived from and connected with God (Pojman, 2002). This idea of vitality might inform a normative theory, be it perfectionist, consequentialist or deontological (see Metz, 2012; Molefe, 2018). This idea might also inform a meta-ethical theory on the nature of moral properties (right or wrong) – that they are entirely definable in terms of the property of vitality (Imafidon, 2013; Molefe, 2015; 2018). The focus of this chapter, however, is on the theory of moral status. The idea of vitality seems to promise such a theory. This view of moral status or dignity is captured thus:

> … [T]hey say that a human being is special in virtue of being able to exhibit a superlative degree of health, strength, growth, reproduction, creativity, vibrancy, activity, self-motion, courage and confidence, with a lack of life force being constituted by the presence of disease, weakness, decay, barrenness, destruction, lethargy, passivity, submission, insecurity and depression. (Metz, 2012: 25).

In this particular quotation, Metz is considering two salient theories of dignity in the African tradition. The one theory grounds dignity on the natural (human) capacity for love (see Metz, 2011). The other, under consideration in the above quote, grounds dignity on the divine property of vitality. So, when Metz mentions that "a human being is special in virtue of being able to exhibit a *superlative degree of life*", he is offering a physicalist interpretation of dignity based on the idea of vitality. What makes human beings special, in terms of the metaphysical system of vitality, is the mere possession of the divine energy of vitality. What Metz refers to as a superlative degree of health, strength, growth, reproduction, creativity and so on are consequences of being an entity of dignity. Or, more accurately, these are features of a dignified life. Hence, on the idea of dignity understood in terms of vitality, we have dignity merely because we possess the spiritual energy of vitality. In other words, even if we do not have health, strength, growth or maturation, we still do have dignity because we possess vitality. These properties that Metz associates with dignity – health, strength, growth, maturation and so on – signify a dignified form of human existence.

On this view, human beings have moral status insofar as they have the spiritual property of vital force. They have dignity because they have the highest moral status in the natural domain. In other words, since human beings have greater moral status than animals, plants and inanimate objects, they have greater moral status. This apex moral status is tantamount to dignity (Toscano, 2011: 4–25; Jaworska & Tannenbaum, 2014).

In the light of the above exposition of the metaphysical and moral views associated with vitality, we are in a position to reflect on our primary question concerning the moral status of dead bodies. On this view, it is obvious that a living human body has moral status. But what about a dead human body? Whether a cadaver has moral status or not will be a function of whether it still possesses vitality.

Tempels comments:

> Man can come to an end in the complete annihilation of his very essence, the paralysis of his vital force, which takes from him the power to be an active force (1959: 66).

Once the vital force is lost, either gradually or suddenly, we speak of death. In the African tradition, death is conceived of in two related ways. Scholars talk of *processual* and *ultimate* death (Bujo, 2005). 'Processual' death refers to a process of loss of vital force as a consequence of inferior moral conduct. The increase and intensification of personal vitality is a function of moral conduct that promotes harmony and the common good. Deviation from sound moral conduct leads to a loss of vital force, which means that an individual has entered into the process of death. Death is ultimate when the individual actually dies – the dissipation of all vital force. At the point of ultimate death, the individual has lost all vitality. Thus, the process of dying is not static as it goes through progressive stages of energy loss until one is completely dead – that is, when the level of life force/vital force falls to zero (Bikopo & Van Bogaert, 2009: 45).

Scholars of African moral thought distinguish between a moral and immoral ultimate death (Bikopo & Van Bogaert 2009; Menkiti 1984; Gyekye 1992). When death comes at the fullness of age and maturity, it is taken to be a good death – one which ushers the individual to the afterlife (Menkiti, 1984; Gyekye, 1992). The individual, though they have lost all vitality, has crossed the river to join their ancestors; they have crossed beyond the natural realm (Wiredu, 1992). Immoral death happens when the individual loses all vital force, and they cannot therefore cross the river and are lost in the wilderness (Wiredu, 1992). I will sidestep the moral and metaphysical complications of this view; what is relevant for our consideration is that at death, the physical body has reached what we might call 'stage zero' in terms of vitality, and the individual has no vitality at all.

If the above analysis is true, it should follow that dead human bodies do not have moral status. The reason for this is that at death, be it moral or immoral, vitality leaves the body. The one that experiences a good death takes a new form of life as an ancestor that does not require the body. Immoral death is also characterised by a loss of vital force and the body remains without vitality. What emerges is that human existence is possible and requires vitality. At death, the body goes to the ground and ceases to have the status associated with a being of value since such value is a function of being imbued with vitality, present in living bodies. If death, on this view, is accounted for in terms of loss of vital force, it follows that dead human bodies have no moral status.

2.3. The Metaphysical System of Daoism and Confucianism

Most commentators tend to focus on the non-spiritual renditions of Confucian ethics (Taylor & Arbuckle, 1995). They tend to distance themselves from the metaphysical, religious and spiritual facets of Confucian thought. This move is understandable given that Confucian moral thought tends to be pre-theoretical, situational and practical in its orientation. But the fact that Confucian moral thought is practical should not be read to suggest that it has no metaphysical underpinnings or influences that would shed light on some of its moral moorings and preoccupations.

The metaphysical system associated with Confucianism is derived from Daoism (Loewe, 1982; McMullen, 1988). Lao-Tzu articulated the metaphysical system of Daoism. Lao-Tzu was a royal archivist but abandoned this life and went to devote himself to the study of society and government. His metaphysical and socio-political views developed in this context.

At the heart of the metaphysical system of Daoism is the idea of *dao*. *Dao* is generally understood to mean *the way* (Graham, 1989). The idea of *the way* may be associated with the spiritual dimensions of existence (Heaven) and/or "nature" (Fingarette, 1972). *Dao* refers to an all-encompassing value that is the source of all being, in a metaphysical sense, which is responsible for life and death in all its modes and permutations (Lau, 1963). The underlying logic of *Dao* is its orientation to order and harmony. It is because of *dao*, among other things, that the ideal and idea of harmony is central in this metaphysical system. The aim of rulers and citizens is to live in accordance with *dao*, which will lead to intra- and interpersonal harmony. For an individual to live in harmony they must have *dao* and must live according to *dao* (Qing-Ju, 2014).

Another facet of Daoism that is important to appreciate for our understanding of Confucianism is the idea *Qi*. This is an essential component of everything in the natural world. *Qi* instantiates itself through two distinct but mutually functioning forces of *Yin* and *Yang* (Littlejohn, 2010; Miller, 2003). The former is characterised by passivity, heaviness, darkness and is drawn downwards, and the latter is active, light and tends upwards. One can conceptualise the two in terms of the yin being negative and the yang positive. These two components oppose each other. The essence of a moral life expressed through the negative and positive dimensions is to find a balance or harmony between the two (Chan, 1991).

Another important element of Daoism teaches that human nature has two types of soul, namely: the *hun* and *p'o* (Augustyn et al., 2008). Every human being possesses both of these souls. The *hun* is associated with the *yang* (which is positive), and when a person dies, it goes to heaven. The *p'o* is associated with the *yin* (which is negative); it relates to the body and its heaviness, and when a person dies, it goes to the ground. While a person is still alive, they are required to keep the balance between the *yin* and *yang*, and thus maintain the integration of the souls. This metaphysical picture informs the Chinese approach to health, which puts emphasis on the internal harmony of the yin and yang, as that has implications for the two souls. The harmony between the two souls is believed to have implications for health and longevity (Cartwright, 2018).

This two-soul concept might have implications for the status of the body in Chinese metaphysical thought. The body is associated with the yin and *p'o*, which is heavy and tends downwards and, hence, when a person dies their negative soul *qua p'o* goes down to the ground as well. This state of disintegration, I believe, might have implications for our question of the moral status of dead bodies. It suggests that the soul associated with the body – the *p'o* – is inferior in position and possibly in quality to the *hun*. This might be an indication that the value of the body and *p'o* is functionalised through the activity and intellect associated with the *yang* and *hun*. When these two depart to heaven, the heavy, moist, earthly body goes down to ground where it belongs, since it is no longer of any use. One can reasonably suppose that the body apart from and without the *yang* and *hun* has no value in and of itself. This way of reading matters concerning the body lacking moral value is suggested by Henry Rosemont (2007: 14) when he comments:

> I will argue that one's concept of immortality, in an important sense of the term, should not be construed simply as becoming one of the 'ghosts' or 'spirits' after death, but rather, from a Confucian standpoint, as a disciplined coming to see, feel, and understand oneself as living in the ancestors and living on in succeeding generations, and that this coming to see, feel, and understand is the culmination of a rigorous and lifelong aesthetic, moral, and spiritual cultivation centred in filial piety, love, friendship, responsibility and the *li*, or ritual propriety.

This passage refers to the afterlife of a person that has lived a truly moral life. Such an individual is elevated to immortality. That individual becomes an ancestor, which is a state where the *hun* and *yang*, in my view, come to their fulfilment in the spiritual realm, where they are separated from the body, which material served merely as the location for moral and spiritual training.

I need to be clear that I do not suggest that this is a Daoist or Confucian view of the status of the body. I believe however that this is one possible interpretation of the body available from this metaphysical standpoint. This conclusion regarding the status of the dead human body is sustained by the fact that the moral – I will elaborate this point later – is possible because of the *yang* and *hun*. We should not forget that the *yang* and *hun* are associated with activity and intellect. This might plausibly be construed to also include moral agency. Hence, on this reading, the body could be understood in a very instrumental sense. It could be understood as a conduit through which we can attempt to apply the panoply of morality to our mortal, material existence. At death, therefore, the body loses the metaphysical dimensions that are necessary for morality to be possible – the *yang* and *hun*. In this state, the body exits the domain of morality; in and of itself it has no moral significance deserving ethical recognition.

If the above view is correct, then the body is the shell through which the spiritual and moral elements find expression. When the body dies these elements depart to the spiritual dimensions, making it safe to conclude that a dead human body has no moral status at all.

2.4. The Image of God and Theory of Moral Status in Judeo-Christian Thought

One influential theory of dignity can be found in the creation story of the book of Genesis. Jack Donnelly (2009: 18), a leading scholar of dignity and human rights, informs us that the book of "Genesis, however, is the source of another understanding of dignity that dominated the Western/Christian world for over a millennium and continues to be a powerful presence in contemporary discussions".

This view of dignity is encapsulated in these words in the Bible:

> And God said, let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth. *So, God created man in his own image, in the image of God created he him; male and female created he them*. And God blessed them, and God said unto them, be fruitful, and multiply, and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth (Genesis 1: 26-28).

The creation account posits a developmental trajectory from nothing (*ex nihilo*) to something, unfolding over the six days of creation. The progression of creation seems to embody a hierarchy, where the unfolding of creation begins from the inanimate and progresses to the animate. The progression also seems to be a movement from the amoral to the moral. God creates the skies, separates the waters from land, creates the sun, moon, stars, and plants. The climax of creation seems to be the creation of human beings. Like animals, humanity is created from the dust of earth but the creation of human beings is totally different from that of animals. Though both are 'extracted' from the earth, the creation of human being gains significance because of two facts.

The creation of human beings is attended by a *voice* or conversation – supposedly among members of the triune Godhead (God the Father, Son and Holy Spirit), whereas the creation of all other things is attended by a loaded silence (Donnelly, 2009). The second fact involves the specification of the ontological feature that is to be a part of human nature – the image of God. In other words, human nature, though it does share some facets with other animals (like nutritive and reproductive abilities) is distinct and even superior to them because it also bears the divine nature. It is this divine nature – this image of God – that accounts for the special place occupied by human beings in creation. The special situation of human beings does not end in creation, it extends beyond the biblical narrative and utopia (Donnelly, 2009). In creation, a human being is grand and noble, because he is created in the image of God. In the fall, the nobility and honour of human beings is significantly compromised, but it is not entirely obliterated (White, 1903: 17). Why this is so can be extracted from the redemption story of the Bible. If divine nature was completely obliterated from human beings, it would be otiose for the plan of redemption to be rolled out for the salvation of humanity. Hence, from a biblical perspective, human beings are special, noble and above all of

the natural kingdoms – animal and vegetable – because they share the image of God. It is in virtue of possessing this feature that they are considered beings of dignity.

Several issues are important to consider on this way of conceiving dignity. Firstly, dignity is *universal* in the truest sense. In other words, any human being, irrespective of his/her physical or psychological condition, is a possessor of dignity. On this view, even the so-called marginal cases are possessors of dignity because they are created in God's image. The consequence of this view is that it embodies a conception of dignity that is too inclusive when compared, for example, with Kant's view. On Kant's view, marginal cases such as infants lack the required cognitive abilities to qualify for moral status (Kant, 1785/1996). On the Christian view, these cases do possess moral status because they are created in God's image. Secondly, this view of dignity, in some sense, is anthropocentric since it is only human beings – to the exclusion of animals, for example – that have moral status. As a point of contrast, Kant's view can be said to be logocentric insofar as it bases moral status on rationality (Wood & O'Neill, 1998). In other words, if aliens have reason, they have moral status. On the Christian view, we have dignity merely because it is a God-given attribute; hence, there is no social structure or process that can take it away from us. Dignity is not something that we earn or can lose; we have it simply as a God-given property (Pannenberg, 1991).

We might want to consider the implications of this theory of moral status for our question on dead human bodies. The important question, then, to consider is – does a dead human body have or possess the image of God? I think the answer to this question will largely depend on what we take to be constitutive of the image of God. Some scholars associate the image of God with "the ability to think and to do" that we share with God, albeit to a much lesser extent (White, 1903: 18). This offers a much more 'rational' view of the image of God. Another view captures the concept of *imago dei* in spiritual terms – accounting for it in terms of a soul. This view can be elaborated in as follows. First, at creation, we are told that:

> And the Lord God formed man of the dust of the ground and breathed into his nostrils the breath of life; and man became a living soul (Genesis 2: 7).

The breath which God infused into the human body is usually referred to as the *soul*. The moral significance associated with soul is expressed by Christ when he remarks:

> For what shall it profit a man, if he shall gain the whole world, and lose his own soul? (Mark 8: 36).

The implication could be that the possession of a soul makes all the moral difference. It strikes me that, in both ways of conceiving of what it means to be created in the image of God, upon death a human body loses or does not have this property. This is the case because upon death, if rational powers account for the image of God, it is clear that these powers are lost. On the view that imagines the image of God in terms of the soul, the same conclusion also seems to hold. In fact, the common biblical view is that upon death the soul returns to God, its giver, and a dead human

being, the cadaver, returns to the ground from which it was hewn. Consequently, without a soul a dead human body no longer possess moral status.

The conclusion is clear, the image of God, at least as interpreted here, is a kind of property that we lose when we die. Hence, dead human bodies do not have moral status or dignity at all since their death implies the loss of the very property that constitutes their dignity. It could be argued that we should treat the dead human body with dignity because through such treatment we show reverence to God, who has created human beings. But, according to Liosi (2018: 32), treating the body with dignity as a means of showing reverence to God has nothing to do with the dead human body itself, it is instead a purely symbolic act[4].

2.5 Islamic Views on the Moral Status of the Dead

Islam views human beings as vicegerents or representatives of God (Allah) on earth. This is confirmed in the Holy Qur'an which says: "Behold, Allah said to Angels; I will create a vicegerent on earth" (Holy Qur'an 2: 30). It continues: "He then fashioned a human being in due proportion and breathed into him the soul" (Holy Qur'an 3: 9), and "conferred on them [human beings] special favours above all other creations" (Holy Qur'an 17: 70).

Al-Dawoody explains:

> In Islam, human dignity is a right given by God to all people, who are referred to in the Qur'an as God's vicegerents on earth. Whether they are dead or alive, the dignity and respect required includes that of the human body, created by God in the perfect shape (2017: 764).

This suggests that dignity is something that is given. In this manner, dignity is not a matter of certain properties such as rationality and autonomy. All humans have it as a gift from God because they are created by God in his own image. Even a dead human body is not to be treated with disrespect just as a living human being is not to be treated with disrespect. Although dead, it is believed that the dead have the same level of dignity and sanctity as they had when alive (Al-

[4] It could be argued that we should take dead human bodies on the African view and Christian view to have moral status for relational reasons rather than merely possession of some intrinsic features. The possession of vitality, on the African view, and, the possession of a soul, on the Christian view, secure moral status insofar as these properties point precisely to the relationship with the deity. I remain unconvinced by this kind of objection because what seems to be the essence that holds the relationship between the deity and human beings is precisely these intrinsic properties. At the point of death, the property that is essential for the connection between the human and the divine is terminated, and there is no basis to meaningfully speak of a relationship. The reason I believe this is because both views can plausibly be construed to require agents to enhance or realize these distinctive properties so that they come as close as possible to leading a virtue (spiritual life), but at the point of death this requirement does not apply to dead corpses. In this light, to insist on granting moral status even without possession of these attributes seems otiose because dead human beings are now outside of the realm of morality – they do not possess vitality or soul, they cannot enhance or realize their vitality or soul. If my analysis is true, it follows that the relationship is instrumental and the possession of the internal property is primary to account for the value of the being in question.

Dawoody, 2017). Thus, the human body, whether living or dead, should be venerated. Whether dead or alive, the human body created by God in the perfect shape, must be treated with dignity and respect (Holy Qur'an 5: 31). Two notions are emphasised here, that of dignity and that of the sacredness of the body, dead or alive. I will attend to these later in the chapter.

Islam also teaches that "Breaking the bones of a dead person is similar to breaking the bones of a living person" or put differently, "the sin of breaking the bones of the dead man is equal to the sin of breaking the bones of a living man" (Albar, 2012; Al-Dawoody, 2017).

On this religious view, keeping the shape of the dead body in its original form or intact is emphasized. Cremation of dead bodies is not allowed. Cremating a dead body may be viewed as desecration, and a violation of its sanctity (Rispler- Chaim, 1993). However, autopsy and dissection of cadavers is not contested; the principle of saving a human life, which is core in Islamic views, allows that harm done to dead bodies, if any, should be weighed against the benefit obtained (Albar, 2012; Rispler- Chaim, 1993). This principle takes precedence over whatever is assumed to harm or dishonour the corpse if it is believed that in dissecting the dead body for research, autopsy, or learning, the lives of many others will be saved (Albar, 2012).

The embalming of dead bodies in Islam is not permissible (Rispler- Chaim, 1993). Once dead, the human body ought to be buried as soon as possible, because it begins decaying, which threatens its perfect shape. We have noted above that human dignity in Islam, is something that is given by God to all humans, because they are created in God's perfect shape (Al- Dawoody, 2017). This view on dignity is similar to that raised in Genesis (1: 26- 28). As explained earlier in this chapter, the aesthetic quality of the body (its perfect shape) cannot outlast its decomposition, and therefore the perfection of its shape (the image of God) cannot last long after death.

Death is viewed in Islam as the separation of the soul (spirit) from the body, whereby the body remains on earth for burial while the soul is transferred to the afterlife (Butrovic, 2016: 34). These views are also similar to the Christian views on moral status discussed above, and the conclusion here will be the same: that, dead human bodies do not have dignity or moral status due to the absence of the soul. It was concluded above that the image of God is a kind of property that we lose when we die. Hence, dead human bodies do not have moral status or dignity at all since their death implies the loss of this very same property that constitutes their dignity.

I will now proceed to another aspect of Islam and its stance to cadavers, the claim that human bodies are sacred. According to this doctrine, a human body, whether dead or alive, is sacred and its sanctity is not diminished by the departure of the soul and the declaration of death (Albar, 2012). Al-Dawoody (2017) agrees with this view, saying that the dead have the same level of dignity and sanctity as they had when alive. But, appealing to the sanctity of the human body is a way of using our attitudes and feelings towards human bodies to determine how we should treat them when they are dead. Islam does not seem to have an answer, morally speaking, for why we should respect dead bodies.

Bonnie Steinbock has this to say about the sanctity of things:

> The Koran is sacred to the Muslims, but not to the Christians, therefore, it is wrong for the Christians to treat the Koran with disrespect, not because the Koran has or ought to have symbolic value to the Christians, but because their handling of the Koran is deeply offensive to the Muslims. But, reference solely to the feelings of members of the group that are affected is not adequate explanation of why it is wrong to flush the Koran down the toilet (Steinbock, 2007: 434).

John Robertson also says that:

> The flag, the Torah, certain works of arts, religious relics and human remains are examples of other objects that are revered and respected because of their symbolic import, even though they are not themselves moral subjects or rights-bearers (Robertson, 1990: 447).

On these views, to say that a dead human body is disrespectfully treated cannot be supported by reasons that directly defend the body itself, because treating the dead body with disrespect does not matter to it, it only matters to those living human beings who are offended by such treatment. Thus, to dissect dead human bodies for medical research, autopsy or learning may only offend those within a particular group or culture or religion such as Islam – where dead bodies have symbolic value. We can see then that dissecting the bodies would only be considered a violation by those who believe in the sacredness of those bodies, and not universally.

It therefore cannot be correct to award the dead body moral status due to its sanctity; to do so is to consider the body for its own sake in making our moral evaluation. At its best, sacredness promotes the indirect obligation to respect dead human bodies only because of people's attitudes and beliefs venerating the once-living body. Thus, the dead have some relational property with a group of people who assign a symbolic value to them. Without these people, the dead body is simply dead organic decaying material which cannot command our respected. Thus, without the living who care, the human body is not sacred. It is therefore safe to say, even on Islamic views, that human cadavers do not have the intrinsic properties required for possessing moral status.

2.6 Conclusion

In this chapter, I considered the moral status of dead human bodies in the light of supernatural theories, particularly salient ones in the African, Oriental, Judeo-Christian and Islamic traditions. I clarified that I do not take the metaphysical assumptions and beliefs informing these theories to be true or self-evident; I merely take them for granted for the sake of theorising about them.

I articulated four theories of moral status. From the African tradition, I relied on the metaphysical idea of vitality – divine energy – to ground a theory of moral status. On this view, human beings have moral status because they possess this property. We noted that upon death human bodies lose

their vitality. In the light of this, I concluded that dead human bodies have no moral status on the vitality-based view. I also explored the question of the value of a dead human body in the Chinese tradition. I relied on the metaphysical idea of Daoism that informs Confucian moral thought. I observed that the metaphysical properties associated with the body are not important for ancestral life or immortality. I argued that *yang* and *hun* ascend to heaven upon death, and that *yin* and *p'o* descend with the body to the earth upon death. This brought me to the conclusion that the human body, at death, loses the metaphysical dimensions necessary for morality to be possible – the *yang* and *hun*. On this view, the body is the shell through which the spiritual and moral elements find expression. When the body dies, these elements depart to the spiritual dimensions, leaving the human corpse empty, with no moral status at all.

The same conclusion was reached regarding the idea of the image of God in the Christian tradition. In both interpretations of the image of God – (1) as rational nature; or (2) as soul – we noted that at death the body loses these properties, leading to the conclusion that a dead human body has no moral status at all. It was noted that the image of God as an idea is also the pillar of Islam, and this led to the same conclusion – that upon death, the human body loses this property, and with it its moral status. It was noted that Islam views the human body, whether dead or alive, as sacred. But it was argued that the respect given to the dead human body is based on indirect duties alone and not for the sake of the body itself. In conclusion, the human corpse has no intrinsic moral properties or moral status on any of these views, and can therefore be dissected for medical research and learning purposes.

In the next chapter, I consider Western theories of moral status and their implication for our moral question.

Chapter 3: Western Theories of Moral Status and Dead Human Bodies

3.1. Introduction

In this chapter, I investigate the question of the moral status of dead bodies in the context of Western moral thought. I limit my investigation in several ways, however. Firstly, I will draw entirely from the English-speaking moral philosophy literature, putting aside, for example, French philosophy literature. Secondly, I will focus on secular moral theories of moral status in the Western (English-speaking) tradition of philosophy as I have considered religious views of moral status in the preceding chapter. Thirdly, my focus will be on those secular theories that I consider salient in the Western moral tradition. Finally, the purview of the moral theories that will be considered is limited to those that can roughly be described as *modern*, namely: utilitarianism, Kantian ethics, and the capabilities approach.

The above-mentioned theories deal with meta-ethical, normative and applied ethical questions, among others (Singer, 1972 Kant, 1785/1996; Nussbaum, 2011). For the purpose of this chapter and study, I will only focus on them only insofar as they embody accounts of moral status, which will help us to reflect on the pressing research topic. Put differently, I seek to investigate whether these theories can account for the intuition that dead bodies have moral status. In the final analysis, I will argue that extant Western theories of moral status do not have the resources to secure the idea that dead bodies do indeed have moral status.

Regarding utilitarianism, I will show that what it posits as a basic metaphysical consideration for some beings to be considered part of the moral community excludes human corpses. In discussing Kantian ethics, I will demonstrate that locating morality in autonomy/rationality – that is, the ability to self-govern – patently excludes the dead. And regarding the capabilities approach – if certain (basic) capabilities necessary for the achievement of certain functions (‘functionings’ in Nussbaum’s vocabular) are deemed valuable for human existence, then the dead have no ability to achieve these functions at all, and, therefore, have no moral value.

This chapter does not assume that the theories under consideration take themselves to defend the intuition that dead bodies have moral status. The idea is to pursue the question of whether dead bodies have moral status by assessing whether these influential theories can accommodate this prominent cultural intuition instead. To point out that these theories cannot accommodate the intuition that dead bodies have moral status does not mean they are objectionable since these theories tend to be focused on questions of justice for living human beings, and not for the dead.

The chapter is structured as follows: each section will be dedicated to the consideration of a specific moral theory and to the evaluation of whether it can accommodate the intuition that the dead have moral status. I begin with utilitarianism.

3.2. Utilitarianism and the Moral Status of the Dead

Utilitarianism, as a moral theory, can be said to have been instigated by David Hume. It was given a definite theoretical formulation as a robust moral theory by Jeremy Bentham and John Stuart Mill (Rachels, 2007: 90). Two considerations explain the theoretical appeal of utilitarianism as a moral theory. Firstly, utilitarianism divorces morality from all controversial metaphysical underpinnings. In other words, it refuses to base morality on thick metaphysical or religious views. It does not ground morality, for example, on God or even on divine properties like a soul or *imago dei.* The major benefit of this is that it is not parsimonious to ground morality or conceptions of justice on a comprehensive doctrine that requires a justification (Nussbaum, 2011).

Secondly, utilitarianism's strong appeal is related to the fact that it locates morality entirely in happiness. The idea that morality is concerned with human happiness is less controversial than the idea that morality relates to God or some other metaphysical consideration. Happiness seems to be one of those values that matter most in human existence. Even the most ascetic of religious zealots has the happiness of the afterlife as the target of their actions. Even the martyrdom of people like Steve Biko aims at the liberation and freedom of his own people, which is associated with their welfare, freedom and happiness. Hence, following this logic, morality is about promoting consequences that maximise happiness for society at large (Kymlicka, 1990). For example, according to one of the leading scholars of utilitarianism, Jeremy Bentham, morality is about making the world as happy a place as possible. Bentham posited that there is one ultimate moral principle, namely, the principle of utility. This principle, he argued, requires us always to choose a course of action or social policy that leads to the best (happiest) possible consequences for everyone concerned. Rachels (2007: 90) tells us that historically:

> Bentham was a leader of a group of philosophical radicals whose aim was to reform the laws and institutions of England along utilitarian lines. One of his followers was James Mill, a Scottish philosopher, whose son John Stuart Mill would become a leading advocate of the utilitarian moral theory for the next generation after Bentham's death. John Stuart Mill's advocacy was even more elegant and persuasive than that of his predecessors.

My interest, however, in this chapter is in the theory of value relating to the idea of moral status, in the light of utilitarianism. To offer a philosophical analysis and discussion of the contribution of utilitarianism in relation to a conception of moral status, I will rely largely on Peter Singer who is arguably one of the leading proponents of utilitarianism. I hasten to accept that there may be differences among different scholars of utilitarianism pertaining to how they account for moral status, but at core they share the basic moral assumptions that will be explained below. One useful way to get to Singer's theory of moral status is by considering how he tackles the question of animals and marginal cases (those with severe mental disabilities) in his moral philosophy. I consider his treatment of animals and marginal cases for heuristic purposes to approximate an answer to the standing of dead human bodies.

To get to his theory of moral status, Singer begins by revealing some basic assumptions that undergird modern moral philosophy, specifically: (1) That all human beings have more or less the same moral status; and (2) That the moral status (enjoyed by all human beings) is greater than that of animals (Singer, 1987). Singer is not convinced by the evidence presented to defend the claim that *all* human beings have equal moral status. This claim is usually supported by appeal to the religious, to higher cognitive abilities, or through speciesism arguments (Singer, 2009). He finds appeal to the religious argument to be unsuitable to ground a public/secular morality. The reason for this is that one must first believe that God exists, which is itself a serious philosophical problem that raises controversies given the difficulty of demonstrating a proof (Singer, 2009). Singer believes that modern multi-cultural, secular, democratic and scientific culture ought not to ground public moral policy on religious grounds.

Singer objects to grounding moral status on higher cognitive abilities given the evidence of animals with higher cognitive abilities than severely mentally retarded human beings. Another reason that informs the rejection of higher cognitive abilities as a ground for moral status is that it excludes foetuses and infants. Singer also objects to grounding moral status on the fact that one is a member of our species since it is characterised by an unjustified discrimination based on an arbitrary fact of belonging to a certain species. Singer refers to this kind of discrimination as *speciesism*. He believes that speciesism is objectionable because it is analogous to moral evils of racism ('she is superior to black people because she is a member of the white race') or sexism ('he is superior to females because he is male'). There is nothing about the fact or property of being male, white or human, in and of itself, which morally justifies differential treatment.

Further, Singer argues that extant accounts of moral status have given animals a raw deal. In fact, he finds the anthropocentrism that characterises much of dominant Western moral philosophy to be similar to oppressions that were extended to people of colour or to women. These groups were oppressed because of some arbitrary consideration or another – be it race, place of origin, gender etc. Anthropocentrism locates all morality in some human facet or interest (Grey, 1998). Singer points out that anthropocentrism leads to concretely oppressive attitudes and behaviour towards animals, be it through what we eat or the entertainment we enjoy (such as is the case in circuses). The problem, Singer thinks, can largely be placed at the door of our prejudices, which are, in part, sponsored by our prevalent theories of moral status. These theories are captured by our dominant moral cultures and packaged as religious claims, claims about the value of our cognitive abilities or of membership in a morally favoured species.

A morally progressive view, according to Singer (1987: 152; 2009: 575) – a view he quotes from Jeremy Bentham – would be that:

> The day may come when the rest of the animal creation may acquire those rights which never could have been witholden from them but by the hand of tyranny. The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may one day come to be

> recognized that the number of the legs, the villosity of the skin, or the termination of the *os sacrum*, are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old. But suppose they were otherwise, what would it avail? The question is not, Can they *reason*? nor, Can they *talk*? but, Can they *suffer*?

In line with Singer's concern about the galling yoke of oppression carried by animals, Bentham asks a fundamental question that seeks to proffer an account of moral status. He asks the all-important question that seeks to establish the criterion for determining moral status – "what else is it that should trace the insuperable line?" He begins by giving us a clue of where he is going to locate moral status that will secure the "rights" of animals by insisting that we may not just leave "sensitive beings" to the "caprice of the tormentor" – i.e., the sensitivity of animals (to suffering) should count for something, morally speaking (Singer, 2009: 575). Then, unequivocally, Bentham informs us that the fundamental property that determines moral status is whether the being under consideration can suffer or not. It is the capacity to enjoy pleasure and suffer pain that grounds an account of moral status on the utilitarian moral scheme.

The remarks Singer makes in relation to the comment by Bentham are worth noting. Singer comments that: "In this passage Bentham points to the capacity for suffering as *the* vital characteristic that gives a being the right to equal consideration" (Singer, 1987: 152, emphasis mine). Singer proceeds to point to the view that "If a being suffers, there can be no moral justification for refusing to take that suffering into consideration" (Singer, 1987: 153). Thus, on the utilitarian moral scheme, it is the capacity for suffering or enjoyment that serves as the moral basis of whether some entity is a member of the moral community, and nothing else. Singer aims to be more precise about his account by indicating that "if all humans have rights, it would have to be because of some much more minimal characteristics, such as being *living* creatures. Any such minimal characteristics would, of course, be possessed by humans as well as by non-human animals" (Singer, 1987; emphasis mine).

As far as Singer is concerned, living creatures characteristically have some interests and preferences, and different conditions affect their welfare. The living creatures that morally matter are those that can suffer or enjoy things, and these tend to have interests related to their not wanting to suffer or wanting to enjoy things in life. These interests (preferences), accounted for in terms of enjoyment or lack of suffering, appear to be central to the utilitarian moral account as they enhance the quality of life of the moral patient, which makes being alive or being a living creature matter morally. Therefore, to be a living creature is important in Singer's view because living beings have preferences and they have welfare. Their welfare matters and no defensible moral theory can ignore or discount the interests of living creatures because this speaks to their preference to enjoy and not to suffer. On the utilitarian moral scheme, living creatures have inherent moral value in

virtue of their capacity to suffer or to enjoy the goods of life. Singer (1989) emphasises that living beings are not things, they are not like lumps of coal which have an instrumental value because they keep us warm but have no intrinsic value of their own. The implication here is that non-living things have no moral status.

Commenting in a bioethical context on utilitarianism, George and Lee (2008: 413; emphasis mine), make this observation:

> All and only beings that have interests have moral status; but all and only beings *that can (now) experience suffering or enjoyment have interests*; therefore, all and only beings that can (now) experience suffering or enjoyment have moral status.

Hence, it is important to underscore the fact that the things that morally matter are those that can *now* experience suffering or enjoyment. Thus, this moral principle makes moral status depend on certain considerations such as being alive, conscious and susceptible to suffering and enjoyment. Singer, however, goes further in adding an important dimension to these considerations of moral status. He suggests that beings that are aware of their future and plans relating to their interests in that future matter more, morally, than those that can merely experience enjoyment or suffering. The reason for this is that these beings have a sense of what it means to lose out in the future. Therefore, moral status, at the minimum, requires a being to be living – to be conscious and susceptible to suffering. However, the moral status of those beings that have a grasp of their future is greater still.

The above elaboration of a conception of moral status as per utilitarianism is, I believe, sufficient to allow us to evaluate the moral standing of dead human bodies. Before we do so, we should keep the following in mind. Firstly, moral status is based on the characteristics of the *individual*, which renders this approach to moral status an individualistic one. Secondly, the key characteristic that captures moral status is sentience. Also, the idea of sentience, at the very least, requires consciousness, which means it requires at least that the entity in question be alive.

In the light of the above adumbration on Singer's theory of moral status, we are able to answer our question, namely: do we have direct duties to dead human bodies? To get to the core of the argument whether dead human bodies have intrinsic value or interests, let us first look at some things that we are strongly confident do not have life, such as cars and stones. Cars and stones are not alive, and this means that they are not in a position to be made better or worse off. For example, if I decide to smash the windows of my friend's car, I am in no way setting back or thwarting the interests of the car since it has none. Thus, it is generally accepted that cars have no lives that can be benefited or made worse-off since they do not have enjoyment- or suffering-related interests. Since cars lack the capacity to suffer, the implication is that we do not have moral obligations towards them. As Feinberg (1984: 33-34) puts it:

> [I]nterests… are distinguishable components of a person's well-being; he flourishes or languishes as they flourish or languish. What promotes them is to his advantage or to his interest; what thwarts them is to his detriment or against his interests.

Thus, an entity has an interest in something when that something will affect that individual's well-being. Therefore, to ascertain whether an entity has moral status or not, the deciding factor is whether a state of affairs makes its life better or worse off. If an entity has no capacity for its life to be benefited or made worse off for its own sake, then it is not morally considerable in its own right, and it is not considered to have moral status.

We cannot wrong or benefit entities like cars; they are just instruments or machinery we use to carry us around. Thus, although I have the obligation not to smash and damage my friend's car, the obligation is not to the car itself but to the owner. If she gives me permission to smash the car for whatever reason, it would not be wrong for me to smash it, as my obligation in relation to smashing or not is only owed to her. Thus, because cars do not have the capacity for welfare, and they do not have interests of their own, they then cannot be considered to be entities that have moral status. However, our attitudes play a crucial role in deciding how to treat an entity. We do strongly believe that we have an obligation not to destroy things such as cars, irrespective of whether they are just the property of some people, but this obligation is based on our attitudes towards other persons, not on the moral status of the cars themselves.

So, if we are to follow Singer's (1987) argument above, it follows that cadavers, since they are not living things, are not conscious, cannot suffer harm or experience joy and have no sense of the future; therefore, they do not belong to the moral community. Hence, they have no value in and of themselves, which conclusively points to the position that we have no direct duties to dead human bodies. In other words, human corpses have no interests in the morally relevant sense, which is why we cannot make them better or worse off. That is not to say that we cannot damage dead bodies (say by dissecting them), but in damaging the bodies we cannot claim to have harmed them. They are beyond the reach of harm, in the moral sense, since they have lost the property to suffer or enjoy, which would account for their interests and welfare. Thus, in losing life, dead bodies have lost sensation – they are no longer sentient. Dead bodies have no preferences that would constitute their well-being, hence, in a crucial sense, they are amoral.

One might wonder whether the fact that cadavers once possessed sentience matters in relation to how we treat them. I think how we treat dead people matters in general, but not for the dead people themselves. Given that dead human bodies are now beyond the reach of morality – which requires that they have interests that can be harmed, requiring life – how we treat them does not occasion any moral issues to the bodies themselves from the utilitarian point of view. But, if we do not treat the dead bodies according to the surviving relatives' beliefs and experiences about how the dead

should be treated, nor in accordance with the sensitivity of the grieving process, indirect harm (psychological or emotional) can be done to those relatives (Tomasini, 2008)[5].

However, all these considerations are not necessarily relevant when we think of unknown and unclaimed cadavers. In this light, it seems most reasonable then to follow the principles provided by the WHO for medical research on cadavers – especially the principle of consent. If the cadaver is unclaimed then the prescriptions of the WHO and the specific legal requirements governing the handling of unclaimed cadavers in a country will be the guiding considerations and will specify the obligations and limitations on how to use the unclaimed corpses in such a country – the dead body itself has no moral implications for our actions towards it. Based on utilitarian grounds, it could be argued that the dissection of an unclaimed body has a potential benefit to many people as it advances medical science. If we can benefit someone, without harming anyone else, we ought to do so. If the benefits outweigh the harm, then an action must be performed. Dissecting the unclaimed body benefits the sick and the medical science community without harming the dead body itself, its relatives or friends. Bentham would accept the dissection of unclaimed cadavers because his ethical approach sees the greatest happiness of the greatest number of people as the overarching moral criterion (Attfield, 2012).

3.3 Kantian Ethics on the Moral Status of the Dead

Immanuel Kant (1724–1804) was one of the leading Enlightenment and German philosophers. His philosophy was diametrically opposite to that of Bentham because his conception of ethics was not based on consequences, and for him, pain, suffering, pleasure and enjoyment were irrelevant considerations in morality. Kant's thinking greatly influenced moral philosophy, and he can be credited as the founder of the deontological approaches to morality (duty-based ethics). His moral theory is an obligation-based one, where the good action is a function of intention, duty or obligation to do the right thing, even if the outcome does not result in good consequences. According to Kant, a moral principle must apply to all people, and human beings are special

[5] One could argue that utilitarianism generally values actions insofar as they have particular kinds of positive outcomes. It could then be pointed out that some utilitarians will not put emphasis on the intrinsic property of sentience as I do, but rather focus on consequences. I think the correct way to read utilitarians involves appreciating that morality in the first is occasioned by some fact associated with moral patients and agents – they are beings that have interests. These interests are a function of our ability to enjoy and suffer, an ability we share with other non-human species like animals. This fact that is associated with morality, that we are beings that have interests since we possess certain valuable features, also explains why and for whom we value certain consequences. We want to maximize welfare because it is good for beings that have the kinds of abilities definitive of their participation in morality. It is for this reason in my exposition of utilitarianism, I limited myself to Singer's exposition of it because it properly grounds it on the morally relevant capacity. Moreover, I did not pay attention to utilitarianism as a theory of right action since that is not the focus of this research, the focus is on the theory of moral status. A question could be raised – "If some versions of Utilitarianism need not appeal to intrinsic properties, might there not be a case for a consequentialist grounding of moral status? Something the candidate does not envisage." This is a possibility I am willing to consider in my future research. For now, in light of reliance on Singer's version of moral status, it does not appear to have resources to accommodate corpses in the moral community.

because they have the capacity to reason. This then makes them rational beings who have dignity and universal duties to one another based on the absolute duty to respect the humanity of others.

In this section, I will consider the Kantian theory of value in relation to the idea of moral status. Specifically, my interest is to determine whether this theory of moral status can assign intrinsic value to bodies of dead humans. In the "Groundwork of the Metaphysics of Morals" (1785/1996), Kant articulates three moral principles that he believes equivalently capture the essence of morality: (1) The formulation of the universal law of nature; (2) The humanity formulation; and (3) The kingdom of ends formulation (Johnson & Adam, 2018). It is controversial to say that the three ways of capturing morality are equivalent and this is disputed by many moral scholars (for example, by Heubel & Biller-Adorno, 2005). However, we need not resolve this controversy to get our answer regarding the moral status of human corpses.

For the sake of doing so, we need to focus on Kant's theory of moral status. The moral principle that best captures Kant's moral philosophy is the *humanity formulation*, which is particularly relevant to our question. In fact, some commentators opine that "Most philosophers who find Kant's views attractive find them so because of the Humanity Formulation of the Categorical Imperative" (Johnson & Adam, 2018: 48). The humanity formulation accounts for morality as follows:

> Act so to treat humanity, whether in your own person or in another, in every case as an end and never merely as a means (Rachels, 2007: 131).

Central to this principle is the prescription of the value of respect for things that belong to the moral community. For some entity to belong to the morality community, that is, for it to have moral status, is what informs Kant's requirement that we respect it. Things in the moral community (citizens in the 'Kingdom of Ends') are those towards which we owe direct duties, the duty of respect (Korsgaard, 1983). It is important to observe that my point is to single out *recognition* respect as relevant, rather than *appraisal* respect (Darwall, 1977). Appraisal respect is concerned with the respect that emerges in response to the quality of conduct or character of the moral agent. Recognition respect refers to the kind of respect that emerges in the light of certain ontological features of the patient in question. That is, the fact that some entity possesses certain ontological features is sufficient ground to account for our duties of respect towards it, without consideration of our conduct. It is the recognition kind of respect that is operational in Kant's moral philosophy. Kant specifies 'humanity' as the basis for determining the value of things or the things towards which we owe recognition respect. Stated differently, it is because 'humanity' is characterised by morally relevant ontological properties that it attracts duties of respect. Thus, to appreciate Kant's account of moral status, we need to elucidate his concept of humanity or moral personhood.

Most scholars interpret Kant's call to respect humanity to amount to a theory of dignity (Rachels, 2007: 130-133;). The idea of dignity captures the highest value usually associated with human

beings merely because they possess the relevant ontological property (Toscano, 2011). Andrew Brennan and Norva Yeuk Sze Lo (2007: 47) comments on this idea of dignity thus:

> The modern notion of dignity drops the hierarchical elements implicit in the meaning of dignitas, and uses the term so that all human beings must have equal dignity, regardless of their virtues, merits, social and political status, or any other contingent features.

It is important to take cognisance that the modern notion of dignity drops the hierarchical elements of *dignitas*, a claim that signifies an egalitarian structure of this moral term. We should appreciate that dignity is thought to be possessed by all human beings without consideration of virtue, merit, social or political standing. By merely being human, one has dignity equal to all others. To reveal more clearly what assigns the status of dignity to human beings, Glen Hughes (2011: 3) comments in this fashion:

> The drafters [of the universal declaration of human rights] solved this problem by indicating that human beings have rights because of their intrinsic dignity – because human beings, due to qualities they possess, have a special value or distinctive worth that in each case and without exception should be respected and nourished.

Thus, the idea of dignity refers to this special value or distinctive worth that (almost) all human beings have merely because they possess certain ontological qualities/properties. This implies then that to get the answer to the question of what things we owe moral duties to, we need to be clear about the content of what Kant has in mind when he deploys the idea of 'humanity' in his moral philosophy. Before getting into these details, it is important that I diffuse a possible confusion. On the one hand, I say that Kant is after a theory of dignity, and yet my project is focused on the idea of moral status. What, then, is the relationship between dignity and moral status? This is an important question that requires immediate clarification.

There are scholars like Singer (2009), in the utilitarian tradition of moral thought, who believe in the idea of moral status but not dignity. Singer thinks the idea of dignity was invented to replace the idea of God, since without God there would be no absolute basis to assign value to human beings (Singer, 2009). I subscribe to the view, as highlighted in the introduction, that takes the idea of moral status to be one that admits of degrees. That is, some things have no moral value at all, some beings have some value/status and some have more (DeGrazia, 2008). On this way of thinking about moral status, dignity is tantamount to the highest degree of moral status, which is sometimes captured in the literature in terms of *full moral status* (Toscano, 2011; Jaworska & Tannenbaum, 2013). I do not mean to suggest that Kant thinks of dignity in these terms, but these innovations need not harm his basic moral theory of respecting 'humanity'. The point I am making is that to talk of dignity is not to veer from considerations of moral status. Now, we can revert to the details of Kant's theory of moral status.

The principle under consideration requires that we treat humanity in particular ways. On the one hand, it forbids that we treat humanity merely as a means; and, on the other, it requires that we treat humanity always as an end. This implies that there are two ways of valuing things, or there are two ways things can be possessors of value. Things can have value as means or things can have value as ends in themselves. The essence of what assigns value to humanity is that it is an end in itself. It is important at this stage that we distinguish the language of means and ends, and Korsgaard's insights are useful here. To talk of *means* is to talk of resources we need or use to achieve some goal (Korsgaard, 1983). The perfect example of something which is a means is a hammer. A hammer has value only insofar as it is useful to fix doors and the like. The value of the hammer is limited to its *instrumentality* in bringing about certain desirable outcomes, and nothing more. Hence, Kant's principle forbids that humanity should be instrumentalised or should be reduced to an instrument (Donnelly, 2009).

To be opposed to the instrumentalization or objectification of human beings is not the same as to deny that to achieve some goal we require using people in one way or another. What the position forbids is treating another human being's life as merely functional in the achievement of one's own goals. This example in section 6 of the Stanford Encyclopaedia of Philosophy on Kant's Moral Philosophy, captures the insight in Kant's assertion that we should never treat humanity merely as a means:

> Thus, the difference between a horse and a taxi driver is not that we may use one but not the other as a means of transportation. Unlike a horse, the taxi driver's humanity must at the same time be treated as an end in itself (Johnson & Cureton, 2018: n: p).

The point is that we may use both as a means of transport, but the driver must not be reduced merely to this function as she transcends it in a way that the horse does not, through the possession of her humanity. To clarify: we may use the taxi driver to take us to our destination at a fare. This does not mean, however, that it is correct to coerce the driver to drive us to our destination even if we are going to pay him for the trip. This is the case because by doing so we would have reduced her to a mere thing in the service of our transportation needs. This example also raises the question what the difference between a horse and the taxi driver is. The difference, Kant believes, is contained in the prescription that we treat the humanity of the driver as an *end in itself*. But what does it mean to treat the humanity of the driver as an end in itself?

Something which is an end in itself is a thing that has final value, or, more precisely, value in itself (Korsgaard, 1983). This calls to mind Kant's distinction between *things* and *persons*. Things are means merely because the best value we can assign to them is that of a *price*, which varies relative to their instrumental value and depends on external factors like the market. A person, on the other hand, has intrinsic moral worth or dignity, which is incomparably/superlatively valuable (Metz, 2011; Rosen, 2012). Thus, to be a person implies that one has a high value, which has implications for how we must treat that person – as an end. The literature distinguishes three senses in which a

thing can be treated as an end and two of these are relevant to what Kant has in mind (Johnson & Cureton, 2018).

To talk of an end, in the first sense, involves pursuing a particular goal. This sense of pursuing an end is positive insofar as it involves the agent doing something to produce some desired outcome. Take for example the goal of building a house. The agent must get involved in the plan to bring about a house. Kant is not interest in this sense of an end. He is interested in a negative sense of end, which may best be illustrated by how the value of self-preservation guides behaviour. Self-preservation as an end does not refer to something we want to bring about, but something we want to protect or keep intact. In this sense, it refers to a value that constrains our behaviour. Thus, if we genuinely want to preserve ourselves, we will not be drinking poisonous substances or starting fights with known murderers because this will be against the end of self-preservation. In an important sense, then, to treat oneself as an end denotes a value that limits or constrains certain actions or behaviours because they undermine the worth of a person. There is another, positive, sense that Kant has in mind when he talks about treating persons as ends. Because one, as the patient, has value through the possession of autonomy, one has a duty to enhance or realise their personhood. That is, one must behave in ways that will allow one to be more of a person, or to be more autonomous.

From the above, we realise that to respect the absolute worth of a person, on the one hand, imposes a constraint over a range of choices and actions since they would be undermining or inconsistent with the high value of being an autonomous being. In other words, we must never treat ourselves in ways that undermine our capacity to be autonomous. This implies that habits like being addicted to drugs or the action of suicide are wrong precisely because they undermine our capacity for autonomy. On the other hand, we need to enhance our autonomous nature, which involves the duty to develop ourselves. Thus, going to school or engaging in recreational activities is important as it enhances our value as persons. The idea of autonomy captures the idea of a being that is an end itself – that is, one that has the capacity to govern itself. Such a being is "a rational being that has *a will that legislates universal law*" (Kant, 1785/1996: 432). Put simply, on Kant's account, beings have moral status and are deserving of respect insofar as they have the capacity for autonomy (self-governance).

According to this interpretation of Kant, moral status is a function of our autonomous and rational nature. Thus, the idea of 'humanity' is a moral one referring to beings that have the capacity to govern themselves. By implication, on this moral account, animals do not have moral status because they are not autonomous beings. By thinking about the stance that this theory would take towards animals, we can begin to approach our primary question.

Kant is famous for the kinds of claims he holds about animals and their value. He is explicit in his view that:

> The fact that man can have the idea "I" raises him infinitely above all the other beings living on earth. By this he is a "person"; and by virtue of the unity of his consciousness, through all the changes he may undergo, he is one and the same person – that is, a being altogether different in rank and dignity from *things, such as irrational animals*, which we can dispose of as we please (Kant, cited in Korsgaard, 1983: 33; emphasis my own).

Here Kant clarifies that the notion of dignity assigns a higher rank to persons than to animals. They gain this rank, of dignity, because of the unity of their consciousness; they are beings that have a concept of the self, which they capture in terms of an "I". This makes persons altogether different and superior to animals. Precisely because animals lack this robust self-conception, they are counted merely as *things* (as amoral). The upshot of animals lacking rationality (a prerequisite for being treated as an end) is that they are not owed any direct duties. This is so strongly the case that Kant would go on to say that because they are irrational, we may treat them as we please without occasioning moral censure. This is so because animals fall outside of the moral community.

With this picture of Kant's theory of value in place, we can reflect on our question of the moral standing of dead human bodies. In other words, how do we value cadavers in accordance with Kant's theory of value? Biologically, dead bodies are not persons anymore; they are things, pieces of decaying organic material that have lost rationality and autonomy, hence they are no longer governed by the Humanity Formulation of the Categorical Imperative (CI). It is important to recognise that on utilitarian grounds, what is required at the very least is that a being must be alive and susceptible to pain to be an object of moral consideration. On Kant's view, things like pain or enjoyment are morally irrelevant; what is important instead is the capacity for rationality. If a being does not have this capacity, it is altogether inferior in rank and outside of the moral community. We do not owe such a being any direct duties; any duties or obligations we owe to such entities, or any value assigned to them are indirect and do not yield moral status. On this view, as represented here, it should follow quite naturally that since being dead involves the loss of rationality, that the bodies of the dead have no moral status. Just as we may dispose of animal bodies as we please, so may we dispose of human corpses. This may include using them purely as a means by dissecting them for scientific knowledge and research, for example. What is important to underscore here is the fact that the body of a dead person has no direct value itself, at least according to Kant's theory.

I read Rosen (2012) as invoking an interpretation of Kant's moral philosophy to argue for the dignity of dead human bodies. He notes that:

> [I]t is not only living human beings that deserve to be treated with respect: we are required to dispose of human remains according to prescribed rituals. The precise content of such rituals varies widely – should corpses be buried, burned, or left to be eaten by vultures? – but their existence and, as it seems, symbolic force, is strikingly general. At the end of the previous chapter I said that, in my opinion, the universally held belief that we have a duty

> to treat dead bodies with respect represents a deep puzzle for moral philosophy (Rosen, 2012: 129).

Rosen seeks to argue for the view that dead human bodies should be treated with respect. This respect must be consistent with the various rituals of different cultures and societies. I hope the careful reader will appreciate that Rosen is urging us to *treat dead human bodies with respect,* which is not the same as the claim that dead human bodies have dignity. In the same chapter, Rosen uses more or less the same expression when he states that "we have a duty to treat a corpse with dignity" (2012: 131) or the claim that "corpses are to be treated with dignity" (2012: 132). I think it is wrong to assume that thinking of something to require treatment with respect or dignity necessarily amounts to the view that it has dignity. Take, for example, the general conviction that we have a duty to respect church buildings or a parliament or some historically significant site. The fact that we are required to treat such places with dignity does signal the fact that we attach some (intrinsic) value to them, but it does not follow that the respect we attach to them is due to their intrinsic value or dignity.

In my reading of Rosen, it seems that the force of his argument is not that dead bodies have dignity in their own right. In fact, in the passage he does not suggest or even state that dead bodies have value – he does not touch that point at all. His argument that we should treat cadavers with respect is pursued in two ways. He begins by explaining why most theories tend to dismiss the view. The major reason is that most theories take a humanistic stance, which understands morality essentially as about benefitting someone, be it the moral agent or the moral patient. Since the corpse cannot benefit in any way, humanist accounts fail to secure the view that we ought to treat them with respect.

For his part, Rosen argues that we need to abandon a humanist orientation and understand Kant in a particular way. He (2012: 140) states his argument in this fashion:

> The position that I am proposing is far more radical: that we have a duty to treat a corpse with dignity just because one of the ways in which we have a duty is that we should perform acts that are expressive of our respect. This is not a duty that we owe either to any particular being or agent who will be benefitted…

The essence of the argument being marshalled here is that we can imagine a moral system that is not grounded on benefitting anyone, not even the agent. It is a moral system that requires us to act in ways that express respect. On the Kantian view, at least as represented by Rosen, we have a duty to express respect for the sake of our "transcendental value – humanity of our personhood – and this requires that we act in ways that are respectful of that value" with no consideration of benefit at all. We have a duty to act respectfully for the sake of our humanity. To this end, the essence of Rosen's argument is to point to the view that Kant's moral system is not predicated on benefitting anyone. Rosen concludes –

> That we might have such a duty toward things – corpses or foetuses, for example – that are not themselves human and will not benefit from our behaviour toward them seems to me persuasive even if we do not think of humanity in Kant's transcendental terms (2012: 157).

My response is to recognise that Rosen seeks to secure our duties towards things that cannot be benefitted or harmed by our actions – like dead foetuses or corpses. He argues that we can secure such a view by realising that the essence of Kant's moral philosophy requires that we act in ways that are expressive of respect in our conduct without concern for the consequences of such actions. This approach, interesting as it might be, although it explains why we must act respectfully as moral agents, does not explain why we should take ourselves to have direct duties towards corpses. Alternatively, we can say that Rosen's project is not to demonstrate that dead human bodies have moral status. Furthermore, his argument at most secures that we have duties towards things we cannot benefit. But it falls short of explaining why dead human beings form part of these things. It does not even explain what the scope of this respectful treatment should be. That is, if we can extend our respect to human corpses, why can we not do the same with dead animal bodies, rivers, fallen trees and so on? According to Stamatina Liosi (2018: 32), concerning Rosen's thesis, it is not legitimate to identify the moral duties to oneself with moral duties to cadavers. These are two distinct categories of duties, especially as it is difficult to argue in a Kantian way that the dead are persons in their own right.

Rosen's argument is interesting but inadequate in providing an account for why we owe duties of respect to dead human bodies[6]. As far as I am concerned, Kantianism has no resource to account for the moral status of corpses. On Kant's view, at best, cadavers are things, which explains why they are outside of the moral community. If, before they died, they voluntarily donated their bodies, or their family members did so posthumously, then we may dissect them or use their organs to help the sick precisely because the dead body does not occasion moral questions at all. Kant's theory is most in line with the prescriptions of the WHO.

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[6] It could be argued that: "human remains are part of a broader understanding of humanity and so should be treated with respect. In other words, there is something about dead bodies—perhaps their place among the range of things that count as human—that deserves being treated in a certain way, e.g., to be disposed properly. This cadaver - and not that cadaver - is human" (implying that they feature as ends within human ritual practices). Well, on my part, I relied on the dominant interpretation of Kant's conception of 'humanity' that tends to pick out our rational powers or our autonomous nature as a feature that captures our worth. If this dominant interpretation is true then Kant and Kantian ethics fails to accommodate the dead. The reading of Rosen to include corpses as part of what counts as humanity is neither sustained by Rosen or departs from a standard interpretation of Kant. The pressing question remains – why must we believe that corpses are part of what counts as humanity and what is the basis for holding this view? For what it's worth, I am grateful for the critical commentary and interpretation, it provides for issues I will consider in my post-doctoral research.

3.4 The Capabilities Approach to the Moral Status of the Dead

The capabilities approach was pioneered by Amartya Sen and was subsequently defended by Martha Nussbaum (Sen, 1992; 2001; Nussbaum, 2006). In what follows, I will focus largely on Nussbaum's version of this moral approach. This is by no means to suggest that one is better than the other. We should bear in mind that the aim is not to get into the sophistries and subtleties of this moral approach. The aim is rather to understand how the capabilities approach accounts for moral status for the sake of establishing whether it can accommodate the intuition about dead human bodies carried by the moral community.

The starting point in thinking about this theory of value is considering the question: "What is each person able to do and to be" (Nussbaum, 2011: 18; 2018: 9). What people can actually do and be (in the world) is captured in terms of the idea of *functionings (*Nussbaum, 2011*).* The "idea of functionings refers to beings and doings, that is, various states of human beings and activities that a person can undertake" (Robeyns, 2006: 352). Alternatively, in the words of Nussbaum, "A functioning is an active realization of one or more capabilities" (2011: 25). Central to this idea of functionings is the value placed on people's ability to choose what they want to do and to be in the world. For individuals to be able to achieve what they take to be valuable "doings" or become valuable beings, they require "substantial freedoms" (Nussbaum, 2018: 9). "Substantial freedoms" are tantamount to *capabilities*. "Capabilities are a person's real freedoms or opportunities to achieve functionings" (Robeyns, 2016). Nussbaum (2011: 20) captures more clearly the idea of capabilities in these terms: "What are capabilities? They are the answers to the question, 'What is this person able to do and to be?'"

The distinction between functionings and capabilities is important. Capabilities are what makes certain lives (or choices of lives) possible. Capabilities refer to "a set of (usually interrelated) opportunities to choose and to act … (it) refers to the alternative combinations of functionings that are feasible for [a person] to achieve. Capability is thus a kind of freedom" (Nussbaum, 2011: 20). In other words, the idea of capabilities captures the real options that people have, to choose and pursue the beings and doings they deem valuable. Nussbaum distinguishes three types of capabilities: (1) basic capabilities; (2) internal capabilities; and (3) combined capabilities (2011: 20–24; 2018; 9). She comments as follows on these different types of capabilities:

> I use the term *basic capabilities* for the untrained capacities, the term *internal capabilities* for the trained capacities, and the term *combined capabilities* for the combination of trained capacities with suitable circumstances for their exercise (2008: 357).

The important thing to note about these distinct capabilities is that the idea focuses both on factors internal to the individual (basic capabilities) and on social conditions (combined capabilities) in imagining what is to count as true freedom to pursue who and what individuals want to be in the world. Combined capabilities "are the totality of the opportunities (the individual has) for choices and action in her specific political, social, and economic situation" (2011: 21). These capabilities

frame real freedoms to pursue certain functions an individual may deem necessary for a valuable life in the socio-economic and political context he/she is embedded in. "Internal" capabilities refer to various capacities or characteristics of the individual, be they intellectual or emotional traits, physical states, and so on (2011: 21). "Basic" capabilities refer to "innate faculties of the individual that make later development and training possible" (2011: 21). These faculties require development for an individual to be able to realise valuable functionings.

One important distinction to bear in mind concerning this moral approach is that between means and ends. The end – that which is good in itself – is freedom, explained in terms of capabilities; and functionings are the means. Nussbaum, explains this point as follows (2011: 25):

> But capabilities have value in and of themselves, as spheres of freedom and choice… Thus, the capabilities approach departs from a tradition in economics that measures the real value of a set of options by the best use that can be made of them. Options are freedoms, and freedom has intrinsic value.

The various options available to the individual in the pursuit of whatever life he/she values most – in other words, freedoms – are the highest good, not the actual life that individual pursues or ends up living. There is no one specific form of life that is valuable in and of itself because there are many ways to exercise one's agency or freedom. Hence, the most important thing is the capabilities (freedoms) the individual has to achieve whatever he/she values.

In the light of this rough sketch, we can approximate a theory of moral status. Individuals have value on this account insofar as they have the capacity to pursue functionings. It is important, however, to appreciate that Nussbaum locates dignity in basic capabilities. She points to this view in the following way. Firstly, she says "let us try to define the proper role for a notion of 'basic capabilities' in the articulation of a dignity-based capability approach" (2008: 362).

She further remarks:

> I believe that the best way to solve this complex problem is to say that full and equal human dignity is possessed by any child of human parents who has any of an open-ended disjunction of basic capabilities for major human life-activities (2008: 363).

This account of moral status is suggested by Nussbaum (2006: 349) when she opines that her approach "wants to see each thing flourish as the sort of thing it is". The basic capabilities encapsulate all the metaphysical properties that account for the sort of thing some entity is. It is these that inform the kind of beings and doings that are possible for such an entity. The primacy of basic capabilities informs why they need to be trained (internal capabilities) and why they require a particular "basic structure" or social arrangement for a human being to be able to lead a decent human existence. Human beings have value – dignity – relative to the basic capacities they

possess for certain kinds of (valuable) lives. On this account, moral status is a function of the basic capabilities the being in question has that are necessary to pursue functionings.

If moral status or dignity is a function of basic capabilities it should follow that dead bodies have no moral status. This is the case because they have no basic capabilities that need to be developed and even if developed can no longer be exercised in the world. In other words, if moral status is based on individuals attaining some valuable "beings and doings", dead people cannot be engaged in this manner, and therefore have no moral status. In this sense, dead people, by dying, have lost their basic capabilities and freedom is no longer of value to them.

The fundamental idea of freedom as captured by the notion of capabilities is otiose for the dead human body. It is meaningless to talk of dignity when it comes to cadavers because, in this moral scheme, dignity is linked to certain goods that constitute a decent life or a just society. This decent life, this life of dignity, is captured in terms of the ten central human capabilities, namely: life; bodily health; bodily integrity; senses, imagination and thought; emotions; practical reason; affiliation; other species; play; and control over one's environment (Nussbaum, 2003). These central capabilities are quite irrelevant to a human corpse.

We can appreciate then that the capabilities approach does not grant dead bodies any moral status, which implies that medical researchers have no direct duties towards cadavers. However, considerations of the WHO and some cultural practices might be used as a guideline on how to treat such bodies.

3.5 Conclusion

Above, I considered three influential theories of moral status in the Western tradition. Utilitarianism accounts for moral status in terms of sentience. Kantian ethics reduces all value to rationality. The capabilities approach reduces it to basic capabilities. We argued that all theories considered here entail the moral view that dead human bodies have no moral status. This is the case because morality is understood in the first place to be concerned with *living* individuals, or, specifically, with characteristics of living individuals – be it their capacity to suffer, their cognitive abilities or their capabilities to pursue a valuable life. If morality truly is about the ability to pursue a particular kind of life, then it should follow that corpses are outside of the scope or concern of the moral community. Hence, in and of themselves, dead human bodies are not owed any direct duties.

In the next chapter, I will explore the question of the moral status of cadavers from an African moral perspective.

Chapter 4: African Theories of Moral Status and the Dead

4.1 Introduction

In this chapter, I investigate whether the recent literature in African philosophy focusing on moral status, animal ethics and (moral) environmentalism can offer us resources to reflect on the moral intuition that we have direct duties of respect towards dead human bodies. There is no scarcity of *cultural* evidence that African societies tend to value dead human bodies. The elaborate rituals surrounding the dead body and the respect accorded to the burial of the body is part of this evidence. In African cultures, there is a general tendency to attach great respect to the burial of loved ones in a dignified manner, and this may extend to the point of suggesting respect owed to the body itself (Biasutto et al., 2014; Martin et al., 2013). The family, in all it does, is preoccupied with doing right to the person that has passed away. Much of this is focused on his/her body. One of the central beliefs of African cultures is (the metaphysical position) that when individuals die they become ancestors (Murove, 2009: 165). This belief is pervasive in almost all African cultures (Wiredu, 1992). The idea has quasi-theological implications concerning what is generally termed the "afterlife". What is of significance for this study is the relationship between the dead body and the transition to ancestorhood. The belief is that the whole body must be intact for one to be an ancestor in the afterlife. This metaphysical belief about ancestorhood has direct implications for how we think about and treat the body – as if it has moral status.

So, the metaphysical scheme informing African praxis differs from the Platonic and Cartesian metaphysical pictures of human nature, specifically regarding the body. The body, in these Western metaphysical views is, in a sense, a hindrance to the spirit or soul. The soul can be thought of as enslaved. Upon death, the real self, the soul, is released to the fullness of a spiritual life and relieved of the burden of the body. However, on the African view, the body is understood to be the centre of spiritual life (Dzobo, 1992). Upon death, one continues to exist as an ancestor in the afterlife separated from one's body. But there is a sense that one's body is the site where the living family and dead ancestor meets if they want to connect. Hence, the body plays an important role even when dead. It is for this reason that African people insist on the recovery of the body and its burial in the right place.

Death, in sub-Saharan Africa, is accompanied by rituals that are important to the relatives of the deceased, the community and the dead person him/herself (Shah, 2015; Mbiti, 1971). Burial rituals play a significant role in different cultures of sub-Saharan Africa as a pointer to the new world of the living dead (Mbiti, 1971). The bereaved believe strongly that the dead relative is only making a journey to his/her final destination, which is the new world only known to the deceased (Mbiti, 1991). It is believed that when particular rituals are not done or completed, the dead body is left in a liminal or transitional state (Shah, 2015; Mbiti, 1971). In such a state it is not yet part of the afterlife, but not part of human life either– the equivalent of the Catholic purgatory (Shah, 2015). This liminal period causes much anxiety for the relatives of the deceased who want their loved one

to complete their transition to the world of the living dead (Martin et al., 2013; Mbiti, 1971; Shah, 2015). It is believed that until the dead body is buried and the rituals completed, the person does not take the journey to the world of the living dead but lingers on earth (Martin et al., 2013; Mbiti, 1971). In this light, the issue of donating one's body to be dissected by students when they are dead would be taboo to most Africans (Biasutto et al., 2014).

Statistically, in sub-Saharan African countries like Nigeria, Cote d'Ivoire, Ethiopia, Kenya, Zambia and Tanzania, there are no bequests at all with all cadavers supplied to the state hospital being the unclaimed bodies of the homeless, accident victims, prisoners or suspected bandits shot by police (Osuagwu et al., 2004; Ashiru: 2014; Gangata, 2015: 22). However, other countries such as South Africa, Malawi, Zimbabwe and Ghana, make use predominantly of unclaimed cadavers and some donated corpses (Gangata, 2015: 22). Statistics reveal that in South Africa and Zimbabwe, the very few donations made, are mostly from white communities (Gangata et al., 2010). In one medical school in South Africa, unclaimed bodies sourced from government mortuaries provided 77.8% of all bodies used for dissection between 1956 and 1996 (Labuschagne & Mathey, 2000). According to Labuschagne and Mathey (2000), almost all the black and coloured bodies received during this period were from government mortuaries (99% and 95.8% respectively). Only 34.1% of the white bodies received were unclaimed bodies (Labuschagne & Mathey, 2000).

The anthropological evidence demonstrating the respect with which dead bodies are treated in most sub-Saharan cultures in preparing them for the afterlife might explain the statistics above. The metaphysical and anthropological issues adduced above might suggest that dead bodies are treated with respect because they have value.

Since this project is focused on ethics, the anthropological evidence derived from how cadavers are usually treated in, for example Bantu cultures, and the treatment of the dead in conflict- and war-ravaged areas, medical schools and research laboratories, will not suffice to account for the moral status of the dead. The fact that some cultures below the Sahara or anywhere else in the world treat dead bodies with respect does not necessarily provide evidence that indeed dead bodies have moral status. This case must be established through proper philosophical argumentation. This is not to totally dismiss the anthropological evidence – it is useful in a *prima facie* sense; but a robust ethical discourse requires more than just intuitions and *prima facie* evidence (Pojman, 2002). It is one thing for some culture to believe some proposition and quite another to provide rational arguments to secure it.

It is also important that I clarify that I invoked anthropological and metaphysical issues from African cultures merely to indicate that different cultures will surely have different anthropological and metaphysical views to explain the respect we should have towards dead bodies. I use the African tradition because I am most familiar with it, and those from other traditions will observe, I assume, different anthropological and metaphysical beliefs to account for the universal conviction that we have duties towards dead bodies. Since this is a philosophical project, I will not

draw from these cultural facts or views to account for this moral intuition. I will subject this moral intuition to an ethical treatment. Ethics, as a branch of philosophy, relies largely on reason or rational evidence to establish its propositions (Pojman, 2002; Rachels & Rachels, 2015). Hence, below, I proceed to appeal to the ideas and theories of moral status or dignity to look into the question of dead bodies from an ethical vantage point. Beyond cultural evidence, one can also adduce metaphysical evidence associated with the high prize attached to the 'living-dead' (ancestors) to explain the respect associated with dead human bodies (Ramose, 2010). The focus of this research takes a *moral* approach to the question of dead human bodies. Specifically, I seek to investigate whether they have or do not have moral status.

To pursue this moral investigation, I will draw on the recent and promising theories of moral status in African philosophy by Metz (2012), Behrens (2010; 2011) and Chemhuru (2016; 2017) because these three authors focus on articulating comprehensive theories of moral status in the African tradition, drawing from indigenous resources. In some sense, this selection can be said to be random insofar as there is a dearth of literature that directly elucidates the idea of moral status. This does not imply that one may not draw *implications* for moral status from extant moral theories in this field as a whole, say on the discourse on *personhood* – Wiredu's sympathetic impartiality, Gyekye's moderate communitarianism and so on – but these theories are not in the final analysis interested in the discourse of moral status. I find it useful and prudent to consider these three accounts because they are solely dedicated to the discourse of moral status in its own right drawing from axiological resources in African cultures.

It is important to mention that Metz, Behrens and Chemhuru tend to focus on the question of animal ethics, the status of the environment (elements of nature such as forests and rivers) and so on in their articulation of theories of moral status. Therefore, these scholars do not explicitly direct their accounts of moral status to the question of dead human bodies. Nevertheless, I maintain that the comprehensive nature of their research on moral status affords us an opportunity to extend their ideas to the question of the standing of cadavers. Because I am extending these theories beyond their original boundaries, should it turn out that they cannot accommodate the moral status of dead human bodies, it should not be assumed that the theories themselves are (necessarily) implausible.

Indeed, in the final analysis, I will argue that these theories of moral status cannot accommodate the moral intuition that human corpses have moral status. Regarding Metz, I will argue that although he believes that dead bodies should be taken to have moral status, his theory ultimately fails to accord them any moral standing since they cannot enter into or be benefitted by relationships. In discussing Behrens, it will emerge that the dead do not have moral status because he imagines morality to be a function of harmonious relationships among, at the very least, *living* things. And regarding Chemhuru's work, it will be shown that dead bodies have no moral status since they do not have any *telos* within the African metaphysical system.

4.2 Metz's Theory of Moral Status

Metz has taken scholarly interest in developing moral insights and intuitions prevalent in sub-Saharan Africa (usually captured in terms of *ubuntu*) into a fully-fledged moral theory. He seeks to reconstruct African ethics by following methods of analytic philosophy to the point where there can be a plausible position to compare against extant and influential Western moral theories like egoism, utilitarianism and Kantianism (Metz, 2007a/b). Metz informs us that he has come to believe that his version of African ethics at least, is plausible and has something to contribute to global ethical discourses (Metz, 2013; 2014).

It is in this light (the robustness of African moral thought) that Metz (2012: 387) has set himself the task of articulating an African theory of moral status, which he refers to in terms of "modal relational". He refers to it as modal *relationalism* because he believes that "sub-Saharan ethical thought… places relationality at the core of morality" (2012: 390). In other words, this theory of moral status grounds moral status on "relational properties" (2012: 391). As discussed earlier, a theory of moral status can also locate it in some properties internal to the individual (individualism) or in the group (holism). Metz is aware that there are other relational theories of moral status, such as feminist/care ethics approaches and some under-explored approaches from the African tradition. He rejects these relational approaches for excluding beings that we tend to think have moral status from the moral community. He states that his theory is to be seriously considered because it is more plausible than extant relational theories and does better, in some instances, than influential Western theories of moral status like utilitarianism and Kant's deontology; and, in other instances, it does no worse than them. He comments on the promise associated with his modal relational perspective to moral status thus:

> Of particular interest is that the theory promises to solve some long-standing conundrums that continue to plague Anglo-American discussion of moral status, e.g., of why animals and humans might both have moral status that is of the same kind but different in degree, of why even a severely mentally incapacitated human being might have a greater moral status than an animal with identical internal abilities, and of why a new born infant might have a greater moral status than a mid-to-late stage foetus (2012: 391).

It is evident that Metz believes that his African theory of moral status will make a serious contribution insofar as it can solve some of the long-standing conundrums in moral philosophy. Metz promises that his theory will be able to accommodate the standing of animals, and will be able to accommodate marginal cases, among others. In terms of whether Metz's theory can also accommodate the intuition that the dead have moral status, it should be noted that Metz appears to believe that bodies of persons that have since died do warrant some moral respect in their own right.

Such a reading of Metz is revealed by his discussion of how he understands (or will be using the concept) of moral status. Metz informs us that he takes the idea of moral status to be one that

admits of degrees – it is not an all-or-nothing concept. In other words, there are things in the world that have no moral status at all like a grain of sand or a stone (at least insofar as Metz is concerned). There are also beings like cats and dogs with partial moral status, while beings like gorillas have greater moral status and human beings putatively have full moral status (Toscano, 2011).

To defend the view that the idea of moral status admits of degrees, Metz invokes the following example (2012: 389):

> For one, the existence of degrees of moral status best explains many intuitions about forced trade-offs among the urgent interests of different beings … For another, differential moral status also accounts best for uncontroversial judgments about how to treat beings that have already been killed. If an animal has been killed for whatever reason, many find it permissible not to let it go to waste; even many vegetarians would find something respectful in the stereotypical Native American practice of using every part of a buffalo. Yet such a practice applied to humans would be horrific; consider a Nazi thinking, "Well, we have already killed this Jew, and so may as well make the best of it by using his hair to stuff pillows, fat to make soap and bones to fashion buttons".

I take particular interest in the comparison of a dead animal to a dead human body. I am curious to understand why it would be permissible to use the meat of a dead animal without raising any moral scruples, while it is horrific to so treat a human cadaver. In context, in this passage, Metz proffers an abductive argument to defend the view that the idea of moral status admits of degrees, where some things have less moral status than others. To make his argument, he begins by setting up a trade-off situation between a normal adult and a mouse. Given this trade-off, Metz argues that one must choose to drive over the mouse because it has less moral status than a normal adult human being. The second example imagines the case of a dead animal and a dead human being, what Metz refers to as a case of *beings that have already been killed*. Metz believes that using the animal's body does not attract any moral reaction since the dead animal has no moral status. Concerning a dead human's body, however, Metz seems to believe that one cannot treat it with disregard without offending our moral sensibilities because (I suppose) it has some moral status. The reason for why it would be *horrific*, according to Metz, to treat a dead human being with complete disregard and not so the animal must be their differential standing in terms of moral status (even when dead). Hence, if my interpretation of Metz is correct, it follows that he believes that dead human bodies have (some) moral status.

I am aware that some might think that Metz does not take human bodies to have moral status in their own right, that his view might rather be that they possess it on an indirect basis. While this interpretation of Metz's view is possible, it cannot be supported by the text under consideration. Metz adduces the case of a dead animal and human body in the context of arguing for differential moral status among beings. According to him, we are justified in killing the mouse and treating the dead animals the way we do precisely because the mouse has less and dead animals have no

moral status. It would be logically strange for Metz to invoke human cadavers in making the case for degrees of moral status if he did not believe that they had some moral status. It seems that the best explanation that could be attached to Metz's invocation of human bodies that have already been killed is to suggest that they do have some moral status. At this stage, we are still discussing Metz's own view, which seems to suggest that we owe some direct duties to human corpses but not to animal corpses. Can this view that dead human bodies have moral status be justified in the light of Metz's moral theory?

Above, I indicated that Metz's theory of moral status is entirely constituted by certain social relationships. In other words, a relational approach to moral status is "constituted by some kind of interactive property between one entity and another" (Metz, 2012: 390). The important question to consider then is what sorts of relationships the morally relevant ones are. Metz, drawing from his theory of right action, identifies the twin relationships of *identity* and *solidarity* as morally relevant (Metz, 2007a; 2007b; 2013; 2014). The twin relationships of identity and solidarity capture the essence of morality.

In their analysis of *ubuntu*, Metz and Gaie (2010: 284) typically explain the relationship of *identity* in terms of "sharing a way of life". To share a way of life involves (1) thinking of one's personal identity in terms of 'we'; (2) sharing aims, aspirations and goals; and (3) collaborating to achieve the shared goals. "Solidarity" involves supportive and caring relationships aimed at promoting others' welfare for their own sakes. These twin relationships combined amount to "friendship" or "love" (Metz, 2007a: 337). To be loving or friendly involves sharing a way of life and being caring for the sake of promoting others' welfare.

In the light of his theory of right action, Metz articulates the following theory of moral status. Firstly, he notes that "something has moral status insofar as it is capable of having a certain causal or intentional connection with another being" (2012: 393). He also captures it in this way:

> By the present view, a being that is capable of being both the subject and object of such a relationship has full moral status, whereas a being that is capable of being merely the object of such behaviour has partial moral status (2012: 395).

It is important to recognise that moral status is a function of being able to enter into *friendships* or *loving* relationships, as construed here. The more a being is capable of being part of a friendly or loving relationship with normal humans, the greater its moral status. Metz draws a distinction between beings that can both be subjects and objects of loving relationships and those that can only be objects of such relationships. Human beings, for example, can initiate and participate in loving relationships and they can also be beneficiaries of such relationships, hence, they are both subjects and objects. Those beings that can both be subjects and objects have greater moral status or even full moral status, which is tantamount to dignity. Those beings that can only be objects of loving relationships i.e., those that can be benefitted by loving relationships have partial moral

status. Hence, according to Metz, animals, psychopaths, infants, and marginal cases have partial moral status because they can only be objects of loving relationships.

As far as Metz is concerned, having the capacity to be an object of a relationship is important, and does not imply that a being would or even could respond to any friendly engagement by the normal human beings. He argues that a being becomes an object of a friendly relationship only if human beings can think of it as part of "we", share its goals, sympathise with it and benefit or harm it. Metz acknowledges, however, that things like rocks or a grain of sand lack the ability to be better or worse off (they have no prudential value) and because of that they cannot be the objects of communal relationships; they therefore they do not have any moral status.

Another important facet of this theory that should not escape our notice is that it is called a *modal* relational perspective of moral status. It is called *modal* because it makes moral status not a function of being in *actual* relationships, but merely of having the capacity or the ability to enter into them. In other words, even if, for whatever temporary reason I am not in a relationship, I still do have moral status. In other words, even when I am asleep or I am temporarily comatose I still have moral status because, in principle, I am capable of entering into relationships. Contingent obstacles preventing me from entering into relationships like being asleep, drunk, comatose, or in solitary confinement, do not render me without moral status (Metz, 2012).

In the light of this analysis, we may now turn to consider whether Metz's theory (modal-relationalism) can accommodate the moral intuition that dead human bodies have moral status, as he seems to believe that they do. The litmus test for moral status for Metz is whether the entity in question can *enter into* relationships of love (be the subject of relationships) or can be *affected* by such relationships (as objects). It strikes me that human corpses cannot, in principle, enter into relationships and they cannot be affected by such or made better or worse off by relationships. If this observation is true, it follows that according to modal relationalism dead human bodies do not have moral status at all.

Motsamai Molefe's (2017: 204) critical observations of Metz's position on the dead are instructive:

> [I]t is not enough (though necessary for an object status) that we think of it in terms of "we" or sympathise with it. The deal-maker-or-breaker is whether it can be made better or worse off by such communion, i.e., does it have a welfarist good? Take a rock for example, it utterly lacks the relevant relational capacity for a better- or worse-off life. Thus, a rock has no moral status. The important question, in this instance, is not so much of things that utterly lack abilities to be better or worse off, but rather those that have utterly lost such abilities, like dead people. What is the extent of the "damage" that death imposes on its victims? When human beings die, what do they lose in terms of the relevant moral capacities that qualify them as objects of communal relations? Animals, at least Metz supposes, lose capacities that qualify them as objects of communal relations, but he does not seem to think human beings lose their capacities. He does not quite tell us why he

> thinks so. As things stand, we have no reason to agree or even suppose that dead human bodies are objects of communal relations.

The insight from the above quotation is that the dead have completely lost their abilities to enter into relationships. Hence, the dead no longer possess the relevant ontological capabilities (relational properties) that would make them morally relevant in terms of having moral status. In the light of the above analysis of Metz's theory of moral status, it follows that the dead have no moral status and that we do not owe them any direct duties of respect. The claim that using dead human bodies in certain ways would be horrific cannot be justified in the light of Metz's theory of moral status (unless one can secure this view by invoking indirect moral considerations). As things stand, Metz's theory of moral status is clear about the moral difference between a dead animal and a dead human being: neither of them seems to occasion any moral concern at least in the context of questions relating to moral status.

4.3 Behrens' Theory of Moral Status

At the heart of Behrens' project is the attempt to articulate an African environmental ethical theory. This move is motivated by two important theoretical considerations. Firstly, it is motivated by John Baird Callicot's observation that African cultures and (supposedly) their moral thought, at best, can only secure facets of the environment on indirect moral basis (Callicot, 1986). Callicot arrives at this conclusion because he believes that African ethical thought is inescapably anthropocentric. For example, take the moral categories of *personhood* and *ubuntu* prevalent in capturing a perfectionist moral theory in the African tradition (Menkiti, 1984; Ramose, 2002). The anthropocentric nature of these terms is best revealed by this comment by Ifeanyi Menkiti (1984: 179):

> The foregoing interpretation would incidentally rule out, I believe, some dangerous tendencies currently fashionable in some philosophical circles of ascribing rights to animals. The danger as I see it is that such an extension of moral language to the domain of animals is bound to undermine, sooner or later, the clearness of our conception of what it means to be a person.

Menkiti believes that the clarity of the concept of personhood would naturally rule out the possibility of extending moral language (and functions) to animals. What would be the ground for such an exclusion of animals from the domain of morality and justice? The reason offered by Menkiti (1984: 179) is that animals lack the "constitutive elements in the definition of *human* personhood". By implication, personhood as a moral achievement is only available to human beings because of their ontological make-up (Gyekye, 1992; Ikuenobe, 2015). The same conclusion can be reached on the idea of *ubuntu* that tends to be captured by the maxim "a person is a person through other persons" (Horsthemske, 2015). The idea of *ubuntu* can be observed to be anthropocentric given how it is captured by a maxim centrally concerned with persons (human

beings) and personhood (pursuing and achieving moral excellence). Human beings can reach moral excellence only by being in relationships with other human beings (Menkiti, 1984).

Anthropocentrism implies a moral doctrine that locates the ultimate seat of moral value in human beings (LenkaBula, 2008). If anthropocentrism is true then it implies that nature, or some facets of it, have no intrinsic value (Horsthemke, 2015). If (some) non-human facets of nature or the environment have value, they have it only insofar as they are instrumentally useful in the advancement of the human good; they are only indirectly valuable. Behrens distinguishes various kinds of anthropocentrism. *Strong* anthropocentrism grants moral status strictly to human beings. *Weak* anthropocentrism assigns superior moral status to human beings and inferior moral status to other facets of nature like animals. *Enlightened* anthropocentrism refers to the prudence human beings *ought* to display towards the environment because failure to do so would threaten human well-being. Behrens, on his part, seeks to challenge the view that African ethical thought is entirely represented by the view that it is anthropocentric; he appears to reject all forms of anthropocentrism. He seeks to demonstrate that there is a way to interpret African ethical thought that eschews all forms of anthropocentricism. He explains the African non-anthropocentric theory he seeks to articulate thus:

> I propose that this strand of African thought, suitably reconstructed, should be construed as providing the basis for a promising non-anthropocentric African environmentalism. I name this position African Relational Environmentalism (Behrens, 2010: 465).

He does not deny that much of African ethical thought is anthropocentric, but he does single out a strand of it that he believes promises a non-anthropocentric view. The strand that strikes Behrens as promising tends to place emphasis on interrelatedness and interdependence as a defining feature of African metaphysical and moral thought. The emphasis on interdependence is typically captured in terms of metaphysical and moral holism in African philosophy. "Metaphysical holism" is the idea that everything in the world is interrelated and interconnected. For example, Bénézet Bujo (2005: 424) informs us that "Africans are traditionally characterised by a holistic type of thinking and feeling. For them, there is no dichotomy between the sacred and the secular; they regard themselves in close relationship with the entire cosmos". Here Bujo is informing us about the holistic attitude that tends to characterise African people's approach towards reality. This view is also captured thus: "Everything – God, ancestors, humans, animals, plants and inanimate objects – is connected, interdependent and interrelated" (Verhoef & Michel, 1997: 395). P. J. Nel also observes "that the most common feature of this cosmology is the integration of three distinguishable aspects, namely: environment, society, and the spiritual… An act is never separated from its environmental, societal and spiritual impact" (2008:37-38). These scholars of African metaphysical thought are united by the view that reality is understood to be hanging together through relationships that constitute it. All activities are informed by this holistic understanding of reality.

Metaphysical holism tends to be represented either spherically or hierarchically in the literature (Menkiti, 1984; Shutte, 2001). Hierarchically, this metaphysical system places God at the apex, followed by ancestors, human beings, animals, and inanimate objects in descending order (Molefe, 2015). The higher the being's position in the hierarchy, the more value it possesses. This view is well summarised by Laurenti Magesa (1997: 39) an African theologian:

> In the conception of African religion, the universe is a composite of divine, spirit, human, animate and inanimate elements, hierarchically perceived, but directly related, and always interacting with one another.

It is this strand of African metaphysical systems, highly accentuating interrelatedness and interdependence, that Behrens believes promises a non-anthropocentric African environmental ethics. Behrens (2014: 470) brings the following thought to our attention:

> However, the question that remains is how we might best understand this strong emphasis on the interconnectedness of nature. All of this talk of interconnectedness, wholeness, interdependence and harmony etc., could still prove to be essentially grounded on human interests for these authors.

Behrens is aware that the mere fact that there is a strong emphasis on interdependence between all existing things does not necessarily rule out anthropocentrism. It could be that all these relationships ultimately serve to secure human interests, and that human beings are the most important component of nature. He does not deny that there are scholars that take this reading of interdependence to amount to anthropocentrism. Behrens brings to our attention that there is a strand of thought that takes a non-anthropocentric reading of this holistic rendition of African metaphysics. To bring out this facet of African thought, he cites a number of scholars. He begins by drawing from the Ghana-born Kofi Opoku (1993: 77):

> There is a community with nature since man is part of nature and is expected to co-operate with it; and this sense of community with nature is often expressed in terms of identity and kinship, friendliness and respect.

He also cites Kelbessa (2005: 24) who observes that the Oromo people of Ethiopia:

> reflect deep respect and balance between various things. The Oromo do not just consider justice, integrity and respect as human virtues only applicable to human beings, but they extend them to non-human species and Mother earth.

Behrens cites these scholars to reveal that aspect of African thought that is not anthropocentric. The outstanding feature of this thought is that it applies moral language to all of nature including

human beings. The essence of the point being marshalled by Behrens is that this strand of African thought implies that we should understand ourselves as caught up in healthy relationships with all of nature.

This talk of the interdependence of nature imagines a relational or communitarian ethics that extends beyond human beings to include all other facets of the world. In other words, talk of communitarianism or relationalism tends to limit these relationships to those between humans. Behrens' suggestion is to make the human-to-human relationships the starting point in understanding how we ought to relate to the entirety of nature. He brings to our attention the facet of African moral thought that prizes harmony as the highest good. The view that social harmony is the highest good is defended by scholars like Peter Paris, Desmond Tutu and Metz. Paris (2005: 43) comments that:

> since *the highest good* in African societies is the preservation of order and harmony within the community, on the one hand, and between the community and its spiritual protectors (the divinities and ancestors), on the other hand… all human activity was *justifiable* only insofar as it contributed to the preservation of order and harmony within the community and between the realm of divinities and ancestors.

Another leading scholar of African thought, Nhlanhla Mkhize (2008: 38–39), for example, observes that "…the ideal is an ordered or balanced state of affairs; human wrongdoing, unethical conduct or social injustice destabilizes this order". Heidi Verhoef and Claudine Michel (1997: 395) comment that African people "place a high value on harmonious human relations which link people together in a collective existence through an interconnected web". The essence of the moral system imagined here is one that prizes certain relationships between human beings. Behrens (2010: 473), in the light of the above quotations, observes that "the central concern in some African ethical thought is that harmonious relationships be fostered". The best way to make sense of harmonious relationships between humans and between humans and nature is in terms of family analogies. In this light we are reminded of Shutte's (1993: 50) comments that:

> Perhaps the best model for human community as understood in African ethical thought is the family. The family has no function outside of itself. It is a means of growth for its members, and the interaction, the companionship of conversation, between the growing and fully grown is also an end in itself.

We are also told that:

> We hope it is clear that the earth or the world is a kind of a family unit in which members of kith and kin relate to each other (Oruka & Juma, 1994: 125–126).

Behrens brings to our attention that these scholars use analogies of family to make sense of harmonious relationships. He thinks of the moral content of harmonious relationships in terms of

family analogies that promote being "friendly, caring, mutually supportive and nurturing relationships" (Behrens, 2010: 474). Behrens (2010: 475) proceeds to explain the essence of this moral theory in this fashion:

> In sum, caring and harmonious relationships in African thought extend beyond simply an effective response, (they) have a normative thrust described by Wiredu in terms of reciprocal rights and responsibilities, and necessarily include ensuring the physical welfare of others, wherever feasible, possibly beyond an individual right or even a utilitarian perspective would prescribe.

Here Behrens specifies the moral content of harmonious relationships. One of the outstanding features of harmonious relationships is their overwhelming emphasis on other-regarding duties that are aimed at securing the well-being of others beyond the demands imposed on us by others' rights. To be caught up in harmonious relationships with others is to be involved in supportive, caring and nurturing relationships. It strikes me as obvious what it means to be caught up in harmonious relationships in the context of the human-to-human engagement. Behrens is the first one to admit to the difficulty associated with what it might mean to have a harmonious relationship with a river or a mountain. The difficulty is significantly reduced, if not totally removed, if one imagines the relationship with animals, for example. We can imagine an individual having a caring, supportive and nurturing relationship with a dog or some other animal. In fact, Behrens applies his relational non-anthropocentric theory to the case of elephants.

We can now turn to consider whether such a relational moral theory can accommodate dead human bodies in the moral community. To be a part of the moral community or to have moral status on this theory requires one to be able to be a part of harmonious relationships, either as a subject or object. The important question to consider then is whether human dead bodies can be objects or subjects of harmonious relationships. On the face of it, the answer appears to be a definite no – dead human bodies are not able to be part of harmonious relationships. This interpretation of Behrens' understanding of moral theory is sustained by how he speaks of the kinds of things that can form part of harmonious relationships. He imagines these to be *living* things. When he refers to what his non-anthropocentric theory promises he comments that "African scholars are best interpreted as holding [that] an ethical approach to nature similarly implies valuing harmonious relationships with other *living* things" (Behrens, 2010: 467, emphasis mine). He also informs us that "it is surely possible to conceptualise acting in ways which promote the welfare of other *living* things, such as animals and plants" (2010: 467; emphasis in the original). In another passage, he is even more explicit when he comments that "Since the interdependence of everything in nature is acknowledged, this community is understood to extend beyond human beings, and to encompass at least all *living* things" (2010: 478).

One conclusion is inescapable from the above: that Behrens imagines harmonious relationships among, at least, all living things to be the basis for some being to be a part of the moral community.

He imagines 'life' in the broadest terms possible, to include things like animals and plants. The implication of this analysis of Behrens's environmental ethics is that because it makes relationships the basis for moral status it excludes dead human bodies from the moral community. The reason for this observation is that dead human bodies can no longer be a part of harmonious relationships. For this reason, they are beyond the scope of morality[7].

Another reason to think that the bodies of dead people have no moral status is the fact that, in an important sense, cadavers do not have interests in the morally relevant sense. Commenting on the interests of things in harmonious relationships, Behrens (2010: 479) says that:

> An African sense of relationality respects both the interests of individuals and those of the community of nature, giving ultimate primacy to neither, a controversial claim that deserves to be taken seriously.

The important characteristic of living things is the fact that they are embodiments of interests, both as individuals and as members of human and natural communities. Some of these interests are of the moral kind, which are best fulfilled in harmonious relationships. One such interest has to do with each living thing's welfare goods that must be provided for in the community or harmonious relationships. It seems that harmonious relationships have no use or moral relevance for dead human bodies.

One might wonder what the difference between Metz's modal-relationalism and Behrens' relational environmental ethical theory is. The major difference is that Metz's theory is anthropocentric while Behrens' is not. As Metz explains:

> The theory might appear to be anthropocentric in that it cashes out moral status in terms of *certain human capacities*. To be able to be an object of a communal relationship, on this view, is analyzed in terms of a capacity to relate to normal human beings in a certain way. And so, *there is an irreducible appeal to humanity in its conception of moral status* (2012: 400).

Metz is clear that moral status, according to his theory, is a function of being able to enter into loving relationships with human beings in the first place. But for Behrens, as we have just noted, moral status is a matter of living beings being able to partake and benefit from relationships without considering whether they are human or not. Metz's theory, since it grants inferior moral status to other non-human beings like animals, marginal cases and so on is rightly construed in terms of weak anthropocentrism. Behrens' theory is entirely non-anthropocentric, at least as he represents

[7] Behrens' relational view insists that it is harmonious relations among living things that morally matter. Moreover, Behrens struggles to explain how we can stand in harmonious relations with mountains. I am convinced my interpretation of Behrens and his specification of harmonious relationship among living things overtly excludes corpses. It remains to be explored in future research whether a more plausible relational view is possible.

it. It imagines morality to be a function of being able to enter into harmonious relationships among living things without granting priority to human-to-human relationships.

4.4 Chemhuru's Theory of Moral Status

Like Behrens, Chemhuru seeks to defend a strictly non-anthropocentric theory of moral status. He also believes that the African philosophical tradition has promising indigenous moral resources that can capture a non-anthropocentric moral theory. In another place, while defending an African version of an eco-feminist environmental ethics, he relies on the ideas of African communitarianism and *ubuntu* (Chemhuru, 2018). He reveals those facets of these ideas that are compatible with feminism and that have the potency (at least theoretically) to address the moral problems of the domination and exploitation of women, nature and other vulnerable groups. For the purposes of this analysis, I will focus on Chemhuru's attempt to articulate an African environmental ethics, drawing largely from the argument he makes in his doctoral dissertation. The reader should keep in mind that the aim is to give a rough sense of Chemhuru's theory of moral status for the sake of determining the moral standing of dead human bodies. It is for this reason that I focus mainly on his article entitled "Using the African Teleological View of Existence to Interpret Environmental Ethics".

One of the most interesting facets of Chemhuru's approach to questions of moral status is its emphasis on African metaphysical thought. He aims to tease out an environmental ethics or a theory of moral status from an African metaphysical conception of reality. He comments thus on his approach to questions of value:

> I seek to critically examine the nature, character, and philosophical significance of environmental ethics that is salient in the *African view of existence*. This is a relatively novel and underexplored area of African metaphysics that has not received much attention in most recent works on African environmental ethics… I intend to offer an attractive African ontology-based and teleologically-oriented view of environmental ethics that stems from the understanding of being (Chemhuru, 2016: 41).

The assumption is that a careful analysis and exposition of the African metaphysical system will reveal a plausible environmental ethics. He points to specific facets of the African metaphysics that he believes embodies an attractive environmental ethics. Firstly, he believes that the hierarchical ontology characteristic of African thought embodies such a system. Secondly, he believes that this hierarchical ontology is characteristically teleological in its orientation. He believes that some combination of this general understanding of *being* (of the nature of reality) in African philosophy is the basis for a non-anthropocentric moral theory.

He begins by discussing some of the points we observed above relating to metaphysical holism in African philosophy. Firstly, he recognises the hierarchy that characterises the African conception of *being*. Secondly, he reminds us that the higher an entity is in the hierarchy the more powerful it

is in terms of its standing. The most interesting facet that he brings to our attention about this under-explored metaphysical system is the view that this hierarchy has some intrinsic purpose. He comments thus on the idea of purpose:

> Notwithstanding the varying degrees of potency in these various levels of existence in African ontology [hierarchy], all being or existence is ultimately oriented towards some of the *fundamental purposes for existence* (2016: 42–43).

The question that is not immediately clear after doing a theoretical exposition of the hierarchical structure of African metaphysics is one relating to its purpose. It is one thing to know that things stand in a particular order of priority, and it is quite another to understand the overall purpose of that structure and order. It is this facet of the hierarchy that Chemhuru aims to clarify and contribute to. He offers two arguments to ground the view that *being* in African thought has purpose.

In the first instance, he observes that human life and its progression in African philosophy is characteristically attended at all points by certain aims or purposes. Chemhuru (2016: 44) comments that:

> In this regard, it is meaningful to conclude that existence of the human person in African ontology *has a deep-seated teleological dimension* to which the end of a human being is to aim at the good life. In light of what Mbiti observes here, it would be prudent to argue that all the stages of human life, from birth to death, have various purposes that form part of what Mbiti calls the ontological rhythm of life that helps the life-force to grow and achieve its purpose.

It is important to notice that Chemhuru informs us that all stages of human life, from the cradle to the grave, have a deep-seated purpose. The purpose itself is of a moral kind – to aim to achieve a *good* life. The strength of the argument advanced by Chemhuru is that it would be amiss to suppose that human life is just arbitrary and meaningless. If human life had no purpose, there would be no need for any of us to be committed to nurturing our children or offering them cultural and moral guidelines to help them navigate life. Some of these moral purposes have to do with questions of happiness and fulfilment.

The second argument for the teleological structure of African metaphysical systems is gleaned from the attitudes of Africans to events in the world. Africans tend to "raise their eyebrows", Chemhuru observes, when lightning kills some person and Africans tend to ask questions concerning why some people are rich and others poor. He also observes that Africans' attitudes towards illness, disease, suffering, poverty and death are suggestive of an overall purpose. In this light, Chemhuru (2016: 44) comments that:

> The reason why this view is a teleological one is because people think that illness, poverty, and death are not purposes for existing. Rather, illness, poverty, and death go against some

> of the teleological ends for existing such as happiness, well-being, and life. The argument seems to be the attitudes of African towards some of the happenings in nature and in society are opposed to natural (moral) *telos* that they attach to *being*.

So, from the above discussion, it is clear that Chemhuru believes that the hierarchical order characterising African metaphysical systems has some *telos*. It is important to notice that he connects the *telos* of this metaphysical system to some moral goods or ends. He talks of this teleological system in terms of the goals of *happiness, well-being,* and *life*. He also speaks of this teleological system in terms of the values of "life, vitality, sentience, and well-being" (2016: 43). Elsewhere, he is more explicit about the metaphysical system, its teleological orientation and connection to a plurality of moral values:

> African thinking and its conception of being is not just metaphysical; it has other normative and teleological implications that would help us to meaningfully understand African environmental ethics (2016: 43).

The insight here is that we can derive a theory of moral status by understanding the teleological nature of the African metaphysical system because it embodies certain moral ideals. But before we delve into the moral status of this metaphysical system, it is important that we understand another important aspect of this ontological system. The teleological structure of this system of reality is not anthropocentric. The goals of life, vitality, sentience and well-being are not ultimately human values, or centred just on human interests. They are values applicable to the whole system including, but not exhausted by, human beings. To capture this point about the non-anthropocentric nature of this system, Chemhuru (2016: 44) observes that "being *qua* being, or existence proper, is transcendental". By *transcendental* he seeks to capture the idea that "I mean that the notion of existence itself goes beyond merely denoting human existence" (2016: 44). In other words, each existing thing matters in its own right and lives in relation to other things to fulfil its own purpose its purpose in relation to the system as a whole. Therefore, human beings, in their engagement with reality, should not offhandedly presume their priority. They are part of the metaphysical system like all other things and have a duty to contribute to the well-being of nature as a whole.

In the light of the discussion of the hierarchical nature of *being* in African philosophy and also the teleological structure connected with certain values of this structure, Chemhuru (2016: 45) proceeds to a "make a transition from *telos* to moral status". In making this transition, he makes two important points. Firstly, he cautions us to appreciate a close association between the teleological structure of the African metaphysical system and the idea of moral status. We can determine the moral status of things by understanding the overall purpose of reality. Secondly, he informs us that he takes a pluralist approach to questions of moral status. In this light, he comments "This pluralist approach is based on a variety of other additional appeals to moral status, such as an appeal to African biocentrism or vitalism, sentience, and beingness" (2016: 45). On the face of it, it would seem that everything in the African metaphysical system that appears in the hierarchy

has moral status. This is the case because moral status is closely related to this metaphysical system and its teleological structure. The specific mention of biocentrism or vitalism might suggest that it is only beings that possess the property of *life* which have moral status.

But this is an incorrect understanding of Chemhuru given his metaphysical commitments to the existence of both animate and inanimate things being recognised as part of the metaphysical system and its *telos*. This comment by Chemhuru (2016: 48) is helpful in showing how he really understands moral status:

> Although sentience, vitality, and *beingness* could be understood in the context of the African hierarchy of existence as some criterion for determining moral status in some beings, *telos* is what ultimately confers moral status. Such *telos* is realized differently in different beings.

Since Chemhuru's theory is a pluralistic one, and one that he explicitly acknowledges is not focused on finding concrete features of its plural values, it is important to appreciate where it ultimately locates moral status. Beings that are sentient, rational or possess life may have moral status, but to properly appreciate moral status on this view is to appreciate the fact that it is the *telos* that ultimately confers it. In this light, it appears that Chemhuru (2016: 48) believes that things "like rocks, water, air, and soil also have a purpose", which implies that they have moral status (since it is conferred by purpose). The fact that we may not know the purpose of some object – no matter how trivial by human standards – does not remove the moral status of such things. Failure to appreciate and respect everything in the hierarchy is tantamount to undermining the overall purpose of this metaphysical system. Human beings, therefore, must understand themselves as having duties to respect animate and inanimate facets of nature in their totality, without any bias.

It is unfortunate that Chemhuru does not quite tell us what it means to respect air or a grain of sand. It is also unhelpful that he does not tell us what we ought to do in the context of trade-offs among various things in nature in a situation of scarcity and competition for resources. He does not tell us how to practically carry out our duties to things we do not know the purpose of in the hierarchy. The most difficult aspect of this theory is that it is based on a controversial metaphysical system, which appears extremely difficult to defend on logical basis (a point that Chemhuru admits). Notwithstanding these philosophical challenges to Chemhuru's theory of moral status, we can now proceed to consider whether it would grant moral status to dead human bodies.

On the face of it, it is possible to argue that this theory would grant human corpses moral status since it does not shy away from granting it to pebbles or soil. The difference, however, is that the soil and the rock might have a function (a purpose) in the metaphysical system which a dead body might not have, in the morally relevant sense. It seems that death signals the end of such a purpose. After death, it seems that the remaining purpose of the human body is merely instrumental (it could be used for research purposes, organ donation and so on); values attached to it, at best, are indirect

– aimed rather at those who benefit from the research or the donated organs. Chemhuru (2016: 207) himself concedes that things like air, water, rivers, rocks and other inanimate objects have indirect moral status only. This status is a function of their instrumentality to human beings and animals. He believes that we have indirect moral duties to mountains, water, air, rivers and rocks – we should not damage their quality because doing so may have negative consequences for our quality of life. But he proceeds to speak of the aesthetic value of inanimate things like rivers, which according to him indicates the presence of intrinsic value. On this view, he argues that we have direct duties to the mountains, air and water because of their intrinsic aesthetic value and the fact that they have purpose. However, things like rivers can dry up, leaving no trace of what Chemhuru is arguing for. The purpose of a thing like a river and its aesthetic value may arguably not survive the death of it.

The suggestion that a decomposing human body might have a purpose might be true, but it is not a helpful one, morally speaking. This is the case precisely because the very idea of decomposition suggests that the dead human body's aesthetic value is temporary. Appealing to the aesthetic value of the body may not lead us anywhere, because once dead, this value intrinsic to the body itself, as Chemhuru claims, fades as the corpse crumbles back into the earth. Most important factor to consider concerning the aesthetic value of things like rivers, is that it invokes talk of value that is distinct to our moral status discourse. There is something valuable about beautiful people, we may praise them, but that does not mean we owe them any special duties or that they have greater moral status than other human beings. The kind of value that aesthetic value contributes does not seem to be directly connected to the nature of value imagined by the idea of moral status. If this connection between moral status and aesthetic standing does exist, it is yet to be unfolded and defended by Chemhuru.

One useful way to imagine the usefulness of the dead body is by appeal to the idea of ancestors and the fact that they have a function in the African metaphysical system. Mbiti (1971: 132) says that:

> whatever technical divisions are used, it is clear that African people have considered here to see man in two parts, the physical part which at death is put into the grave or otherwise disposed of and the non-physical part which survives and bears the personality traits of the individual in the hereafter. Death may separate these two, and destroy the first part but not the second.

What Mbiti is confirming here is that it is firmly believed by most Africans that human beings do not die, it is the physical body that dies, but the spirit or soul escapes to some unknown place. It is true that ancestors have a function, but what is not clear is whether there is a necessary connection between a dead human body and being an ancestor. I am aware that one must die to transition to ancestorhood. What is not clear is whether the dead human body plays any important role in the

process of this moral transition. If the dead body plays an important role then it follows that a dead body has a moral status, but this connection is difficult if not impossible to secure.

There are good reasons to suppose that the body *qua* body should not play a decisive role in the process of attaining the status of an ancestor. The major reason is the fact that the status of being an ancestor is a moral one. It focuses on the quality of the conduct of the human being before they meet their demise (Menkiti, 1984). Hence, it occurs to me that the most important requirement for the transition is the record of the individual's behaviour and not so much their corpse. I imagine many great African lives lost to rivers and wars; whose bodies could never be recovered. It would be morally short-sighted not to grant these human lives safe passage to ancestorhood, simply because their bodies were lost. Imagine cremation and its implication for ancestorhood: this process may render those who prefer their bodies to be burnt to ashes unqualified for ancestorhood, regardless of the quality of the lives they led. Equally, some good people, for altruistic reasons, donate their bodies to science for study and research; these bodies are never buried. If this moral argument proves anything, it is that the status of being an ancestor ultimately depends on the past conduct of the human person and not on their body upon death. To insist on the dead body as one of the requirements has the counterintuitive implication of denying ancestorhood to many great African people over an issue often beyond their control. It overlooks the fact of their moral control and victory in life. Additionally, insofar as it is difficult to demonstrate that cadavers have a *telos* in the African metaphysical system, it is safe to hold the view that dead bodies have no moral status.

4.5 Conclusion

In this chapter, I explored three recent theories of moral status in the African philosophical tradition. I argued that Metz's modal-relationalism accounts for moral status by appeal to the capacity to enter into loving relationships. Concerning modal relationalism, I observed that it considers cadavers as lacking moral status since they cannot enter into loving relationships nor can they be positively affected by them in terms of improving their welfare status. I also argued that Behrens relational environmental ethics conceives of moral status as a function of things living in harmonious relationships. Hence, dead human bodies are excluded precisely because they are not living things and cannot be said to have interests in the morally relevant sense. Finally, I argued that Chemhuru's theory of moral status locates it on the basis of an African philosophy of existence. Specifically, it takes moral status to be a function of the purpose or *telos* of a thing in the African metaphysical system. We argued that it is difficult to tell what the morally relevant function of a dead body might be in this metaphysical system. On first approximation it appears that Chemhuru's theory comes close enough to assigning moral status to dead human bodies. But in the final analysis, it can be concluded that none of these African theories can secure the moral status of dead bodies.

As far as the use of cadavers in the context of medical research is concerned, one conclusion is inescapable in the light of our exposition of the secular theories of moral status in the African

tradition. The unclaimed cadaver, in and of itself, does not warrant direct respect. This is the case because: (1) It cannot be a part of social relationships as imagined by the modal relational perspective; (2) It cannot be a part of harmonious relationships since, at the very least, to be a part of these one needs to be alive; and (3) it cannot be assigned value because it does not seem to have a purpose within the hierarchy of being that determines moral status. In this light, we can conclude that research on unclaimed cadavers is morally justified in the African philosophical systems under consideration.

There is one possible reading that I have deliberately ignored until this point, and which can be raised in relation to the above theories of moral status. The view can be captured in this fashion. It is plausible to believe that the fact that one once lived a human life among human beings should count for something once one is dead. Showing respect for the fact that one lived a human life might make a case for showing respect to one's corpse. For human beings, this history is important given that humans are agents that chose how to lead their lives, unlike most animals. I am sympathetic to this life-historical consideration but I am not sure how much it does to secure respect for a dead human body. If this respect is traced to a person's history – the fact that the person was an *agent* (cognitive and conative), living out a life project – it seems that we are misplacing the respect we feel is due to the agent by directing it to their cadaver. Maybe we should pursue and sustain the legacies of such people without any implication for the treatment of their dead bodies. For example, if one was a great soccer player, the best way to show respect to him/her is not to be fixated on respecting the body they used to play soccer. It strikes me that the best way to respect such a hero/heroine, is to promote soccer by building stadia in his/her memory, or identifying future soccer stars and supporting them.

Another potent possibility is that we respect dead bodies for the sake of the living. Given that most people want to be treated with respect when they are dead, it is good for human beings to treat those that are dead the way they wish to be treated. This line of reasoning has two avenues. On the one hand, it hinges on how this specific dead person wanted to be treated upon their demise. But, to base a moral case on contingent features of how each individual wants to be treated will never amount to a robust moral *theory* that can guide our actions towards dead human bodies in general. The reason for this is that some people do not want to be treated with respect and some simply do not care. The second avenue involves the general consideration that people want the dead bodies of those related to them to be treated with respect. Hence, we respect dead bodies for the sake of the living, and not for their own sake. The problem with this line of reasoning is that it also builds respect for dead bodies on fragile ground. There might just be a group of people that wants to treat dead bodies without any respect, and besides, bodies of the unknown will not matter in this case. This line of reasoning also fails to secure direct respect for dead human bodies, leaving cadavers to be respected not for their own sake. The problem with it, again, is that it bases respect on a contingent feature that may vary from one individual to another, and not on some intrinsic features of the dead bodies. Hence, all such views will tend to be fragile.

Chapter 5: Chinese Philosophy and the Moral Status of Dead Bodies

5.1 Introduction

In this chapter, I consider the question of whether the dead human body has value in and of itself through the lens of Chinese philosophy. The reference to 'Chinese thought' is too broad, diverse and complex a philosophical terrain to fit neatly into a single chapter. One could think of Confucianism, Mohism, Taoism, Buddhism, among other philosophical orientations (Wong, 2018). Hence, the view elaborated here, at best, is abridged, with the purpose not to distort but to provide a sketch of Chinese moral philosophy. For the sake of focus and due to limited space, I single out Confucian ethics as a salient instance and representative of Chinese moral philosophy (Tsai, 2005). I take this approach of focusing on Confucianism because most scholars tend to enter into Chinese moral philosophy through Confucianism. They do so also because it is a long-standing and the most influential moral tradition of the Eastern cultures of the world (Kupperman, 1999; Shun, 2004; Li, 2007). For example, Tsai (2005: 160) observes that "the ethics of Confucius… is… the leading Chinese moral philosophy".

The same author further remarks that "Confucius is one of the most influential thinkers of Eastern Philosophy and a representative of Eastern culture" (2005: 160). Confucius is usually compared to other influential sages of the ancient world like Socrates and Jesus, who have had a great influence on and impact in the world (2005: 160). Some put Confucius on the same pedestal as Socrates as if to suggest that it is plausible to think of his influence in the East as comparable to that of Socrates in the West (Murphy & Weber, 2010; Peters, 2014). In what follows, the aim is a theoretical construction or even extraction of moral insights from Confucian ethics to the effect of developing a view on whether a dead human body has any moral value or moral status. The central intellectual inquiry is whether the body, specifically the dead body, can be an object of moral concern in its own right in view of a robust interpretation of Confucian ethics. Simply put, this chapter offers one way, among many others, to read the literature on Confucian ethics with the hope to get an answer on the moral status of the dead body.

To engage in this philosophical inquiry, one must be cognisant of the following considerations. Firstly, this project will rely largely on the strength of secondary literature on Confucius ethics to make its moral determinations on the standing of dead human beings. This approach may be questionable and objectionable at many levels. The success, however, of this truncated rendering of Confucian ethics will depend on whether I can glean the salient features of this moral system from the reading and properly apply them to the problem at hand. I rely on the secondary literature, at least that which intuitively strikes me as plausible, because I do not have the expertise to enter debates on the correct interpretation of the primary literature. Hence, I will tend to rely on those facets that are consistent with common sense morality without completely shying away from the peculiar facets of Chinese ethics.

Secondly, this project should be understood in terms of my being a cultural outsider, trying to make sense of the universal problem of the standing of dead bodies for the sake of medical ethics. In other words, the central question being pursued here is what Chinese philosophy can teach us about the use of cadavers in research and learning, particularly those not claimed by their families. In this light, I hope the cultural insiders, particularly experts of this intellectual tradition, would be lenient with the possible mistakes I may make as an outsider. It is important that I emphasise that I engage in this project with deep respect for the Eastern intellectual traditions, and I enter the conversation with a desire to learn as much as possible in ethical matters from these traditions. This project comes from a good place and I hope to make sense of an important moral tradition, though my attempt will obviously be attended by many limitations.

In what follows I will reflect on the central features of Confucian moral thought, namely: the idea of *jen/ren* (humaneness, benevolence, virtue), *li* (rites and rituals), and *junzi* (the gentleman). In the second and third sections of the chapter, I will provide the Confucian view of dignity. Here, I will use two strategies to unfold the alienable, meritocratic and inegalitarian view of dignity in Confucian moral thought. The first strategy draws directly from the salient moral virtues characteristic of Confucian ethics – benevolence, righteousness and integrity. The second strategy considers the concept of dignity in the light of how it features in Confucian contributions to ethical discourses on the issue of *death with dignity*. Ultimately, I argue that dead bodies have no value, in and of themselves in the Confucian tradition. I do suggest, however, that we can understand bodies of individuals that have been morally upstanding in life to be worthy of respect, since they symbolise a dignified form of existence.

5.2 Confucian Ethics [Junzi, Ren and Li]

There is a consensus among the scholars of Confucian moral thought that such thought is an instance of virtue ethics; or at least, one can plausibly interpret Confucian moral thought in this fashion (Nuyen, 2011, Wong, 2012). Virtue ethics in the Western tradition is associated with leading scholars like Socrates, Plato and Aristotle. It is Aristotle's view of virtue ethics, however, that has come to dominate Western moral philosophy (Broadie, 1991). Scholars of Confucian ethics are at pains to clarify the sense in which this moral system counts as a *virtue* ethics, and the sense in which it does not. In the Western moral system, virtue ethics refers to a system that accounts for morality in terms of traits of character. These traits take priority over action, against the grain of the focus on action typical of deontological and teleological ethical systems (Wong, 2018). Confucian ethics is an instance of a virtue ethical system only insofar as it posits some ideal character traits as constitutive of the entire gamut of morality. In section 2(2.1) of the Stanford Encyclopaedia of Philosophy on Chinese Ethics, David Wong (2018: n.p) makes the following comments about Confucian ethics understood as virtue ethics:

> As it will become clear in subsequent discussion here, one can employ virtue language with the appropriate qualifiers and at the same time acknowledge much of what the critics claim

> as insights of Confucian ethics: e.g., that the process of realizing the virtues characteristically takes place in relationship to others – those to whom one has responsibilities as a son or daughter or mother or father, for example – and that it can be part of one's very identity to be a particular person's son or daughter, mother or father.

The idea here is that there is an appropriate and nuanced way that one can still refer to Confucian ethics as virtue ethics. One can bring on board the importance of social relationships as the proper context for cultivating and exhibiting virtues. In Confucian thought, the individual that is morally excelling is referred to as a *junzi*. The idea of *junzi* is associated with royal nobility, the high status of being a prince or even a "gentle-man" (Wong, 2018). To refer to some individual as a *junzi* is the same as associating his/her conduct with virtue, or to see him/her as a moral achiever (Tsai, 2005).

Scholars take *ren* to be the central or foundational virtue in Confucian ethics (Luo, 2007; Chin, 2007; Riegel, 2013; Chan, 2014). Tsai (2005 161) informs us that *ren* is definable as humanness, benevolence, love and so on. Luo (2007: 100) construes *ren* "(humaneness) as an all-inclusive virtue" (see Blakeley, 2003; Chan, 2014). Dawson (1993: xxi) opines that *ren* "refers to the practical manifestations of being humane". The following comments are informative on the possession of *ren* –

> Benevolence (*jen[/ren]*) is the most important moral quality a man can possess… That it is the moral quality of a gentleman (*junzi*) is clear from the following saying: 'If the gentleman forsakes benevolence, in what way can he make a name for himself? The gentleman never deserts benevolence, not even for as long [as it takes] to eat a meal. If he hurries and stumbles, one may be sure that, it is in benevolence that he does so' (Lau, 1979: 14–15).

For another,

> The Confucian tradition has always placed primary emphasis upon becoming humane *(ren)*. Ethical values and moral sensibilities are inculcated in family life and early education. Progress in the cultivation of self and filial conduct expands ideally to embrace standards of propriety in social-political affairs, and these, in turn, are set within and integral to the wider context of nature and the operation of the greater cosmos, that is, 'Heaven, Earth, and the myriad things'. When the boundaries of the ethical expand to include all things, the project of cultivating properly the human *dao* must adapt its perspective and range of concerns to that of the greater *dao* (or *tian*, Heaven) (Blakeley, 2003: 137).

Above, three points emerge that require our special attention. Firstly, the authors emphasise the primary or pivotal role of the virtue of *ren* in Confucian ethics, particularly in conceptualising an

ideal person or ‘gentleman’. An individual with *ren* is one that is humane or benevolent and is guided by the *dao*.

The second point is the importance of social relationships in which *ren* is developed and exhibited. Social relationships are important in Confucian ethics. The literature points us to five key social relationships present in Confucian ethics: parent and child, husband and wife, elder brother and younger, ruler and minister, friend and friend (Tsai, 2005; Riegel, 2013). These five relationships constitute the essence of the social life in the framework of Confucian moral and political thought. The individual is to conceptualise and exercise morality within the various life situations and opportunities afforded by the five social relationships. The five relationships within this social order are hierarchical in nature within and between them. In other words, the relationship between husband and wife is superior to that which holds between siblings. The relationships between the husband and wife furthermore gives priority to the husband, and the wife takes a deferential position towards him.

It is important to recognise that the family relationship is pivotal in the Confucian moral and political order. In this sense, it should not be surprising, therefore, when Chinese scholars decry the individualism that is the hallmark of the moral and political culture of the West. In the Confucian moral system, the family sets the tone for the individual and the entire social order as represented by the five key social relationships. Hence, it is correct to observe the communitarian dimension of the Confucian moral-political system (Bell & Metz, 2011). The point relating to the importance of the family relationship is important for moral and political considerations; I will not consider the latter in this chapter. Concerning the moral consideration, however, Confucianism imagines a meta-ethical worldview that takes partiality as a defining feature of its thought rather than impartiality as its point of departure. This translates to the view that that we must first demonstrate our *ren* – our humaneness or benevolence – towards our family or intimate relations before scattering it abroad to strangers (Luo, 2007; Bell and Metz, 2011).

The last point revolves around the duty of the individual to cultivate a virtuous character [*junzi*]. It appears that each individual is born with the capacity to develop and exhibit growing levels of *ren*, which is a central virtue of a *junzi*. Lau (1979: 12) explains the point on self-cultivation in this fashion:

> Behind Confucius’ pursuit of the ideal moral character lies the unspoken, and, therefore, the unquestioned, assumption that the only purpose a man can have and the only worthwhile thing a man can do is to become as good a man as possible. This is something that has to be pursued for its own sake and with complete indifference to success and failure.

The most important task facing the moral agent is the cultivation of a self to be an embodiment of *ren*, which is a supreme virtue that characterises the *junzi*. Tsai (2005: 161) reports that Confucius made the following point about self-cultivation: “From the Son of Heaven down to the masses of

the people, the cultivation of the self is the foundation of everything besides". The acquisition of the status of *junzi* involves self-activation, self-determination, self-reliance and self-cultivation (2003: 161). All these activities of the agent engaged in the task of moral-self-cultivation happen in the context of healthy social relationships.

The individual is to develop *ren*, and thus become a *junzi* in social relationships. The individual is to develop the habits associated with a moral exemplar by being true to his/her roles responsibilities emanating from his/her social relationships. Being a father, for example, requires that a man provides for his wife, leads his family, and trains and nurtures his children. The idea of being a father is not just belonging to a biological category, it is loaded with socio-cultural and moral responsibilities that a father ought to fulfil. It is for this reason that some scholars think of Confucian ethics as an ethical system that is also role-based, and the roles are specified by the position one holds in the five social relationships (Nuyen, 2011). The point about the roles the agent plays, which result in self-cultivation, is explained in terms of the *rectification of names*. Nuyen (2011: 556) explains:

> Names such as "father", "son", "ruler", etc., denote specific social roles and indicate specific obligations. It is our task to learn the nature of the role that goes under a name and to try to live up to what the name specifies. The process of rectifying names… has two sides. On the one side, we are to use a name, such as "father", "son", "ruler", etc., that fits what is named, i.e. a person with certain qualities. On the other side, we are to rectify ourselves to fit the name that one bears, or the role that the name specifies.

Hence, we notice that the process of self-cultivation can never be divorced from the roles associated with the five relationships that are central in the Confucian moral thought. The names associated with the various situations are socio-morally loaded insofar as they stipulate the moral standard towards which we must strive. To have the name "son" specifies a context within which one is to pursue moral excellence, by fitting in and being faithful in fulfilling the roles and requirements associated with the name.

What is required of the moral agent in the acquisition of *junzi* and the display of *ren* is not exhausted by the roles the agent plays under his/her designation or name. The concept of *li*, in Confucian thought, provides another important platform for exercising social roles and expressing *ren*. The concept of *li* refers to rites and rituals that encapsulates standards of propriety – acceptable social conventions for a good human life (Luo, 2007: 101). Wong (2018) makes the following comment on the concept of *li*:

> One of the most distinctive marks of Confucian ethics is the centrality of ritual performance in the ethical cultivation of character. For example, while Aristotelian habituation generally corresponds to the Confucian *cultivation* of character, there is no comparable emphasis in Aristotle on the role of ritual performance in this process of character transformation. Yet Confucians will say that any complete description of self-cultivation must include a role

> for the culturally established customs that spell out what it means to express respect for another person in various social contexts. (see section 2(2.2) of the Stanford Encyclopaedia of Philosophy on Chinese Ethics).

The point here seems to be that the goal of the moral agent is to develop *ren*, but to develop it he/she needs to engage in *li* (rites and rituals). The *li* provides the context and content for practice, development and exhibition of *ren*. The development of the relevant habits and dispositions of *ren* depends on the various cultural responsibilities found in the performances of certain rites and rituals (Ruiping, 2010). The precise relationship that holds between *ren* and *li* is complicated and open to a variety of competing interpretations (Wong, 2018). It is worth noting, however, that *li* provides an important social context and the content for developing and practising *ren*, which is decisive in becoming a *junzi.*

I believe the above, though rough, is sufficient to give us some understanding of Confucian moral thought. I must be the first one to admit that I have left out some other important concepts related to Confucian ethics like that of *yi*, which is usually associated with *ren* and *li* (Tsai, 2005; Wong, 2018). I have not spoken about the relational nature of the self, and many other issues. For my purpose, I am satisfied that the above view will suffice to give us a decent point of departure to reflect on our underlying question on the status of dead human bodies. The component of *ren, as supreme virtue,* seems to entail a promising theory of moral status or dignity. I believe that the idea of *ren* embodies an interesting moral idea which we can borrow to construct a conception of moral status. Confucian morality requires the agent to unfold the capacity or potential for *ren*.

In what follows, I consider the view of dignity we can associate with the Confucian moral system. I will do so in two somewhat related ways. In the first instance, I will draw from recent literature to give a picture of the Confucian view of dignity. Secondly, I will draw from Confucian tradition's contribution to the debate on euthanasia in discussing *death with dignity*.

5.3 The Confucian View of Dignity

Above, we noted that the essence of Chinese morality revolves around conduct and character, which qualifies it as an instance of virtue ethics. Remember that an individual with a good character is called a *junzi* or a gentleman. Luo An'xian (2014), in the anthology *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives* contributes a chapter offering a philosophical disquisition of the Confucian view of dignity. Below, I will draw from this chapter to discuss this view. The major contribution that flows from An'xian's analysis is that dignity is a function of developing and maintaining a virtuous life, *ren*. At the heart of the Confucian moral view are central virtues that account for dignity – the virtues of benevolence, righteousness and integrity. These virtues could just be the same as the concept of *ren*. An'xian (2014: 177) comments: "The Confucian concept of human dignity is deeply interwoven with these core concepts of Confucianism". Benevolence is explained in terms of the virtue of care towards others, where the agent assists others for their own sakes. The virtue of benevolence is important in the

Confucian moral system since it has a relational or communitarian component (Luo 2007). The virtue of righteousness refers to the individual being true to his/her responsibilities in the various spheres of his/her social existence. The virtue of integrity refers to an individual that is steadfast to principle and duty irrespective of the changing circumstances of human existence in the social sphere. One conclusion is inevitable concerning the status of these three concepts of virtue – they are agent-centred. This view of morality focuses on the agent and his/her exercise of agency in developing his/her own character.

The second important insight that emerges in An'xian's analysis is that a virtuous character is more important than the fact of life or being alive itself. Though life itself is valuable and should be appreciated for its own sake, its value is not absolute nor intrinsic. The true value of human existence is connected to development of these three virtues. The point is – if one must choose between saving one's own life and dying to preserve the virtues of benevolence, righteousness or integrity, then death is to be preferred. Human existence without virtue is meaningless and valueless.

Though life is precious, a life without dignity is meaningless and worthless, and therefore people – whether they are of high or low social status – should live with dignity even if that entails embracing death in some circumstances (An'xian, 2014: 178).

The idea of dignity central in the Confucian moral tradition is a virtue-based one. It is the development and expression of these virtues through conduct that embody a life of dignity. The life of virtue is more important than mere biological human existence. Hence, this comment appositely reveals the Confucian view of dignity "I hate death, but there are things that I hate more than death, and thus there are certain kinds of suffering that I won't avoid" (2014: 178). Death is a welcome companion if it comes at the expense of sacrificing benevolence, righteousness and integrity. True human existence is tied directly to a good character. On this view, dignity is something that we cultivate by way of developing our characters. Brennan and Lo's (2007: 43) remarks are instructive on the Confucian view of dignity:

> [I]n the Confucian canon of self-cultivation… dignity amounts to more than just feelings and behaviour of a certain kind. Instead, the cultivation of dignity is the cultivation of certain abilities and character traits, both involving dispositions to feel, as well as to behave, in certain ways under certain circumstances. In particular, dignity is partly constituted by the disposition to feel self-esteem and to induce esteem from others. This affective disposition is the first component of dignity. It is justified by the second component of dignity, namely the behavioural disposition to honour the duties and rules of conduct that are rightfully expected of a person of dignity. Without such behavioural disposition to act honourably, the affective disposition to induce self-esteem or esteem from others would be unjustified.

The point that is emerging is that dignity is something the individual cultivates by developing certain dispositional and behavioural virtues. In this sense, dignity is not a universal property possessed by all human beings. Rather, dignity is performance-based and meritocratic. That is, dignity is something one achieves. Dignity "cannot be detached from… the idea that there are gradations of human excellence and merits" (Brennan & Lo, 2007: 45). This means that the idea of dignity in the Confucian tradition stands in opposition to the one prevalent in the Universal Declaration of Human rights (UDHR). For example, Glenn Hughes (2011: 3) informs us that:

> The drafters [of the UDHR] solved this problem by indicating that human beings have rights because of their intrinsic dignity – because human beings, due to qualities they possess, have a special value or distinctive worth that in each case and without exception should be respected and nourished.

The individual has dignity under the UDHR because he/she possesses certain qualities. The mere possession of these qualities – rationality, for example – means that one has dignity. On this account, dignity is universal, inalienable and egalitarian. I have dignity because I have the relevant ontological equipment of human nature. I am equal to everyone else because we all have the same human ontological equipment. Dignity does not come in degrees and I cannot lose it; it is inalienable, because it is a function of my nature as a human being.

The Confucian view of dignity on the other hand considers dignity to be performance- and character-based. Dignity is not inherent, rather, it has to be cultivated in social relationships. It comes in degrees relative to one's cultivation and consistency over time. The more virtue develops, the more dignity one earns and develops. One can lose dignity; it is, hence, not an inalienable property of human nature. Brennan and Lo (2007: 46) inform us that:

> Just as dignity can be acquired via cultivation of virtues, it can be lost via neglect and degeneration of character. Just as virtues give rise to honour, vices bring about indignity, dishonour, and shame.

To conclude this section, we notice that the Confucian view of dignity is a virtue-based one. It is a view that places an onus on agents to cultivate virtue and allows for the loss of dignity through neglect and degeneration of character. To further unfold this view of dignity, I consider the idea of *death with dignity* through the lens of Confucian thought – the aim, still, is to clarify the idea of dignity in Confucian thought by taking a different angle.

5.4 Confucian Thought on Death with Dignity

For this particular exposition of death with dignity, I will draw largely from Lo's (1999) essay titled *Confucian Ethic of Death with Dignity and Its Contemporary Relevance*. For other related literature dealing with the question of death with dignity in Confucian thought, (see Li & Li, 2017; Chen, 2019). The central question under consideration is the place and status of suicide and/or

euthanasia in the Confucian moral view[8]. Lo (1999: 314) begins by pointing us to the early Confucian attitude towards suicide:

> For gentleman of purpose and men of *ren* [benevolence or supreme virtue] while it is inconceivable that they should seek to stay alive at the expense of *ren*, it may happen that they have to accept death in order to have *ren* accomplished.

This quotation informs us that biological existence – being alive – has no intrinsic value in Confucian moral thought. The only standard that determines the moral value of a human existence is whether a person cultivates the supreme virtues of character. Life characterised by virtue and virtuous choices is valuable, and should be preferred and pursued by all means necessary. The point that emerges is clear: that it is immoral to hold on to life by all means possible, particularly if continued existence will threaten the supreme value of *ren*. Alternatively, death is preferable to being alive if it will lead to the fulfilment of *ren*. Hence, a dignified death is to be preferred to a life of shame and humiliation. It is for this reason that most Chinese people would rather die, commit suicide, than live a life of shame and indignity, where their *ren* is undermined by others. Lo (1999: 316) informs us that when people committed suicide for noble reasons, they were not condemned; rather, they were praised for their aspiration and dedication to a dignified form of existence.

On this view, therefore, death in and of itself, is not the worst evil. In addition, life itself is not the highest good. The good is associated with a life of supreme value, and the worst evil is associated with a life of shame, dishonour and humiliation. If continued existence is not related to a life of supreme virtue, then one might as well commit suicide for the sake of preserving one's virtuous character, and if death is the only and best way to fulfil virtue then one ought to proudly embrace it. Lo (1999: 318) captures the significance of this point in this fashion:

> In short, according to Confucianism in the early Han Dynasty, biological life is valuable, but there are self-regarding states of affairs more valuable than biological life, namely, a life with honour and dignity. Although death is undesirable, there are self-regarding states of affairs more undesirable than death, namely, to suffer disgrace, dishonour, and humiliation in life. One should choose death in order to avoid undergoing undignified treatment; and it is honourable, even obligatory, to make such a choice.

The long and short of it is that on this view suicide is permissible for the sake of preserving a virtuous life. To appreciate why this is the case, one may contrast this view with a Catholic approach to this question. On the Catholic view, life has value in and of itself. The value of a

[8] I am fully aware that the concepts of suicide and euthanasia are not synonymous. The discussion that follows relies largely on suicide because the scholar under consideration appeals to intuitions and attitude towards suicide in general among Chinese people and Confucian scholars to make conclusions regarding death with dignity or the permissibility of euthanasia.

human being, which can be explained by appeal to the idea of a soul or the image of God, is taken to be a divine bestowment (Rosen, 2012). Moreover, the question of death is entirely within the jurisdiction of God. The injunction that forbids killing is premised precisely on the value of human life itself and it is absolutely forbidden. Hence, suicide and/or any form of killing for medical reasons (euthanasia), in Catholic thought, are considered moral evils because they violate the divine principle of life. It follows, therefore that on this view, biological life matters for its own sake. The mere fact of being alive is valuable and should be protected and cherished for its own sake. On the Confucian view, however, it is the quality of character that bestows dignity to human existence. Should human existence be attended by shame or the individual's noble bearing be tainted by disgrace, whether due to unbecoming political or a medical condition, he/she may voluntarily commit suicide to protect her integrity. This positive attitude or view towards suicide has implications for the moral status of cadavers, as I explore below.

5.5 Dignity and the Value of Dead Human Bodies

One of the outstanding features of the Confucian view of dignity is that it does not base dignity on the mere possession of ontological qualities of human nature. Dignity, on this view, is a function of the *use* of human abilities to acquire virtue. One interesting implication of this view is that it does not quite approach the question of existence through moral status terms. The value associated with dignity is based on virtue-cultivating-and-manifesting conduct. The question that is relevant to consider is whether a dead human body, in itself, has virtues, and whether, in itself, it has any value. On the face of it, it seems that the corpse, in and of itself, has no dignity. This is the case because dignity on this view emerges from positive performance in the moral sphere. In the event that the moral function of cultivating dignity ceases, it seems we can no longer attach dignity to the body since the actions and conduct of the agent do not inhere in it. Remember, on this view dignity is property solely of the actions and habits of the agent.

It could be argued that it is a violation of the dignity of the dead if we leave their bodies unburied, to be eaten by vultures – or in our case to be dissected by students – because the dead had dignity while they were alive. There are two possible strategies that can be deployed to try to secure the value of dead bodies. On the first strategy, we can argue that maybe we can assign moral status to individuals whose lives were characteristically dignified and withhold it from those that lived miserable and deplorable lives since they were bereft of virtue. On this view, the bodies of those human beings that lived well have dignity and of those that failed to do so have none. This interpretation is consistent with the view of dignity that assign it relative to performance, except that now we further extend it to bodies of those that lived well. This view will obviously be consistent with treating the bodies of these individuals with great respect. But on this view not all bodies will be associated with dignity. It will only be the bodies of those that conducted themselves well that will have dignity, which implies that bodies with different moral histories will be treated differently.

The second strategy seeks to mirror the metaethics of the idea of moral status. Here, we note that if certain virtues are of supreme value – such as benevolence, righteousness and integrity, or, what we might call *ren* – this has important metaphysical implications for human nature. The implication is that human beings do have moral qualities that make the acquisition of supreme virtue possible. We should be able to attach value to beings that have these capacities over those that do not have them. Following this logic, we can posit that the commitment to supreme virtues that characterises the life of a gentleman, in part, commits us to a particular view of moral status. The view could, in other words, be construed in terms of the *capacity* for virtue. On this interpretation, human beings have moral status because they have the capacity for participating in a virtuous form of existence. Here, moral status is not so much associated with the actual use of these moral capacities as with the kind of thing that has them.

Between these two strategies, it seems the first one is much closer to the Confucian view of dignity than the second. The second strategy is too Western and would entail that all dead human bodies have no moral status since it is a function of the mere possession of certain human features present while they are alive. The first strategy is much closer to the Confucian view of dignity since it associates value only with bodies of those moral agents that have lived morally well. In a sense, the bodies of those that died living virtuous lives will be respected as a form of honouring them. To substantiate this view, An'xian (2014: 179) shares this anecdote:

> Wen Tianxiang, the prime minister of the Southern Song Dynasty, was captured by the Yuan Dynasty rulers. He was tortured and tempted by the rulers with various means. However, Wen Tianxiang refused the high official position and salary offered and withstood the cruel torture; he would rather die than surrender. Wen chose to die calmly and left behind famous and compelling lines of poetry: "None since the advent of time have escaped death, may my loyalty forever illuminate the annals of history"; "I would rather sacrifice my life for integrity than to eke an ignoble existence, may the integrity and righteousness shine and last forever." Wen chose benevolence and righteousness over survival, died with dignity and lived a glorious life. As such, Wen became an exemplary model of a dignified person, his story provides guidance for others in attempting to live a dignified life.

This story reveals that Tianxiang preferred death to sacrificing his integrity. He chose death over a false sense of success. The insight one can draw from this moving narrative of Tianxiang's life is that his death, specifically the death of his body, could serve as a symbol of his dignity. His dead body represents *death with dignity* and is a token of his glorious life.

5.6 Conclusion

In this chapter, I considered the Confucian view of dignity in two related ways. Firstly, I considered dignity in the light of Confucian ethical thought. In terms of the Confucian moral view, ethics

revolves around the cultivation of the supreme virtue of *ren*, being benevolence, righteousness and integrity. Dignity is constituted by living a life that cultivates these virtues of character. Secondly, I approached the Confucian view of dignity by considering its implications for the issue of death with dignity. Here, we noticed that death is not a necessarily evil. We noted that dying for noble reasons such as avoiding the loss of virtue or a life of shame is a welcome moral choice that preserves the dignity of a human agent.

In terms of Confucian ethical thought, dignity is not absolute; it is something that we achieve, and we can lose it. It is not inherent. One works continuously to earn and keep it throughout one's life. Dignity is a function of cultivated and maintained virtue. Without moral virtue there is no dignity. This brought me to the conclusion that the human body has no value since dignity is a function of moral performance. Thus, if dignity is preserved by conduct, and, at death the dead body can no longer perform acts of virtue, then it has no dignity. On the other hand, in line with the intuition that dead human bodies must be treated with respect, the dead bodies of people that historically lived virtuous lives can be respected. Their corpses are associated with and represent the valuable lives that they have lived. In this sense, we can attach value to these bodies. The consequence of this view is that we have some duty to respect the bodies of dead individuals that lived a virtuous and dignified life. But this is not the same as saying that such bodies, in and of themselves, have value. The respect owed is indirect: it is based on history. Therefore, it cannot be universal because not all people's histories are known once dead. It simply means that we can treat the bodies of those people that lived known virtuous lives with some kind of respect, as a form of recognition of their virtue in life. This may explain why bodies of those we know and love are usually treated with respect and care, even if they do not have value in themselves.

But, with specific reference to the issue of unclaimed cadavers, it is difficult to see how this kind of moral view will help us. The moral recommendation to treat bodies of those dead people that historically were virtuous with some kind of respect will only apply in contexts where there is prior knowledge of the deceased. For the most part, when it comes to unclaimed cadavers, such knowledge is not available. It therefore seems reasonable to conclude that, even from a Confucian standpoint, we have no duties at all towards unclaimed cadavers.

Chapter 6: Phenomenological Ethics and Responsibility towards Dead Human Bodies

6.1 Introduction

This chapter again attends to the question whether we have any moral duties towards human cadavers. As in the previous chapters, the moral duties I am considering are of a specific kind – whether we owe any *direct* moral duties to dead human bodies. Specifically, I engage in this investigation drawing on the phenomenological school of thought – phenomenological ethics. Phenomenology, as a movement and approach to philosophy, is a broad and complex area of study. It concerns itself primarily with human experience, subjectivity or consciousness and it provides a method of investigating it. Some of its leading classical pioneers are Edmund Husserl, Martin Heidegger and Jean-Paul Sartre. All of these scholars, in one way or another, offer their own distinct contributions to the phenomenological school of thought. To advance my investigation concerning dead human bodies and whether we have duties towards them, I will base my investigation on the works of Levinas.

Before launching into the discussion, it is important to kick-off with a rough discussion of this tradition. The aim is to offer a picture of phenomenology as a distinct philosophical approach. Phenomenology, as a distinct movement and field of study in philosophy, emerged in the 20th century. It originated in the philosophical writings of classical phenomenologists such as Husserl, Heidegger and Merleau-Ponty, among others (Silverman, 1980; Smith, 2013. All these scholars articulate their own distinct and competing accounts of phenomenology and its various approaches to ethics.

Phenomenology, roughly, has been defined in these terms:

> Phenomenology is the study of human experience and of the way things present themselves to us in and through such experience (Scanlon & Sokolowski, 2002: 2; see also Svenaeus, 2016: 3)

Alternatively,

> Phenomenology is the study of structures of consciousness as experienced from the first-person point of view. (Smith, 2008; see also Smith, 2013).

Three features stand out as definitive of the philosophical enterprise of phenomenology. Firstly, its subject-matter is the "structures of human consciousness" or "human experience". In the world, and as subjects, we passively encounter things throwing themselves at us or actively enter particular kinds of experiences like eating, walking, dancing, reading and so forth. The very subjectivity or consciousness of the subject is the primary focus of study in phenomenology.

Secondly, the focus on human subjectivity or consciousness is studied from the position of the subject of conscious experience i.e. it prioritises the first-person perspective. Gallagher (2012: 7)

comments as follows: “The first-person point of view means that the phenomenologist, the investigator of consciousness, studies his or her own experience from the point of view of living through that experience”. Finally, phenomenology also reflects on the conditions that make experiences possible. Here, our attention is drawn to fact of “conditions of possibility… embodiment, bodily skills, cultural context, language and other social practices, social background, and contextual aspects of intentional activities” (Smith, 2008: n.p).

Another way to get a rough sense of the phenomenological approach to philosophy is to highlight some of the major contributions from preeminent scholars of this tradition. It is common in the literature to think of Husserl. For the sake of brevity and with the aim of giving the reader a concrete sense of how phenomenological ethics might approach the question of the value of dead bodies, I will limit my philosophical adumbrations to Levinas’ moral system instead.

In the final analysis, I will argue that my reading of Levinas’ ethics amounts to the view that dead human bodies have no intrinsic value. The implication of this argument is that we have no direct duties to cadavers. The major reason for this conclusion is Levinas’ view of the significance of the human corpse lacking a face or no longer being able to enter into ethical relations. It will emerge that for Levinas dignity is a function of the face – the radical exteriority of the ‘Other’, which, at once, elevates her to the position of my master (a maker of commands) and, at the same time, reveals her nudity – embodying or expressing her vulnerability (which requires my intervention). It is this simultaneous *elevation* and *nudity* characterising the face of the Other that serves as the ground for my ethical responsibility towards her; this is something which a dead person can no longer embody.

Before I pursue my argument, I begin by pointing out certain important issues concerning this chapter. Firstly, I do not claim to be an expert on phenomenology, its approach in general or the systems of value it embodies. I think, however, that by considering some translated works of Levinas and important secondary literature we might come to some understanding of his moral views. The aim is not to offer the most accurate interpretation or most exhaustive exposition of Levinas’ ethics. Rather, the aim is a limited one: of drawing meaningful insights from Levinas’ ethics concerning whether we should consider ourselves to have direct duties towards dead human bodies.

Secondly, I seek to justify why I selected Levinas over other classical scholars of phenomenology. In my view, Levinas’ ethics is preferable since, in a sense, it could be taken to be a critique or ‘renovation’ of the ethical views of Heidegger and Husserl. This is the case precisely because he imagines his moral view against the backdrop of these scholars. In other words, just as Aristotle’s virtue ethics is more famous than and preferable to that of Plato, I assume that to be the case regarding Levinas’ ethics. This argument should not be construed to be asserting that the work of latter philosophers is always to be preferred and taken as more plausible than that of earlier ones. Rather, I am making the moderate claim that given Levinas’ expertise of Heidegger and Husserl,

among others, it is reasonable to assume that his moral system embodies insights from their work and eschews some of the devastating weaknesses of them. This view is captured in this fashion:

> [H]is work is an ongoing, critical dialogue with three philosophers: Husserl, Heidegger, and Hegel. Given these targets – as well as philosophical interlocutors like Maurice Merleau-Ponty – *Levinas' philosophy begins from an enlarged conception of lived embodiment and a powerful extension of Husserl's technique of suspending conceptualisation to reveal experience as it comes to light. He is also indebted to Heidegger for his hermeneutics of being-in-the-world* (Bergo, 2019n.p.; emphasis mine).

Levinas' work gives us a point of entry into the field of phenomenology in general insofar as it is continually critically engaged with the leading scholars of the field, like Husserl. I interpret my approach to embody the view that Levinas' work draws inspiration and insights from his teachers, predecessors and contemporaries, which makes his philosophical body of work singularly apt to represent the field of phenomenology. As a result, I will also take it as a useful way of engaging in phenomenological ethics in the quest to pursue the question of the value of dead bodies and whether we have any duties to them. My suggestion hinges not so much on the view that Levinas is the only way to approach phenomenological ethics, but on the value of the heuristic vantage point his work might offer us in our ethical reflections. It is the heuristic value of Levinas' work, therefore, that renders it useful in reflecting on our primary question in the light of a phenomenological approach to ethical discourse.

To unfold Levinas' ethics and its implications for human cadavers, this chapter will take the following form: I begin by considering how Levinas understands the project of ethics in philosophy and how his approach differs from standard ethical discourse. Secondly, I delve into Levinas' ethics. Here, I will primarily consider the face-to-face encounter as the embodiment of the entire project of ethics. I will proceed to reflect on how the face could ground an under-explored view of dignity in moral philosophy. I will conclude the chapter by applying the theory of dignity associated with Levinas' ethical system to the question of the value of dead bodies, which will help us to determine whether we have direct duties towards them or not.

6.2 Levinas' Approach to Ethics

Standard approaches to ethics in moral philosophy tend to divide into normative ethics, metaethics and applied ethics (see Sober, 2002; Pojman, 2002). Normative ethics is preoccupied with specifying a general criterion for the rightness or wrongness of actions. That is, it posits some basic norm or fundamental value in order to distinguish permissible and impermissible actions (Pojman, 2002; Rachels & Rachels, 2015). For example, on Kant's humanity formulation, the idea of dignity, which refers to the intrinsic and superlative worth of a person, directs how we may relate to other human beings and how we may not treat them as 'things' (Rosen, 2012; Waldrow, 2012). It is a fact of human dignity, a property shared by most human beings, which informs the very

possibility and actuality of ethics. It is this very fact of dignity – understood as autonomy or rationality on Kant's view – that accounts for the rightness and wrongness of actions (Rachels &Rachels, 2015).

Metaethics, on the other hand, asks primary questions about the project of ethics itself (Sober, 2002). For example, we noted that normative ethics seeks to account for what actions count as right and wrong. Whereas normative ethics assumes the meaning and validity of the categories of right and wrong, metaethics does not make this assumption; rather, it makes inquiries into the nature of these moral categories and concepts and seeks to give an account of them or to reject them altogether (Sober, 2002). Some meta-ethical views account for rightness by appeal to the subject (ethical subjectivism or moral individualism) (Mackie, 1977). Others account for rightness by appeal to culture (cultural relativism) (Rachels & Rachels, 2015). Still others appeal to some supernatural entity like God (ethical supernaturalism or divine command theory) (Harrison, 1978; Idziak 1980; Wiredu, 1980). Another way to distinguish meta-ethical approaches is in terms of whether they take a *naturalist* or *non-naturalist* approach. The naturalist approach appeals to some physical property to account for morality, such as rationality, pleasure, sympathy or empathy (Kymlicka, 1990; Metz, 2007a). A non-naturalist approach appeals to non-scientific or even spiritual properties to account for morality (Moore, 1903; Ball, 1988; Magesa, 1997).

Applied ethics refers to the branch of ethics that concerns itself with practical problems (Beauchamp, 2003). These problems arise in different contexts of human existence. Some occur in business (business ethics) (Murove, 2009); some issues pertain to the beginning and end of life (bioethics) (Sulmasy, 2008); some arise in the context of non-human life and the environment (environmental ethics) (Singer, 1972; 1993). Applied ethics draws from normative ethics and metaethics to find answers to these pressing questions. It is interesting to note that the question of the value associated with dead human bodies is an applied ethics question that falls under bioethics or medical ethics – I will say more on this aspect of the problem in the concluding chapter.

Until now, I have said nothing about how Levinas approaches ethics or moral philosophy. To begin with, it is important to recognise that Levinas rejects the standard approach to ethics. There are certain features that characterise this approach in the Western tradition. Firstly, it takes the volition and intentions of the moral agent to be definitive or essential for morality. On this view, we cannot talk of morality unless we presuppose the primacy of the choice and intentions of the moral agent. On Levinas' view, however, the category of ethics pre-dates choice and intention (Peperzak, 1993; Filipovic, 2011). In some sense, we do not *choose* to be ethical, or our *intention* on the matter does not count for much. The underlying logic of Levinas' approach to ethics is that we simply gain awareness of the (ethical) truth, which remains true whether we are aware of it or not – it is the imposing presence of the Other that creates responsibilities for us quite besides the activation of our volitions or intentions. Choices and intentions, or lack thereof, do not release us from the domain and demands of morality, which is understood as an inescapable responsibility that we have towards the Other. The de-prioritisation of choice and intention differs markedly from

Husserl's phenomenology which takes intention to be its essential constituent (Walsh, 1989). In this light, choice and intentions are the aftermath of an ethics that is already present in the face of the Other towering over me.

The second facet of ethics in Levinas' philosophical thinking reveals how it parts ways with the standard approach. The standard approach to ethics, in some sense, grounds it on some ontological features, typically of human nature. Ethics in the standard approach dominant in the Anglo-Saxon tradition grounds it on features of human nature that are shared by human beings. For example, Kant grounds his ethical system on rationality/autonomy; Singer grounds it on the capacity to suffer or enjoy; Nussbaum grounds it on basic capabilities; Mbiti grounds it on certain abilities to participate in social relationships; and so on (Kant, 1785/1996; Mbiti, 1969; Singer, 2009; Nussbaum, 2011). The ontological features of human nature become central in accounting for normative ethics, an account of dignity and applied ethics. Some of these accounts will take either a *religious* or *natural* orientation, which are also, in an important sense, ontological considerations. Levinas' approach to ethics takes a different orientation altogether:

> His use of the term 'ethics' is but the most generative example of this rhetorical doubling. Here a concept traditionally reserved for philosophically formed discussions of human agency and social order is utilized to refer to a non-referential, pre-thetic… event – an event prior to, or outside of, the discourse of norms with which the term ethics is traditionally associated. This 'ethics' is an ethics of another order, though it remains ethics to Levinas (Avram, 1996: 264).

Here, we are informed that for Levinas the idea of ethics takes a different order altogether from the one I explained above. The word 'ethics' in Levinas does not refer to norms, which in turn relate to some facet of human nature like sentience or rationality or capabilities. It is important to notice that ethics is imagined as an event that is prior to and outside of norms that relate to human nature. In other words, to fixate ethics on norms (connected with human nature) is to miss what is distinctive and definitive about it in the first place.

It is important to underscore the fact that ethics, in Levinas' sense, is non-referential or pre-thetic. If one associates ethics with norms and some facet of human nature, then it is essentially referential since you can point to this and that ontological feature as its basis. An ethics that can so 'refer' is problematic since it is shallow and reduces the irreducible to the domain of nature, which ultimately opens the door for the violation of the Other – I will say more on this below. Ethics is pre-thetic insofar, as in some sense, it escapes language. In other words, human language cannot sufficiently capture ethics in a fundamental way without violating its essence.

In fact, we are also informed that "Levinas instructs us that the Other obligates oneself before being thematized, and maintains that the capacities of the Other are irrelevant to my obligation to give the Other ethical consideration" (Davy, 2007: 41). This quotation brings two points forth in relation to the nature of ethics. Firstly, the obligation associated with the Other do not require nor

emerge from our thematization of her and her ontological identity. The Other, without thematization, is generative of duties towards us. The presence of the Other, just as she is – that is, without any ontological analysis of her nature – in some sense generates obligations. Secondly, we are informed that the capacities of the Other are irrelevant to the project of ethics. Practically, consider an ethical system that takes capacities seriously, like that of Kant, which is based on rationality. On this view, the mentally disabled are outside of the scope of ethics.

The conclusion of this terse analysis of Levinas' approach to ethics should be clear. Ethics does not arise out of or in relation to certain shared ontological features of human nature like the soul, rationality, basic capabilities, happiness or pleasure, as is common in Western moral philosophy. Ethics is prior to and outside of these ontological features and their thematization. Ethics, properly understood, is prior to and beyond all norms. It should follow that Levinas' approach to ethics is anti-thetical to the idea of moral status, which is commonly used in moral philosophy to conceptualise the value of things and the duties we owe to them (DeGrazia, 2008; Behrens, 2011). We can see then that moral status is a function of certain ontological features that secure recognition and respect for the moral patient (Darwall, 1977; Toscano, 2011). It is in virtue of possessing these features that the entity in question is one towards which we have responsibilities and rights (Toscano, 2011).

If indeed Levinas refuses to base ethics on norms and human nature, it should follow that he takes a different approach than the one common in moral philosophy. Moreover, we can expect a different approach to the idea of dignity since here it will not be based on some facet of human nature. The question that might arise is why Levinas is opposed to norms as definitive of ethics and why he resists attempts to ground it on certain ontological features of human nature, as is common in moral philosophy. Levinas expresses this concern:

> A calling into question of the Same – which cannot occur within the egoistic spontaneity of the Same – is brought about by the Other. We name this calling into question of my spontaneity by the presence of the Other ethics. The strangeness of the Other, his irreducibility to the I, to my thoughts and my possessions, is precisely accomplished as a calling into question of my spontaneity as ethics. Metaphysics, transcendence, the welcoming of the Other by the Same, of the Other by Me, is concretely produced as the calling into question of the Same by the Other, that is, as the ethics that accomplishes the critical essence of knowledge (Levinas, 1969/2002: 43).

Filipovic (2011: 64) comments on a similar concern:

> A genuine concern that Western philosophy has never done justice to the heterogeneity and difference of the other but has privileged the tyranny of the Same that denies the autonomy and dignity of the other person takes its most systematic expression in *Totality and Infinity*.

What he is criticising is the assumption that the I and the Other are the same. His concern is that Western philosophy builds its moral knowledge on the "imperialism of the same" (Levinas, 1969/2002: 87). The essence of the criticism is that Western philosophy has the weakness of failing to appreciate the radical difference that characterises the Other. This criticism is appropriate if ethics as commonly formulated assumes our sameness because we supposedly share the feature of the soul, rationality or whatever else the theorist takes to be primary. It is this thematization of sameness, of grounding ethics in some ontology, that explains the reductive tendency of under-appreciating the radical difference of the Other. For Levinas, the project of ethics ought to emphasise the distinctness, separateness and superiority of the Other, which will not be possible as long as our theorising about ethics is under the imperialism of sameness. Opposed to sameness as a premise from which to conceptualise ethics, Levinas is reported to approach ethics as follows:

> Levinas argued that it is ethics that should be so conceived [as first philosophy]. But rather than formulating an ethical *theory*, Levinas developed his philosophy in opposition to both these aforementioned approaches [ontology-based approaches]. It takes the form of a description and interpretation of the event of encountering another person. Giving rise to spontaneous acts of responsibility for others, the encounter unfolds, according to Levinas, at a precognitive level, thanks to what he called our embodied "sensibility". That is why a phenomenology of intersubjective responsibility would be 'first' philosophy; viz., in the sense of interpretively reconstructing a level of experience preclusive to both reflective activity and practical interests (Bergo, 2019: n.p).

Several things are worth noting about how Levinas approaches the discourse on ethics. He believes that ethics, and not metaphysics or ontology – as has been claimed by some of the leading philosophers like Kant and Heidegger – ought to be the first philosophy. There is also the rejection of basing ethics on certain ontological considerations as is common, as noted above, in moral philosophy. We are further informed that ethics takes the form of the description and interpretation of the event of encountering the Other. This facet points to the experiential nature of ethics – ethics takes place in the possible or actual encounter with the Other. Talk of the encounter captures the intersubjective nature of ethics. Ethics on Levinas' approach involves phenomenological analysis because it happens at a pre-cognitive level and is not concerned with norms or ontology. Rather, it is concerned with constructively interpreting experience related to the encounter with the Other. Below, I proceed to further reflect on the Levinas ethics.

6.3 Levinas' Ethics: Involuntary Egocentrism

To begin with, it is important to appreciate that Levinas is totally opposed to the egotism that is a characteristic feature of some of the leading approaches to ethics. One such approach is represented in the discourse on human rights. At the heart of this discourse is the right of each individual to life, survival and even prosperity. The idea that each person counts equally and that should there be a conflict between my needs and those of another, I should – given my right to life – prioritise

myself, is central. This commitment to the self (egotism) and its life is a serious moral limitation for Levinas. To reveal the limitation of this approach to ethics one simply has to remember that most introductions to the discourse on ethics ground it on evading the Hobbesian state of nature, where each individual only seeks to secure their own life and interests (Pojman, 2002). If we were to regress to the state of nature, society (let alone, just society) becomes impossible, as each person would be engaged in the relentless pursuit of their own interests at any cost to any other (Wiredu, 1996).

For Levinas, the best approach to ethics ought to jettison "… its initial self-absorbed attachment to existence" (De Voss, 2006: 2). This self-absorbed-and-concerned approach to ethics is characterised by what Rudi Visker refers to as "involuntary egocentrism" (2014: 2):

> This involuntary egocentrism… is what troubles Levinas and motivates him to look for a Good beyond being [metaphysics], a God "otherwise than being." Such a good would not be good-for-me; it would break with the law of being and sever the ties that bind me to my being by providing me with an orientation that stands perpendicular to the one operative in my being – the struggle for my own existence, my own survival, in other words, my effort to be, my *conatus essendi.*

Common sense morality takes self-concern to be an essential feature of any robust ethical system. In fact, most moral systems consider ethical self-concern as so obvious a feature as to require no justification. This is because of the supposition that we cannot help others without first helping ourselves (Gyekye, 2004). Levinas searches for the good beyond the self and its desires (*conatus*). His ethical approach problematises the laws of my being (ontology) and its driving desires to prioritise the self and its so-called human rights. Ethics, at its heart involves severing the chords that enslave me to myself (involuntary egocentrism). One of the central tasks of ethics involves the idea of escape – escape from this involuntary egocentrism, which, in a sense, represents a prison. The duty of ethics is to escape its enslaving power over my own life. This talk of escape can be captured in terms of transcendence. We are transcending the self (*conatus essendi*) towards the good. Levinas makes the following comment about escape:

> Escape is the need to get out of oneself, that is, to break that most radical and unalterably binding of chains, the fact that the I is oneself (Levinas, 1935/2003:1).

The central focus of my existence is myself – the 'I', or 'me'. Daily the I reifies itself as the centre of my human existence. I am aware and connected to what I need to survive and thrive biologically and socially without even thinking about it – this process is spontaneous. It is this connection to myself as a needing being or one that has been conceptualised as having certain inalienable rights, which serve as the most radical and unalterably binding enslavement that captures the essence of my existence as a bio-social being. Ethics, on Levinas view, constitutes a delinking from our domination by our needs and places our focus "toward something other [than] ourselves"

(1935/2003: 3). The point that emerges seems to be that ethics – the good – is in an important sense beyond *my* desires, needs, preferences and rights. It is in the escape or transcendence that humanity, in the ethical sense, is possible. For as long as I am a servant of my needs and desires, I remain at the level of animality and oppression of being.

The good finds its possibility and its expression outside of me. It is ever present in the face of the Other. Levinas informs us that the face-to-face relationship or encounter is "straightforwardly ethical" (1935/2003: 3). How is the face-to-face encounter ethical?

> Ethics, for Levinas, begins in a "face to face" encounter with the other person that cannot be reduced to a symmetrical relationship or to a totality of shared concepts, such as the attachments of racial, ethnic, cultural or other belonging. I am obligated to the other person not because we are alike but precisely and insofar the other is infinitely heterogeneous to me. If ethics, as Levinas sees it, begins in the encounter with the other person who is always beyond and more than I can conceive, then any attempt at 'totalization' is inevitably reductive and unethical because it strips the other of the very thing that makes them unique. Furthermore, the other person as the source of my moral obligations is due my concern *without* considering any reciprocity on their behalf (Filipovic, 2011: 65).

This quotation encapsulates various facets that constitutes Levinas' ethics, which need unfolding. In Levinas' ethics, emphasis is placed on the face-to-face encounter with the Other. That is, ethics is located *outside* of the individual in the fullest sense of the term. Ethics is totally outside and beyond the self; the Other is outside of the individual. The Other is not another me – she is not like me. The Other is her own person completely separate and different from me. The emphasis on difference is important as it problematises the tendency to reduce the Other to the "imperialism of the same". Yes, I may share certain features with the Other, like belonging to the same race or ethnic group. But these shared categories do not begin to erode the radical difference that attaches to the Other. The problem that Levinas' ethics is unfolding is what he calls *totality*. Human beings have a tendency to lose the essential difference of the Other by reducing the Other to sameness. The search for totality is a feature of Greek philosophy, that sought to understand how all things hang together, and to find the common essence defining them all (De Voss, 2006).

It is in the discourse of totality that the violation of the other takes place, where her radical difference or alterity is buried under the sand of sameness. The aim of ethics, according to Levinas, is the "breach of totality", which is important for underscoring the radical heterogeneity of individuals (2003: 35). That is, the fact that each individual is unlike another means that they each is characterised by radical difference. However, if each individual is left all him/herself, he/she will tend to see the world in totalising ways that will violate the humanity and difference of the Other. It is for this reason that the face-to-face encounter is the essence of ethics. Ethics begins when we look beyond the self into the face of the Other.

The relationship with the Other is characterised by several important features. Firstly, the face-to-face encounter with the Other is not symmetrical. There is no thought of equality in Levinas' ethics – that concept so germane and dominant in the discourse of rights (see Rosen, 2012). The aim of this ethical system is not social egalitarianism at all. The Other enjoys a superior status – she is beyond and more than I can ever conceive.

All of the above sounds abstract; what does it mean in simple terms? Simply put, the individual is caught up in what he/she is. He/she sees the world and interprets it from his/her own gaze, and has no other. This is the problem of egotism. The tendency has been to reduce the Other or thematise her to sameness. The goal of ethics is to resist this kind of reduction – to appreciate the Other in her radical difference. The goal of the moral agent is to transcend him/herself, to go out of him/herself, and discover the good in the Other. The Other – her face – creates obligations for the moral agent. The act of escape from the self, the struggle to transcend involuntary egocentrism, is important in ethics as it ushers the individual into true humanity. True humanity begins when we leave behind what we may call animality – a state where we are controlled by our own survival and rights. Humanity begins when we behold the radical difference of the Other as the source of the good. Visker (2014: 6) captures the point about true humanity in this fashion:

> Humanity only starts when that spontaneity is thrown into question, and when, instead of a natural inclination to whatever is necessary for one's survival, there is no room for a hesitation: why me and not him? Levinas often refers to the story of Cain and Abel: the natural response of Cain to a question that he took to be rhetorical – "Am I my brother's keeper?" – is invalidated by the voice of his Creator. For this is indeed what creation is about: the orientation of nature, its detachment from its natural self-orientation, the loss of innocence.

Ethics begins when we start doubting the importance and force of the natural inclination to prioritise our own survival and existence – when we fundamentally question or hesitate to make the self the centre of focus. Ethics begins at this point of self-detachment and self-absorption. A genuine human existence, in the ethical sense, "… means I am tied to and vowed to the other before I am tied to and vowed to myself" (Visker, 2014: 15). The ethical system imagined here seems to be characterised by some kind of self-sacrifice. One commentator makes this observation about sacrifice in relation to Levinas ethics in this way:

> To be ethical exceeds even the concept of sacrifice, strictly speaking, which still implies economy: one sacrifices in order to appease the gods, to get in their good graces and ensure a future of plenty, for instance. Self-sacrifice that the rigour of the ethical relation requires is shorn of any hope of martyrdom for the Ego, it is beyond "hope for self". a pure *being-for-the-other* without return. "After, you sir!" expects nothing in return (Filipovic, 2011: 65).

The idea of sacrifice fails to capture the ideals of ethics associated with Levinas' ethics. Usually, in religious and political spaces, individuals sacrifice themselves for the sake of some hope or change in society. There is some good and even good for the one doing the sacrificing. The self and some personal good is residual even in the gesture of sacrifice. In Levinas ethics, there is a total abandonment of the self and what is 'good' for it. The preoccupation is entirely invested in the good – a pure being-for-the-other. The Other is treated as the *most-high* that requires ethical devotion insofar as the responsibilities we have towards her are inescapable. My humanity is revealed in my detaching from myself to exercise my responsibility towards the Other. She is not my equal, she is above and beyond me. I have unlimited responsibilities towards her.

6.4 Levinas' Ethics: The Face of the Other

I have not yet directly made any comment about the idea of the face itself. I have not reflected on what it represents and its implications for ethics. To unfold the idea of the face, I begin by drawing our attention to these words by Levinas:

> Whereas a phenomenon is already, in whatever respect, an image, a captive manifestation of its plastic and mute form, the epiphany of a face is alive. Its life consists in undoing the form... The Other who manifests himself in a face as it breaks through his own plastic essence, like a being who opens the window on which its own image was already taking form. His presence consists in divesting himself of the form which does already manifest him. His manifestation is a surplus over the inevitable paralysis of manifestation. This is what the formulation 'the face speaks' expresses. (Levinas et al., 1996: 53).

Levinas draws a distinction between form and face. The form or visage is what we see when we encounter and behold another person. In the light of the distinction between form and face, it is important to recognise that the face is "irreducible to its physiognomy or morphological features, its colour or physical properties. The significance of the face transcends any of these things" (Gallagher, 2012: 1). The face is beyond what we see with our eyes – what we see is its form only. What we know is that the face is associated with being alive, it undoes the form (visage); the form is a plastic essence or a window through which the face reveals itself and speaks. Even the revelation through the visage is not adequate to capture the face. The face represents infinity – that beyond the capture of perception and vision. The face refuses to be thematised in any form. In fact, it is often reported to interrupt thematization as a *this* or *that*. It is uncontainable and unknowable; we only see traces of it as it reveals itself through the form or window or plastic essence of the form (visage). The face represents the total rejection of sameness or totality, it represents the radical difference of the other that requires absolute attention and responsibility.

Another important feature associated with the face is captured in terms of the expression "the face speaks". In fact, the idea that the face speaks calls to mind the distinction between *saying* and *said* (De Voss, 2006: 13). It is for this reason that Levinas states that "'There is a commandment in the

appearance of the face [of the Other], as if a master spoke to me…" (Levinas, 1982: 89). Levinas likens the voice (the saying) of the face to the commandment of the "Most-High" (1982: 89). This is why he speaks of the saying of the face in terms of the authority of the voice of the master. Its authority is peremptory; it is disruptive and requires absolute responsiveness and responsibility. It is an unbreakable responsibility that it commands. Levinas informs us that "The face is what forbids us to kill – "thou shall not kill"' (1982: 86). The face says something to us, it demands something of us – the expression 'thou shall not kill' calls us to responsibility and service to the Other. Hence, we are informed:

> What is important in ethical relations is that the Other expresses infinity, that the Other teaches, and that the Other can provoke oneself to ethics… ethics be given through the speech of a human face (Davy, 2007: 40).

The face of the Other represents infinity, which serves as the basis for why I owe her unending and inescapable responsibility.

In sum, above we noted that ethics revolves around the responsibilities owed to the Other due to her infinity. The relation to the Other, her face, embodies demands or commands that impose responsibility to me. I must respond to the Other because she embodies the Good and the only way to realise the ethical.

6.5 Levinas' Conception of Dignity

Below, I aim to uncover Levinas' conception of dignity. To do so, I will rely on the essay by Visker (2014) "The Inhuman Core of Human Dignity: Levinas and Beyond". I draw from this specific essay because it is one of the few that attempts to extract a conception of dignity from Levinas' ethics. This consideration is important for two major reasons. The writings of Levinas are committed to the idea of and ideals associated with the discourse on rights and seek to make a theoretical intervention and contribution to this discourse. Given that most scholars of rights associate the idea of dignity with that of rights, it is not far-fetched to assume that the idea of dignity can be extracted from Levinas' ethics (Habermas, 2010). Secondly, the essay in question aims to perform such a theoretical extraction or reconstruction, which I believe will be useful in assisting me to reach a conclusion on the ethical condition, or lack thereof, of the dead human body.

To begin with, Visker points out that the idea of dignity does not appear in Levinas' ethics. Visker observes that since Levinas is concerned with the poor, vulnerable and marginalised in society, we can infer that dignity is its unspecified focus. She hastens to point out, however, that the idea of dignity operative in Levinas' ethics will not be the same as that which is dominant in Western moral philosophy. Remember, the tendency in this tradition of philosophy is to account for it by appeal to "certain characteristics, like intelligence or the ability to suffer" (Visker, 2014: 7).

Accounting for dignity in this way might open up the discourse on dignity and rights to the accusation of speciesism, which she seems to believe is one that ought to be avoided if we seek to offer a robust account of rights. In her view, the central question in the discourse on rights centres around what it means to be human in the morally loaded and relevant sense. This question, as suggested above, cannot be answered by selecting this or that feature of human nature – which amounts to the imperialism of sameness. This is the problem for Levinas for two reasons. Firstly, it falls victim to the charge of speciesism and it also fails to grasp the infinity associated with the Other. The essence of Levinas' ethics on dignity is that it "refuses to derive human dignity from the presence of certain generic characteristics" (Visker, 2014: 3). Dignity must be accounted for differently.

Visker believes that Levinas accounts for humanity or dignity by looking beyond the self:

> The concrete way in which the Good announces itself to me is through what Levinas calls the "face of the other." That other is the bearer of a dignity more important than my own. He or she demands my respect and, by that demand, lifts me out of nature and quite literally humanizes me. The other's appeal somehow seems to have the power to detach me from my being and to interrupt my conatus (2014: 9).

Humanity in the sense relevant and important in the discourse of dignity is a function of detaching from myself in a way that my desire to survive and serve myself no longer controls me. My ontology is no longer in charge. Something external and more powerful is the force that draws me out of myself: another's dignity. Her dignity is more important than my own. The idea of another's dignity being more important than my own is important because it disrupts the natural association of dignity with the equalisation of moral patients. The idea of dignity in Levinas' ethics is asymmetrical – the Other is higher, superior, my master. As I attend to the Other in her infinity, I am humanised, that is, I 'gain' dignity. My dignity (humanity) is subservient to the Other.

In this sense, my own humanity/dignity is external to me; I derive it from the Other. Hence, Visker (2014: 9) informs us that "The answer lies in Levinas' version of human dignity – the dignity of the other to whom I owe my own dignity, my becoming human". I owe my humanity/dignity to the Other by becoming human, which requires that I detach from myself. What is the source of the dignity of the Other in Levinas' ethics? Visker (2014: 8) informs us that "[t]he name for that dignity of the other is the face, which Levinas distinguishes from the other's visage, perceptible form, role, and function". The face captures the idea of dignity. Visker (2014: 11) makes this discussion of dignity concrete:

> The opposition between the face and the form rests on a theory of transcendence, itself founded on an exclusive alternative between transcendence and immanence. Racism or sexism, for example, are attempts to immanentize the other, by reducing the other's face to his or her form and debasing the other to a mere exemplar in a species. They disrespect the

> other by figuring him, mistaking the window for the one behind it. This disrespect is an attack on the other's dignity, a denial of the "height that ordains being".

The idea of dignity stands in complete opposition to totalisation or "the imperialism of the same". The face operates on the logic of the infinite. The Other is essentially mysterious and irreducible, she is her own self in a way that is not completely accessible or knowable. Scholars of dignity and rights agree that racism and sexism embody the egregious violation of human rights because they tend to dehumanise individuals. In the common discourse of dignity, these attitudes are dehumanising since they fail to respect those features of human nature that are essential for the humanity and thriving of others. Levinas would reject this explanation for why sexism and racism are dehumanising and unethical. The reason for that rejection resides in the fact that these kinds of explanation fall within the logic of the imperialism of the same, which refuses to realise that no other individual is ever the same as the Other. Levinas insists that I am this human being, I am incomparable or assimilable to my own species.

He would account for the dehumanisation of racism and sexism by appeal to the fact that it reduces a human being to her mere form – her race or gender. It totalises her, and it fails to appreciate the radical alterity and unknowable status of her humanity – those aspects of her that inspire and engender inescapability responsibility for the moral agent. Visker (2014: 12) captures this point as follows:

> Their dignity is linked to their who-ness, and their corollary status of exceeding their form (their what-ness). It is this who-ness that ethically forbids my treating them as if they were things—though such a reduction remains possible, it is a reduction and as such a failure to respond to humans in a way appropriate to their status. It is an injustice. Further, it belongs to the structure of this ethical resistance by the other to only be able to appeal to my help and, thereby, to situate me in an ethical horizon where my willingly ignoring that appeal remains, to be sure, possible but will nonetheless be qualified in the terms of that horizon: it will be an irresponsibility, a failure on my part to respond.

The distinction that captures the essence of dignity is that of who-ness as opposed to the ontological idea of what-ness. In other words, the what-ness of being black, female or homosexual is irrelevant in the ethical discourse since it is reductive in its nature – it conflates the infinity of the face with its form. It is the who-ness that sets ethical limits over how we may or may not treat the Other. The who-ness of the other forbids the reduction of the Other to her form and it imposes responsibilities towards her.

In sum, the view of dignity found in Levinas' work differs significantly from the standard conception of dignity found in the literature. In the Western tradition, dignity is based on certain ontological features. Theories of dignity are also grounded on its equalising function, where they account for it by the mere possession of certain ontological features with no consideration placed on their use. On the contrary, on Levinas' view, dignity is in the face of the Other that resists

thematization and disrupts all efforts of totalisation. The face of the Other reveals her height, her "Most-High" status as that which cannot be exhausted and is unknowable. The face of Other commands and demands respect. The humanity of the moral agent is dependent on or even derived from the Other, which requires that I respond and be responsible to the Other as my master. Her dignity is greater than my own.

This account of dignity might sound mightily abstract and strange to those that are familiar with the common ontology-based accounts of dignity and rights in the Western tradition. I believe that an essay by Hughes (2011) entitled 'The Concept of Dignity in the Universal Declaration of Human Rights' offers us a useful way to make sense of Levinas' conception of dignity. Hughes invokes two important concepts to account for the idea of dignity. The first idea is that we should understand dignity as *intrinsically heuristic concept* (2011: 8).

> To say that a given word functions as an intrinsically heuristic concept means that it refers to an intelligible reality of which we have some understanding, but whose full or complete content remains, and will always remain to some degree, unknown to us.

Some concept or symbol is heuristic insofar as "it invites, and serves in, the effort of discovery" (2011: 8). We have some sense of the meaning of the concept of dignity but we are always conscious of the fact that our knowledge of it is incomplete. The more we encounter this concept, the more we gain new dimensions of knowledge of it, but we will never get to a point where we can say that we have exhausted it. One useful way to make sense of Levinas' talk of the face in terms of it being intrinsically heuristic is to acknowledge that we have a sense of the Other, but that it is not and can never be complete. It has both a knowable and unknowable dimension.

The second idea is also connected to the denial that dignity is not to be accounted for by appeal to some capacities or properties. In fact, it invokes the dimension of transcendence to account for dignity. The idea of transcendence is not here understood as a religious or a theological term, it resonates with the refusal to totalise or submerge the Other under the imperialism of the same. This comment is informative in its explanation of the idea of transcendence connected with dignity:

> [T]he concept of transcendence is in fact open-ended; its meaning-content is scarcely filled in; it is an intrinsically heuristic concept par excellence. It is non-doctrinal and non-religion specific; properly understood, it is acceptable even to the agnostic, since it "enables us to acknowledge the mystery of our origins without involving ourselves in [any] doctrinal or ecclesiastical commitments (Hughes 2011: 17).

The idea of transcendence thus captures another important facet of the idea of an intrinsically heuristic concept. It allows us to accept the mystery associated with the fact of being human without falling into the trap of seeking theological or secular recourse. Through theological recourse we would reduce a human being to the image of God – explaining a mystery by appealing

to a superstitious speculation, which leads us nowhere in terms of comprehending human beings. Secularly we might understand a human as a completely material object, which would open up a path of totalisation. The idea of transcendence associated with being human and human dignity is ultimately unknowable. It is the mysterious aspect of human existence that allows us to see its "incalculable and irreplaceable worth" (2011: 14). From these considerations, Hughes (2011: 20) makes the following observation:

> [The idea of transcendence] serves a politically protective function by grounding human dignity in a reality beyond all differences of race, class, gender, and ethnicity. It guards the "unconditionality" of personal dignity and thus "stands in the way of the crime human beings have committed in countless forms throughout history – the crime underlying all crime – that of reducing the essential human being to an accidental manifestation: to the slave, the barbarian, the heretic, the worker, the capitalist, the Jew, the black." It reveals the immorality of scapegoating and dehumanization of every kind, by indicating that the essential worth of any person lies beyond all distinguishing biological and social characteristic.

Appreciating the idea of transcendence and idea of intrinsically heuristic concepts secures the unconditionality of human dignity and rights in the truest sense. If one grounds dignity in rationality as a feature of human nature, then dignity is conditional. If one however admits the essentially unknowable nature of human beings, then one accepts that there is a mystery that attends the fact of being and can thus truly appreciate the unconditional status of dignity. I believe this unconditional status can also secure a different account of human equality. I hope this has provided a useful means of grasping Levinas' conception of dignity as embodying the knowable and unknowable. Below, I apply this conception of dignity to the question of dead human bodies.

6.6 Levinas' Ethics and Dead Human Bodies

Here, I aim to answer the primary question of this chapter – do dead human bodies have moral status in the light of Levinas' conception of dignity? The important question revolves around the possibility of entering into a face-to-face encounter or relationship with a dead human body. In my view, death is an event that reduces the dead human body to a form, in Levinas' sense. One becomes a mere window, a visage with no possibility of communicating or embodying the infinite in its unknowable status. Death precludes all possibilities of transcendence since the one who is dead has been reduced to a status of what-ness with no possibility of unknowable who-ness. The dead person can no longer be a commander of responsibility – it cannot be the Other.

If the above analysis on the form status of the cadaver is true, it implies that we should never consider ourselves to have any direct responsibilities towards human corpses. The dead body may retain interests perhaps only to the student of pathological anatomy as Heidegger (1962: 282) puts it, "who may address it as the cobbler does to the shoe or the butcher does to a slab of meat".

Against this view, however, dead human bodies *are* usually treated differently, not simply as tools. In his 'Clinical Anatomy' paper, Jones (2016: 46) observes that:

> The dead human body, with its reminder of what we will one day become, and memories it enshrines of loved ones who are no longer with us, is inevitably an object of fascination. Whether it is considered as an object of veneration or pity, whether forbidding or macabre, a reminder of death or an educational tool, the dead human body invites attention.

Drew Dalton (2018: 68), agrees that very few of us encounter the dead human body as if it were simply an object no different from a pen. In reality, even the student of anatomy takes a while to get used to the appearance of a human corpse – to be able to see it as a corporeal thing like a pen or table (Dalton, 2018: 68). According to Dalton (2018: 68), the response that most of us have to the presence of a cadaver is anxiety, disgust, revulsion and dread, and – unlike the pen or table – it does not relinquish our attention but demands it.

Naturally, most people are inclined to think that there is something fundamentally different about the nature of the dead human body which distinguishes it from other simple objects like a pen. We believe this to the extent of suggesting that we have some direct duty to the dead body. But if such a duty would arise it would be based on remembrance of the past state of the infinity of the dead human being. It is possibly in respect of this history that one can 'respect' the dead human body – which is now just a form lacking mystery and possibility. However, this kind of respect is a weak one since it does not impose inescapable obligations on us. Death reduces the individual to a form and, once dead, the individual is permanently silenced. In this light, we can conclude that we do not have any responsibility, in the strictest ethical sense, towards dead human bodies. Any responsibility would be a function of memory, it would be weak, rather than the force of a towering face of the "Most-High" making demands of us.

6.7 Conclusion

In this chapter, I explored one influential account of phenomenological ethics to reflect on the question whether we have any duties towards dead human bodies. I began the chapter by clarifying how Levinas understands the project and nature of ethics in a way that is distinct from standard Western parlance. Levinas' ethics is engendered in the face-to-face encounter with the Other. In this fashion, ethics is a description and interpretation of this encounter. I elaborated on the importance of escape or transcendence as the beginning of ethics, or humanity. Ethics begins when the individual detaches from him/herself by making the Other his/her responsibility and focus. I proceeded to give an account of dignity by appeal to the face, where dignity is found in the Other insofar as her face embodies infinity. In the final analysis, I concluded that dead human bodies are nothing but form. Since being dead implies being reduced to form it should follow that dead human bodies have no moral value on Levinas' account, and we owe them no direct responsibilities.

Chapter 7: The Ethics of Care and the Moral Status of Dead Bodies

7.1 Introduction

In this chapter I seek to explore whether the ethical resources and approaches characteristic of care ethics can provide us with some vital insights about our putative moral duties towards dead human bodies. We should remember that the most important resource we use to determine our moral duties towards cadavers – direct or indirect – is the concept of moral status or dignity. In this chapter, I will be exploring and expounding the conception of dignity inherent in care ethics or, at least, plausible forms of it. In the final analysis, roughly, care ethics grounds dignity in our ability or distinctive power to care for and receive care from others. The ability to care is understood in an ontological and normative context that is essentially relational. The conclusion I will reach will point to the view that dead human bodies have no moral status or dignity; hence, we do not owe them any direct duties.

The question one might pose at this juncture might be why I include the ethics of care as part of the moral investigation into dead human bodies. I include it because it has been associated with certain contingent features that usually escape the philosophical gaze or the interest of most dominant philosophical moral views. Dominant moral views in African, Western and Oriental traditions of philosophy tend to represent male-centred moral constructions of the world (Ruddick, 1980; Gilligan, 1982; Noddings, 1984; Tronto, 1993). I believe that the fact that care ethics emerges largely from female scholars and is generally associated with women, either essentially or contingently, promises an often-neglected moral perspective that might be both revealing and rewarding in relation to the question facing us in this chapter and research project (Burton and Dunn, 2013).

At least two general features characterise the ethics of care as a moral view. Firstly, it calls our attention to the centrality of social relationships in moral discourse and practice (Gilligan, 1982; Noddings, 1984). Dominant moral ethical views, particularly in the West, generally do not consider social relationships as a vital component of a moral life. One of the highly prized values in these moral systems is that of independence, which implies or requires distance from others – the idea of negative freedom. On the contrary, the ethics of care calls our attention to dependence and interdependence as important moral feature of human existence (Kittay, 1999). Secondly, care ethics tends not to function within the moral framework that relies on abstractions and universalism. For instance, it is common for leading moral scholars to invoke a "view from nowhere" or from "God's moral perspective" or to approach morality from "behind the veil of ignorance" or from the moral stance of "an impartial spectator" (Rawls, 1972; Nagel, 1986; Wolf, 1999). Instead, the ethics of care prioritises the particularity of the human situation and frames reality as it is found in the human condition (Burton and Dunn, 2013). Another scholar of care ethics, in the context of discussing care, morality and needs says this:

> Philosophers have called man the political animal, the language animals, the tool maker, rational animal, even the laughing animal. To define man in this way is to define what it means to be human in terms of the best in us. And the worst? … To define what it means to be human in terms of needs is to begin, neither with the best nor the worst, but only with the body and what it lacks (Miller, 2012: 1).

The starting point, Miller insists, must not be from the perspective of what is best in us, like rationality; nor must it be by framing morality in terms of an imaginary "state of nature" or the so-called "veil of ignorance". Instead, she suggests that the fact that we are bodily beings and that our bodies are needy should be the starting point of morality. In the same vein, she calls on us to start our moral theorising from the "often disregarded undesirable aspects of the human condition" like the body, its needs and its location in particular relationships (Miller, 2012: 2). The body of a human being, with both its desirable and undesirable aspects, is particular and situated in a particular set of social and economic relationships in which human existence is experienced and negotiated (Burton and Dunn, 2013).

The second feature of this moral theory is the fact that emotions should have a place in our moral systems. Typically, moral accounts that emphasise independence, impartiality and rationality as important components tend to slight and side-line emotions as irrelevant to a moral life. Care ethicists, on the other hand, tend to believe that emotions are important aspects of robust human agency. Annette Baier (1987) urges the nurturing of moral emotions or sentimental character dispositions like compassion, sympathy, empathy, trust, as she considers these to be primary components of a moral life. Even the value of care, though not entirely emotional, must take into cognisance its emotion-related components (Kittay, 2005). According to Kittay (2005), the development of moral emotions is important because they are an important element of "dignifying care" or the work accompanying the idea of being "some mother's child". This necessarily involves an appropriate response for those in need of care, in terms both of actions and emotions – though emphasis tends to be placed on actions (Ruddick, 1980; Kittay, 2005; Miller, 2012).

It is important to be cognisant of the limitation that attends this chapter. Since its inception in the 1980s, care ethics is now a broad, heterogeneous and complex body of work in moral philosophy. I have highlighted general features of it above, but there are sharp differences in position and contradictions within the field. What is important is that my aim is to highlight key features of the ethics of care that will suffice for my goal to facilitate a conversation relating to the dignity of dead human beings. What follows will not be exhaustive or attempt to offer the most plausible account of care ethics. It will, at best, provide some important dimensions of this moral view.

I structure the chapter as follows: In the first section, I will discuss the ethics of care. This section will have two components. The first component will give a sketch of the history of the emergence of care ethics as a moral school of thought. The second component will proceed to expound it as a moral account. In that section, I will discuss the view of dignity associated with care ethics. For the sake of giving the reader a clearer view, I will draw on the writings of Sarah Clarke Miller and

Eva Feder Kittay. I will conclude the chapter by applying the ethics of care view of dignity to the question whether it is permissible to use unclaimed cadavers in bio-medical research.

7.2 Care Ethics as a Moral Theory

Care ethics can be understood as emerging from general feminist concerns and movements over a long stretch of history dating back to the 16th century. The major concern and driving motivation behind the feminist movement is explained as follows:

> More specifically, the feminist… aims to understand, criticize, and correct: (1) the binary view of gender, (2) the privilege historically available to men, and/or (3) the ways that views about gender maintain oppressive social orders or practices that harm others, especially girls and women who historically have been subordinated, along gendered dimensions including sexuality and gender-identity. Since oppression often involves ignoring the perspectives of the marginalized, different approaches to feminist ethics have in common a commitment to better understand the experiences of persons oppressed in gendered ways (Norlock, 2019).

Feminism as a moral and political movement emerged as a result of the oppression of women on the arbitrary basis of their sex and gender. The majority of moral and political views generally developed by men tended to privilege the male perspective and assume it as the only valid point of view. The established culture in society, the academy, and specifically in moral philosophy, ignored the experiences and voices of women. Care ethics, emerged, in part, as a response to this situation, and with the aim of understanding, criticising and correcting the way in which being "gendered" could engender biased moral views. Being gendered in this way has long been associated with the privilege attached to being a man and the simultaneous oppression of women in different spheres of society.

The voices associated with the feminist movements can be traced at least as far back as the 17th century. One will notice that in the 17th century, for example, leading thinkers like Mary Astell and Mary Wollstonecraft raised serious issues relating to the moral and social conditions of women. For example, Astell challenged the society of her time concerning the question of (equal) access to education for women. Wollstonecraft considered questions about whether women have the same capacity as men to be moral agents. She is famous for raising questions concerning women's rights in general, and, more specifically, the issue of universal suffrage. In subsequent generations, questions relating to inequity and unequal access to "income, property, sexual freedom, full citizenship, and enfranchisement …" were raised (Norlock, 2019).

Scholars of the ethics of care, locate its emergence as a moral view in the 1970s and 1980s. For example, Virginia Held (2006), one of the leading scholars of care ethics, locates its emergence in the essay by Sarah Ruddick titled "Maternal Thinking". In this essay, Ruddick associates the work

of the mother with a particular kind of thinking, which has not been taken into cognisance. Ruddick (1980: 342) makes this comment:

> The passions of maternity are so sudden, intense, and confusing that we ourselves often remain ignorant of the perspective, the thought that has developed from our mothering. Lacking pride, we have failed to deepen or articulate that thought. This paper is about the head of the mother.

The suggestion here is that the role of mothering is characterised by a particular kind of thinking, which has not been given proper philosophical attention. We notice that the common view in the literature on care ethics tends to locate the history of the emergence of care ethics in works of the psychologist Carol Gilligan (1982) and the philosopher Nel Noddings (1984). In fact, even Ruddick (2009), in a footnote to one of her later articles where she reflects on "Maternal Thinking", acknowledges that, among others, Gilligan and Noddings had a strong influence on the ideas she advanced and defended in that seminal essay. Gilligan's (1982) views emerged as a response to the psychological research by Lawrence Kohlberg that focused on moral development among teenagers. One of the observations that emerged from Kohlberg's research is that there is a difference between the moral development of boys and girls (see Gilligan & Wiggins, 1987). Kohlberg claimed that boys seem to develop the ability to think in terms of abstract universal rules and girls seem not to be able to develop this abstract universal way of approaching questions of morality.

On Kohlberg's view, this observation in relation to females' moral development suggested an "aberration" and took males as the "paradigm case" of moral development (Pojman, 2002: 682). Gilligan's (2002: 683) seminal and ground-breaking work "In a Different Voice" moves away from seeing one case as normal and another as abnormal. Rather, she insists that we should be observing "two moral perspectives that organise thinking in different ways" (Gilligan, 1982; 1987). The moral perspective associated with boys is the "justice perspective" and the one associated with girls the "care perspective" (Gilligan, 2002: 685). The care perspective is associated with females that use a different frame to conceptualise and approach moral problems. Noddings' major insight and contribution has been to place emphasis on the importance of caring relationships as essential to human existence and she has applied her moral view largely in the context of education (Noddings, 1984; 2002).

Beyond Ruddick, Gilligan and Noddings, the literature also identifies the following scholars – Virginia Held, Eva Feder Kittay, Joan Tronto, Annette Baier and Nancy Hartsock – as among the pioneering contributors to the emergence and diversity of thought in the moral discourse of care ethics. Below, I will draw on these and other thinkers to give the reader a broad picture of care ethics.

Care ethics, as the name suggests, posits care as the intrinsic or final good (Burton and Dunn, 2013). To identify some item as intrinsically good is to locate its goodness in itself and, as a final

good, points us to the fact that we should value it for its own sake. Kittay (2011: 54) refers to care as "an indispensable, and even a central good" in morality. Raja Halwani (2003: 161) observes "that caring does constitute an important and essential component of moral thinking, attitude, and behaviour". If care is so pivotal in this moral scheme, it means that we should be able to define it. However, the idea of care is an essentially contested notion, which means that there is no convergence on a single definition in the literature. Each scholar, depending on their project and view, will work with a vision of the value of care that they find to be plausible. This means that there are as many definitions of care as there are scholars of it.

One useful way to approach the value of care and care ethics is to frame it in terms of what scholars take to be the distinctive feature of human existence that requires a caring response (Miller, 2017). Some scholars put emphasis on the *neediness* of the human condition, which involves all dimensions associated with and emerging as a consequence of our bodily form of existence (Tronto, 1993; Miller, 2012). Other scholars point us to the inevitable *vulnerability* of human existence (Ruddick, 1990). Some point us to the centrality of *dependence* and *interdependence* in human existence (Noddings, 1984; Kittay, 1999). Care ethics can roughly be understood as the positing of care and caring relationships as a response to the "tripartite characterisation" of the human condition of need, vulnerability and dependence (Miller, 2017: 115). Different theorists of care ethics will emphasise any of the three dimensions of the human condition as essential to care ethics, for which moral intervention is required.

Consider also that Kittay (2011: 53) observes that the idea of care "can denote a *labour*, an *attitude*, or a *virtue*." As a labour, care refers to the work and skills we must acquire in order to be able to nurture those in a situation of need. Care as an attitude refers to "a positive, affective bond and investment in another's well-being" (2011: 53). Care as a virtue refers to the psychological disposition in which we make the interests and well-being of another a point of focus. Kittay (2011: 53) proceeds to define care ethics in this way: "An ethic of care develops and refines the normative characteristics in the labour, the attitude, and the disposition". On this view, care ethics focuses on the work of care that the moral agent must do for the needy. The most important component of this work requires that we conceive of the one doing the work (the moral agent) as a self-in-relation, where relationships partly constitute his/her identity (Kittay, 2011; Gilligan, 1982). The good is a function of positive caring relationships that nurture and secure the well-being of those in need. Moral harm, on this view, is generally not interpreted using the deontological framework of rights, which is dominant in the justice perspective. Thus, moral harm is "more the consequence of failures in responsibility and responsiveness" in the context of wholesome and caring relationships (Kittay, 2011: 53).

As a final point on care ethics, it is important to remember that it usually takes the mother-to-child relationship as a model for morality (Ruddick, 1980; Kittay, 2011). This relationship has the following aspects. Firstly, it is a relationship of inequality – the mother is more powerful and empowered than the child. Care ethicists point to the fact that all human relations in fact also take

this unequal form. They argue that the equality contained in the perspective of justice is nothing but "virtual equality" (Baier, 1995: 52). The dependence relationship between the mother and child is taken to be a feature of human existence in all of its dimensions. As we grow through different stages of human development, we participate in all sorts of dynamic and complex unequal relationships with individuals with differing levels of empowerment, neediness and vulnerability. The second dimension of the mother-to-child model is the fact that the mother has a responsibility to care for the needs of the child and ensure that she secures the well-being of the child. The mother-to-child relationship is maternalistic, but when it comes to adults, care ethics emphasises a cooperative and empathetic model for responding to moral issues (Kittay, 2011). The third aspect is the intimate, particular and partial character of caring relationships (Rachels & Rachels, 2010). This third dimension also has implications for the kinds of values that tend to characterise this moral view – values that are emphasised are those related to the fact of interdependence such as compassion, empathy and so on. It is for this reason that some scholars associate care ethics with virtue ethics (Halwani, 2003). Finally:

> The moral theory known as "the ethics of care" implies that there is moral significance in the fundamental elements of relationships and dependencies in human life. Normatively, care ethics seeks to maintain relationships by contextualizing and promoting the well-being of caregivers and care-receivers in a network of social relations (Sander-Staudt, 2020: n.p).

Below, I discuss a conception of dignity associated with care ethics.

7.3 The Ethics of Care and Dignity

What intervention or contribution can the ethics of care make in the discourse of dignity in moral philosophy? To provide an answer to this question, I draw on the philosophical works of two scholars of the ethics of care: Miller and Kittay. I draw on these scholars because they have extensively contributed to the concept of dignity in their own philosophical works. I also draw on them because they invoke a relational ontology in the service of rethinking the idea of dignity. I will begin my philosophical analysis and expansion of the ethics of care's conception of dignity with Miller's adumbrations. Before I do so, however, I will make two general remarks.

Scholars of care ethics enter the discourse on dignity motivated by their dissatisfaction with an account of it that grounds it entirely on rationality or autonomy. This dissatisfaction takes two forms. From one angle, the concern is that accounts of dignity that draw entirely on rationality leave out of the moral community many individuals that we tend to think should be part of it. The rationality-based conception of dignity is often accused of leaving out infants, many seriously cognitively impaired individuals and animals, all of whom are characterized as lacking moral status and dignity (Singer, 2009; Nussbaum, 2009 Kittay, 2011). By implication, on the rationality-based view of morality or dignity we have no direct duties of respect or rights towards infants, mentally impaired individuals or animals. Looked at from another angle, care ethics suggests that

rationality-based views of dignity miss something significant about human existence that is essential for a plausible conception of dignity (Gilligan, 1978; Kittay, 2005). It is in this context that care ethicists tend to insist on the importance of caring relationships as an essential aspect of human existence, which escapes the attention of rationality-based moral views (Gilligan, 2002).

I should also emphasise that most of the scholars in the moral tradition of care ethics suggest a marriage between it and the rationality-based morality. They propose this marriage because they believe it might yield a plausible account of dignity, or go beyond the parochial and non-inclusive tendencies of a rationality-based view (Baier, 1987; Dillon, 1992; Engster, 2004; Kittay, 2005; 2011; Miller, 2012; 2017). It is for this reason that Carlo Leget (2013: 952) concludes:

> It is clear however that from the perspective of an ethics of care, rationality alone – whether in actuality or potentiality – is a criterion far too narrow.

As a result, Leget proposes an "integrative framework" to expound a plausible conception of dignity. Robin Dillon (1992: 105) reminds us of the proposal made by Baier when she urges us to consider "a marriage of the old male and newly articulated female… moral wisdom to produce a new cooperative moral theory that harmonizes care and justice". Ultimately, Dillon (1992: 108) argues for a "more integrative approach to moral theory and moral practice", which operates on the moral logic of the "union of respect and care resources". The integrative approach is propounded for the reason that it will provide us with a moral view that is both adequate and plausible. The adequacy of this view is that it will facilitate a healthy marriage between the care perspective and justice perspective, which will hopefully entail a plausible conception of dignity.

I know that reference to the marriage between care ethics and rationality-based morality may raise questions about whether we have not through this proposal effaced either of the two, especially care ethics. This concern is both valid and complicated, and the limitation of space will not quite afford me an exhaustive response, let alone a convincing engagement. It suffices for now to point out that this union of the two approaches happens in the corrective hermeneutical frame of care ethics, which locates normativity ultimately in relationality, as will be seen in what follows, rather than merely on capacities themselves. Consider Miller's (2012: 5) comment:

> While it may seem that Kant and care ethicists make for strange bedfellows, I develop a beneficial, symbiotic relationship between them. The result is the compelling features of the duty to care: its firm foundation, reasonable scope, and rich content.

According to Miller, the marriage between the two results in a more robust moral account of care. It will have a firm foundation, reasonable scope and rich content. The point, in my view, is simple. Though the marriage, if we go along with this analogy, is symbiotic; its consequence is a robust interpretation of ethics of care that entails an attractive view of dignity. I now turn directly to Miller's (2017) account of dignity.

7.4 Miller's Account of Dignity

Miller begins her articulation of a care ethics conception of dignity in her book *The Ethics of Need: Agency, Dignity and Obligation* (2012). In *Reconsidering Dignity Relationally* (2017), Miller clarifies and elaborates this conception. To clarify the intention of her contribution to the discourse on dignity, she makes the following remark:

> My primary aim is to move dignity in a more relational direction, drawing on care ethics to do so. I discuss three interventions that care ethics can make into the dignity discourse. The first intervention involves an understanding of the ways in which care can be dignifying. The second intervention examines whether the capacity to care should be considered a distinguishing moral power – as rationality often is – in light of which humans have dignity. In the third intervention, I cast dignity as a fundamentally relational concept and argue that relationality is constitutive not only of dignity but also of the wider enterprise of normativity (2017: 108).

There are three vital points we should notice in Miller's quotation above. Firstly, she promises a shift in the discourse of dignity. She proposes that dignity should be interpreted within a relational frame. Secondly, she proposes that care ethics will provide us with the ethical tools for a relational interpretation of dignity. Finally, she dares us to rethink the entire project of morality as a relational one. In what follows, to shed light on Miller view of dignity, I will begin by explaining how Miller understands the concept(s) of dignity. I will proceed to give a sense, conceptually, of the significance of the shift to a relational concept of dignity. I will then consider Miller's (proposed) view of dignity and its meta-ethical relational grounding.

To begin with, Miller draws a distinction between two concepts (two abstract ideas) of dignity – *status* and *performative* dignity. By *status dignity* Miller (2017: 112) is referring to the kind of worth associated with human beings that is not "earned". She also refers to it as "intrinsic moral worth" (2017: 112). It is the kind of worth that is attributed to a human being because he/she possesses particular kinds of ontological capacities. *Performative dignity*, on the other hand, refers to dignity that is "recognized through moral other- and self-regard, that is, a quality that can be acknowledged through how others treat us morally and also through how we treat ourselves". Though her intervention covers both forms of dignity, the major contribution care ethics makes pivots on status dignity, which she understands as a "foundational or meta-ethical concept" (2017: 112). Status dignity is foundational or meta-ethical as it illuminates the grounds of dignity. To clarify what she means when she refers to status dignity as foundational or meta-ethical, she borrows from Stephen Darwall's (1977) famous distinction between recognition and appraisal respect. She informs us that status dignity is more appreciable when we look at it in relation to recognition respect. Recognition respect grounds respect towards a human being, for example, in the light of certain distinctive ontological features of his/her nature like rationality. It is the

recognition of this ontological feature of a human being that imposes the demand of respect from moral agents. In this context, Miller (2017: 112) comments:

> What I, following others, am calling status dignity would be the proper object of the disposition of recognition respect. Status dignity, as essentially inherent moral worth, is that which one recognizes through recognition respect.

Miller is clarifying the view that status dignity is based on ontological facts whose acknowledgement, on the part of the observer or moral agent, is appropriately expressed through recognition respect.

The second thing I highlight is the distinction between individualist and relational conceptions of dignity. Roughly, the distinction between individualism and relationalism is a function of where a moral view locates ultimate moral value. Moral theories that operate on the moral logic of moral individualism locate ultimate moral value in some facts of the individual. Relational accounts, on the other hand, locate it in some connection between and among individuals. Kant's account of dignity, for example, is a paradigm example of an individualist account because it requires us to respect the individual's capacity for rationality. A relational account of dignity, on the other hand, will push us in the direction of grounding dignity on relationships or the ability to enter into them. Below, I consider how relationships might ground dignity in care ethics.

In accounting for dignity, Miller suggests that her view "will add an emphasis on relational capacities and relational ontology" in accounting for dignity and morality in general (2017: 112). She grounds status dignity on some relational capacity – the capacity for care – and she grounds the entire moral landscape, normativity, in a relational ontology. She proposes care as a distinctive moral power that grounds human dignity. The human ability to enter, participate in and benefit from caring relationships should form part of a plausible conception of dignity. She defines care as "the distinctive capacity that humans have to perceive, understand, adopt, and advance another person's self-determined ends as their own" (2017: 116). On this view, care is the distinctive human ability to respond to the natural neediness accompanying human existence (Miller, 2012). She understands fear to encompass two important aspects. On the one hand, care must involve making the well-being of another the focus of a caring attitude and caring actions. On the other, care must proceed from a psychological and moral framework that "prioritizes their (the care-receiver's) own self-understanding" (2017: 115). The vital point to take home is that care is to be invested in the well-being of others for their own sakes in ways consistent with and affirming of their own point of view of what is good for them. That is, a caring relationship is not ultimately about the carer – not about what he/she deems important for the beneficiary of his/her moral actions. Rather, genuine caring relationships must be absent of all forms of unnecessary paternalism, and must be properly other-oriented for them to be wholesome and effective.

Two points about this view of dignity are important to notice before we deal with the last statement above. Miller (2017: 111) defends a *deontological care ethics*, which aims, as I explained above,

to incorporate positive elements of Kant's ethics into care ethics. Hence, she is quick to make this comment:

> Rendering the moral power of care as the key to a capacity-based account of dignity may be an improvement on rationality – or at least an interesting expansion (2017: 116).

The aim is not to entirely dismiss rationality as an important aspect of human existence. Rather, it is to supplement it with another vital component of human nature – care – that will give us a fuller and, hopefully, more plausible view of human dignity. It is important, therefore, to appreciate that this view of dignity grounds it both on the relational capacity to care and on rationality. Even then, care ethicists might argue, following MacIntyre's (1999), that care and caring relationships are prior to or more primary than autonomy, given the fact that we must first be beneficiaries of care before we can develop the ability to reason or autonomy. This is a profound observation, the capacity to determine our selves emerges after caring social relationships with other human beings. Without this nurturing it becomes impossible for one to be autonomous – think of cases of feral children, abandoned after birth to be raised by animals (see Jarman, 2019).

The second point, which Miller brings to our attention is the limitation of her own view of dignity as a function of our ability to enter, participate in and benefit from caring relationships. Notice that she insists that her view of dignity is a capacity-based one, and as such it will ordinarily exclude those human beings that do not have the said capacity from the moral community. The consequence of Miller's (2017: 116) view of dignity is that it "potentially excludes some human beings from the circle of full moral consideration" since those "…with severe cognitive and affective impairments may never evidence the moral power of care..." The point is not hard to comprehend, whatever capacity a moral view will propose to account for dignity will exclude some forms of human lives that, for one reason or another, lack that capacity. It is this objection against her view of dignity that leads Miller to propose the ground-breaking intervention that care ethics can make to the conversations surrounding dignity by extolling the primacy of relationships.

Her suggestion is that we need to conceptualise care within a relational rather than an individualistic framework. In other words, she is directing us to the conditions of human existence – that relationships are decisive for the very possibility of human development and functioning. Relationships permeate all aspects of our existence. She invokes this relational ontology, as manifested in caring relationships, to move "dignity away from an implicitly individualist foundation towards something more decidedly relational" (2017: 117). On this ontological framework, everything about human beings points to the fact that "we are formed and sustained in and through modes of human connection" (2017: 117.). Without relationality no human life is possible and sustainable in any meaningful form. To clarify and justify a relational ontology that grounds self-understanding, normativity and dignity, she calls to mind the idea of the last human being.

She asks us to imagine the last human being overtaken by an accident that causes her a special kind of amnesia. The extent of the damage involves the wiping away of all information about herself, all social relationships and everything on planet earth. Given the state of amnesia of the last human being, Miller argues that there is no possibility of her attaining self-understanding because it is intersubjective by nature. She also observes that the absence of relationships practically and psychologically means that the last human being has no dignity, and that there can be no morality said to exist in any meaningful sense. Socialisation and personal identity require social relationships, and morality and dignity require caring relationships. On dignity, Miller (2017: 119) concludes:

> Finally, absent relations with others, we cannot be said to have dignity. Relationality is the condition of the possibility of our fundamental worth as human beings. We are, in essence, dependent upon the presence of and interactions with others for our dignity.

What is profound to appreciate here is that our fundamental worth as human beings is premised on relationality as the ontological condition of the possibility of human existence. The difference between the care-based view above and the relational view of dignity, is that on the care-based view, one locates dignity in the actual ability or capacity to care, whereas on the latter view, though not explicitly stated by Miller in the article, we locate our fundamental worth in caring relationships with others – whether we are aware of them or not, I suspect. Drawing on the relational ontology seems to bring something distinctive and substantive to the discourse on dignity, but Miller does not in the essay under consideration neatly conclude by clarifying its implications for the objections she raised about seriously impaired individuals. This discussion finds a supplement and augmentation in Kittay's work on dignity, which is what we turn to immediately.

7.5 Kittay's Account of Dignity

To kick off Kittay's contribution to the discourse on dignity, it is important to understand how she positions herself in these discussions. The first important thing to notice is that she is not just writing as an armchair philosopher; her philosophical views are those of the mother of a seriously mentally impaired individual. It is common in her writings on care ethics, disability and dignity to bring this fact to our attention. She describes her own daughter Sesha's condition in this way:

> The young woman in question has severe mental retardation and cerebral palsy, cannot speak, walk on her own, or care for herself in even minimal ways. Now at the age of 33 she remains entirely dependent. This very social and affectionate young woman is a great hit at her new residence. She loves music and water play and has, in most ways, a wonderful life. This is Sesha, my daughter, about whom I've already written much, and will no doubt write much more before I stop writing altogether (Kittay, 2005: 96).

The second point to notice is that Kittay is in a search for an inclusive ethical perspective, which will include mentally impaired individuals like Sesha in the moral community. Her search for an inclusive moral theory is motivated by the inadequacy and exclusion engendered by dominant moral views of dignity, which finds expression in Kant's rationality view of dignity and its leading modern proponent, John Rawls. On her interpretation, Kant's view of dignity grounded on rationality and Rawls's view grounded on the ability to "function reciprocally in a scheme of social co-operation" entails the conclusion that disabled individuals are excluded from the comity of equality and dignity (Rawls, 1972: 302). The urgent question that she considers is whether care ethics can include disabled individual in the moral community as bearers of dignity.

To appreciate her account, we must begin by understanding the sense of dignity she wants to associate with or attach to the disabled. Kittay (2005) draws a distinction between what she calls *equal dignity* and *group dignity*. Equal dignity is similar to Miller's status dignity in that it is assigned relative to a possession of a certain capacity of human nature. It is equal dignity because all those that have the capacity have dignity equally, since dignity is not connected with the *use* of the capacity. This kind of dignity "inheres in each and every human being to the same degree" (Kittay, 2005: 101). Group dignity, on the other hand, is a function of belonging to the human family, without consideration as to whether a specific human individual has capacities associated with normal human beings. The fact of belonging is necessary and sufficient for human dignity. Kittay informs us that group dignity is associated with the *constraint view* of dignity and that the equal dignity view is associated with the *empowerment view* of dignity (Kittay, 2005: 101; see also Beyleveld & Brownsword, 2001: 129–146).

Kittay wants to defend the view that mentally impaired individuals also have equal dignity although they lack requisite capacities. This goal should not be surprising because the goal is to advance an inclusive ethical perspective. She is aware, as I pointed above, of the obstacles associated with dominant capacity-based views of dignity. She remarks:

> I want to redirect that insight and say that it is not in the human capacity of rational practical reasoning that we find the ultimate source of our dignity but in a distinctly moral capacity to care — a capacity so beautifully symbolized by St Kevin's refusal to abandon the nurturing of life in his fellow creature. *Our dignity I want to argue now is bound both to our capacity to care for one another and in our being cared for by another who is herself worthy of care* (Kittay, 2005: 111; emphasis mine).

Like Miller, she identifies the distinctive ability to care for another and to be cared for as the source of our human dignity. Her argument for why we must take the capacity for care as a distinctive feature of human nature and existence is quite convincing. She points to the fact that all the features that we tend to valorise as distinctive of human existence, such as rationality, emerge only in contexts of care, and that without caring relationships rationality or autonomy is rendered a chimera. She goes further to elaborate that much of our existence is actually characterised by

vulnerability and dependence. If we think of the different stages of human existence, we notice that from pregnancy, infancy, childhood and adolescence we are dependent on caring relationships. Moreover, in old age we revert to vulnerability and dependence on others. The significant argument that Kittay (2011: 51) is making is that we have developed the wrong attitude towards disability and dependence because of the "mere fiction" of independence.

She believes that societies that tend to valorise independence operate on the illusion of it being an important feature of human existence. In fact, disability in its various manifestations is a feature of human existence. In one way or another, human beings require and depend on all sorts of caring relationships to be able to live a normal existence. Even so-called "normal" or "temporally abled" individuals still depend on direct and indirect relationships, and they are ever vulnerable to the possibility of impairing disability. It is a fact of our human nature or existence to be always open to vulnerability and dependency because of aging, disease or mishap (2011: 50). Disability and dependency are inevitable feature of human existence.

Two points emerge from the above analysis. In valorising independence as a feature of our society, we have constructed societies that diminish the worth and dignity of other human beings by not creating extensive networks of care and support which would enable different forms of human existence. Without these enabling dependencies we have effectively threatened the possibility of a truly human existence. The second point is that human dignity is possible only through being in caring relationships. Here, Kittay still makes the profound point about the relational ontology that grounds human worth. She exemplifies the relational ontology that accounts for human worth or dignity in terms of the idea of being "some mother's child". In her view, the mothering relationship is universal and essential to the very project of being and human dignity. The universality of the fact of being a mother is explained by the fact that she is the one that gives birth to the child. Mothering is essential because the caring work associated with it creates conditions under which we can be human and realise our dignity. The daring claim is that outside of these 'mothering relationships' human dignity is impossible. She expresses this view thus:

> In the case of an infant who has not yet been taken into the human community, and no human within the community would have been prepared to take care of that infant, I think it is appropriate to say that the infant was not yet a bearer of equal dignity, the strong sort of dignity for which I am arguing, although we still may wish to say that the infant possesses the group dignity of which I spoke earlier (Kittay, 2005: 115).

The point is important to take into consideration. An abandoned infant outside of any mothering relationship is considered not to have equal dignity, though he/she might be granted group dignity because he/she belongs to the human community. Equal dignity is possible and emerges only in the context of human connection. Kittay (2005: 116) continues:

> This [caring] relationship is ubiquitous in human society and is as fundamental to our humanity and our dignity as any property philosophers have invoked as distinctly human, and thereby the basis of a distinctly human dignity.

The caring relationship is ubiquitous, and it is the fundamental basis for our humanity and dignity. Even the severely disabled can enjoy a human life, one of equal dignity, in caring relationships that allow for all forms of "normal" lives attending human existence. In the light of the above, we can conclude that relationships in general and the caring relationship in particular simultaneously create and recognise equality in all forms of human existence. It is only when existing in caring relationships that we can explore and enjoy human worth.

7.6 Care Ethics, Human Dead Bodies and Dignity

We are now in a position to revert to our primary question concerning the moral status or dignity of dead human bodies. Do we owe these bodies any moral duties of respect? The requirement for moral status or dignity according to care ethics is being able to be a part of caring relationships either as a beneficiary or benefactor. The last human outside of social relationships, as we discussed above, has no dignity. The abandoned infant outside of social relationships has none either. Caring relationships are the source of our equal dignity and it is obvious that a dead human body cannot be accessed or affected by caring relationships. Remember, caring relationships are important for developing personal identity, which is an intersubjective process. They are also important for the emergence and exercise of our rationality. We learn, appreciate and reciprocate our personal worth and dignity in the same relational context. The dead person is, in a way, in the same position as the last human being and the abandoned infant since he/she is deprived of the vital aspect of human existence – caring relationships.

The conclusion that we can draw from this is that dead human bodies do not have equal dignity since they can no longer be benefitted by caring relationships. Cadavers lack the equal dignity that is owed to each and every individual and which is associated with the empowerment view of dignity. In the state of death, one can no longer be empowered by caring relationships. Human corpses, moreover, can no longer be assigned group dignity, which imposes constraints on moral agents and limits to degrading and humiliating treatment. Dead human bodies, in a fundamental sense, can no longer be objects of humiliation or degrading treatment. In other words, although it is true that certain ways of treating a dead body may be damaging to it physically, this physical damage does not amount to humiliation. This is because the dead are no longer open to the damage of uncaring relationships.

If the above discussion is true, it implies that we have no duties of care to cadavers. This conclusion does not imply that we should not care for a dead human body as most human cultures do, but it points to the fact that we do not have direct duties towards corpses. Furthermore, it implies that it is permissible to use unclaimed cadavers for research and learning-related matters. By so doing we would not be harming anyone – family, friends and so on – let alone the fact that a dead human

being is no longer open to the moral harm associated with the lack of care and responsibility. In fact, to state the position positively, doing research on cadavers might be a gesture of care insofar as it might be a way of adding to our scientific knowledge to learn more about the human body and its needs.

7.7 Conclusion

This chapter investigated the moral status of dead human bodies through the ethical lens of care ethics. The chapter had two major objectives: The first was to give the reader a sense of care ethics as a moral perspective. In the chapter I offered a sense of the history of the emergence of this moral school of thought and then highlighted some of the defining features of care ethics. The second objective was to discuss the view of dignity associated with care ethics. Drawing from the writings of Miller and Kittay, we observed that these scholars account for dignity in terms of caring relationships. We concluded that caring relationships are the source of what we called moral status or equal dignity. The centrality of caring relationships as the essential feature of human dignity was demonstrated by appeal to the hypothetical case of the last human being, on the part of Miller, and through the idea of being "some mother's child" on Kittay's part. A disabled individual, just like a temporally able individual, is "some mother's child". It is being enveloped in and nurtured through these relationships that is the source of human dignity.

Concerning the question whether dead human bodies have moral status or not, I observed that since they can no longer be enveloped in caring relationships, they have no moral status or dignity. The implication of this view of dignity for dead human beings is that it is permissible to use unclaimed cadavers in medical research and learning contexts.

Chapter 8: Conclusion

8.1 Introduction

In this research, I set myself the task of investigating the prevailing intuition that dead human bodies have moral value. It is the universal moral presumption that human corpses have moral value that explains the expected requirement that we treat dead human bodies with dignity or provide them with a dignified send off. Remember, in instances where individuals did not receive a proper burial, as with the bodies of those trapped in a cage at Lily mine in Mpumalanga or those killed by apartheid operatives in South Africa or in wars, societies and states would expend economic resources to exhume them and give them dignified funerals. The research approached and interpreted the moral value associated with dead human bodies philosophically, in terms of the language of moral status or dignity. Thus, another way to refer to the moral value of dead human bodies would be to conceive of them as having moral status or dignity. The central question animating this project then was whether dead human bodies have dignity or not. That is an inquiry concerning whether we can extend the moral language of dignity to cadavers.

I raised the question because it is an important one in its own right – to assess the moral intuition that is central in our day-to-day decision-making in relation to the passing away of our loved ones and even strangers. This research, however, further raised the question of the moral standing of human corpses because it is important in bio-medical contexts, particularly in the area of medical research and teaching. The challenge that emerges in bio-medical research and training is whether it is permissible to use unclaimed cadavers for the purposes of teaching and research at all. The permissibility or lack thereof, primarily, will be the result of whether we consider dead human bodies to have moral status or not – assuming that we have ensured that these bodies pose no medical threat to the users of them. If it turns out to be the case that dead human bodies do have moral status, it should then follow that, all things being equal, we may not use them for medical research without violating their dignity. If not, it may be permissible to use them in our efforts to promote public health through education and research in medical areas of training like anatomy.

I limited my focus only to unclaimed cadavers. In my investigation, I set aside even the question of individuals that may have voluntarily elected to hand over their dead bodies to the laboratories of science for medical research. Two reasons explain why I limited my focus in this way. The first is the practical consideration that worldwide there are a large number of unclaimed cadavers that governments bury, or medical institutions use in their medical training and research. If these unclaimed cadavers are already available as a resource in teaching, without raising other socio-political and moral issues, it seems it presents an opportunity to advance human issues relating to public health without appearing to harm anyone. The second reason relates to the fact that the use of cadavers for research and learning might be objected to based on indirect moral concerns about family and close friends. The fact that the members of the family might take themselves to have a special duty to offer their loved ones a dignified funeral might create duties on us to respect their

wishes without considering whether we do, as a matter of moral fact, owe dead bodies these kinds of duties of respect. Unclaimed cadavers do not invite any moral controversies or raise questions of the indirect concerns associated with relatives or close friends and are therefore a more apt object of study in a work like this. In what follows I reflect on how I responded to the question whether we owe direct duties of respect these unclaimed bodies, or not.

8.2 Theories of Moral Status and Dead Human Bodies

To determine, philosophically, the moral status of dead human bodies, I appealed to prominent moral theories from various cultures in the world. I drew from eminent theories in the Western, African and Oriental traditions of philosophy. I considered both supernatural (religious) and secular moral views. Western (Judeo-Christian) and Islamic religious views ground moral status or dignity in the fact that human beings are created in God's image. To be created in the image of God is commonly interpreted to refer to the value of the creative capacities that human beings share in common with God, albeit to a limited degree. To be a part of *imago dei* means that a human being has the ability to reason, plan, contemplate and execute grand plans. In the African tradition, dignity is usually explained by appeal to a spiritual energy comparable to a soul, which, however, is possessed by both animate and inanimate objects. The mere possession of high quantities of vital force – as is the case with human beings – secures preeminent dignity, whereas its dissipation in other things diminishes their moral status. Both theories ultimately do not consider dead human bodies to have moral status or dignity. The reason for this is that, upon death, the image of God perishes (on the Judeo-Christian account) or the divine energy is lost (on the African account), which amounts to the loss of dignity.

I then considered secular views, starting with Western moral theories – utilitarianism, Kant's deontology, and Nussbaum's capabilities approach. These theories, respectively, ground moral status on the capacity for sentience (the ability to suffer and to enjoy), autonomy (the ability to make choices and determine oneself) and basic capabilities (innate abilities for 'beings and doings' essential to being human). What emerged from these three Western theories is that they do not ultimately secure the view that dead human bodies, in and of themselves, have moral value. At best, these theories promise to secure the moral status of cadavers by appeal to indirect moral facts.

I continued in my investigation by considering secular African moral theories. I considered African relational theories advocated by Behrens, Metz and Chemhuru. According to these three theories, some fact relating to living human beings, specifically their capacity to participate in social relationships of a certain kind or their actual participation in them is essential for moral status or dignity. It is obvious that dead human bodies cannot participate in actual relationships and that they have lost the capacity to participate in social relationships of love or friendship. In Chemhuru's case, moral status or dignity is a function of the position and purpose (or *telos*) of the entity in the metaphysical hierarchy. Following this way of thinking of moral status and dignity, it is difficult to demonstrate that human dead bodies have a *telos* in the African metaphysical system.

It is equally difficult to tell what the morally relevant function of the dead body might be in this metaphysical system. Hence, according to these secular African moral theories, it follows that dead human bodies do not have moral status or dignity.

I also considered moral theories from the Oriental traditions, focusing on Chinese moral philosophy. I discussed a Confucian moral outlook, where we noticed that it espouses a meritocratic view of dignity that depends on whether the individual leads a virtuous life or not, and where the virtues of benevolence or integrity, for example, are highly prized. On this view, dignity is something that is acquired over time and depends on conduct. It can, for this reason, be lost if the agent's moral conduct deteriorates. It seems then, on the Confucian view, that dead bodies lose the dignity of those that inhabited them since virtue depends on moral performance. However, here I also found that the dead body of a virtuous human being could come to symbolise dignity and respect. Despite this, symbolising respect is not the same as claiming that the body itself has dignity. I noticed that respect for the dead body stemmed from the desire to reward someone who lived a virtuous life, and is based on the history the dead individual and knowledge of his/her deeds. It amounts to remembering a dignified and virtuous life. Therefore, even on this view, dead human bodies do not have moral status.

Lastly, I also considered both the phenomenological view and care ethics to evaluate the moral standing of dead human bodies. Levinas grounds dignity on the Other – on the encounter of the I with the face of another. The face of the Other, as the infinite and unknowable, instantiates the duties we owe to her, being as she is in a commanding and high position. On this view, dignity is not a function of some ontological capacity of human nature. Dignity, in a sense, is a function of the perpetual transcendental mystery that attends what it means to be human. Upon death, however, human beings lose dignity as encapsulated in the mystery that attends their humanity – they revert to the mere form of the humans they once were. Care ethics, on the other hand, conceptualises dignity in terms of caring relationships. It is only in the context of mothering relationships that humanity is possible. Outside of these relationships, humanity and dignity is impossible. Equal dignity emerges only in the context of a caring relationships. For this reason, dead human bodies are without dignity; they can simply no longer be enmeshed in caring human relationships.

In the final analysis, it is clear that all these moral theories entail the conclusion that dignity is only associated with human beings as long as they are alive. Dignity, stated positively as a moral property that explains the intrinsic worth of human beings within these ethical systems, has to do with the proper attitude we ought to have towards human beings in their own right as living beings (Bieri, 2017). Dignity, stated negatively as the evasion of humiliating and degrading forms of existence, involves removing affronts to human existence as living beings (Kaufmann et al., 2011). It does not seem that dignity, conceived either positively or negatively, arises in relation to dead human bodies. The insight that emerges in this analysis is that the ethical humanism associated with the idea of human dignity points us to the core association between it and ideas of human

need, well-being and flourishing, which are core values. The association between dignity and these core values, at the very least, presuppose a living human being.

The important point that emerges here is that morality within all human cultures has been focused on *living* human beings. In contemporary moral philosophy, it tends to be inclusive even of non-human (but living) animals (see Singer, 2009; Horsthemke, 2015). When Socrates conceived of morality as concerned with how the moral agent ought to live, it signalled that ethics is concerned with the part of human existence that precedes death. Its focus is the virtue of existing as a human being (dignity) and the virtue associated with being the best kind of a human being (dignified human existence). Beyond the scope of the living, the question of dignity does not arise. It is a fact that ethical humanism focuses on living beings. All the moral theories we have considered consistently rule out extending dignity to dead human bodies. An ethical humanism divorced from the core concerns of human needs, well-being and flourishing is simply not plausible.

8.3 Unclaimed Cadavers and Bio-Medical Ethics

Given the above summary of the prominent theories of moral status and dignity in relation to dead human bodies, I concluded that cadavers have no moral status. The consequence of the conclusion that human corpses have no moral status is that we do not owe them any direct moral duties. Thus, dead bodies, in and of themselves, do not occasion any moral concerns or issues. If this conclusion is true, it points to the permissibility of the use of unclaimed cadavers for medical research and training – using dead human bodies is permissible since dead human bodies have no moral status. Therefore, this research lends credence to the use of unclaimed cadavers for the purpose of healthcare, specifically in branches of medical research and training.

The above conclusion has important implications for biomedical ethics. As Gangata et al. (2010: 174) remark, "The study of gross anatomy through the use of cadaveric dissections in medical schools is an essential part of the comprehensive learning of human anatomy". They continue to observe that:

> Because the sources of cadavers used in Africa are not clearly known, a questionnaire to gather information on cadavers used at medical schools was designed from the relevant literature and was sent by electronic mail to 123 anatomy lecturers in 23 African countries (48 medical schools). Fourteen lecturers from 14 medical schools in ten countries responded to the questionnaires. The results indicate that, in most countries, the cadavers are unclaimed bodies from the hospitals and prisons, and the bodies of dead bandits (Gangata et al., 2010: 174).

The conclusion of this study supports the use of unclaimed cadavers in the training of anatomy. The study offers a moral and theoretical justification by pointing out that we have no moral duties towards unclaimed cadavers. It is also important to observe that if the dead bodies have no moral status, it would mean that we may need to encourage institutions and people in various cultures to

consider donating their bodies for research and training in medical schools. This point emerges when Gangata et al. (2010: 174) observe that:

> In South Africa and Zimbabwe, the donations are mostly from the white community, and medical school[s] in the Islamic country of Libya [are] importing cadavers from India. The lack of knowledge about body donation programs and firmly held cultural and religious burial traditions may explain the lack of bequests from black communities.

Now that we have moral certainty, if the above theories are the best we have, we may conclude that we have no duties to dead bodies, and, we, ourselves, when we die, can actually donate our dead bodies to succour healthcare. The challenge that emerges in the light of the moral conclusion we have reached is that it further urges us to encourage healthy members of our societies to donate their bodies to medical schools for the sake of medical research and learning.

This study urges robust interventions that should encourage the donation of cadavers by individuals and families in South Africa and other parts of Africa. This is urgently needed given the challenge of securing cadavers faced by academic institutions in this part of the world due to scant donations. Unclaimed cadavers are still the main source of dissection in anatomy laboratories, and donations could greatly alleviate this problem.

Kramer et al. (2019: 264) opine that:

> While dissection remains the method of choice for teaching human anatomy, ethical requirements for obtaining cadavers [have] made the process of acquiring human bodies more strenuous for institutions. In Africa and at the Schools of Anatomical Sciences in South Africa, dependence on unclaimed bodies has been prevalent.

It is important to recognise two points in relation to the above quotation. The authors first point us to the ethical requirement related to the process of acquiring cadavers – that of autonomy. The conclusion of this research eases the difficulty added by this ethical requirement by pointing to the important fact that dead bodies have no moral status in their own right, which implies that we have no direct duties towards them. The major hurdle in obtaining cadavers should now only be the consent of the family. But, with proper ethical education concerning the status of dead bodies, and the importance of medical research and training using dead bodies, the considerations canvassed in this research should be of assistance in convincing families who wish to act ethically.

The second point directs us to actively encouraging African people in particular to receive education concerning the importance of donating cadavers. If the moral conclusion on dead bodies reached through in this research is true, we should have a strong moral basis to motivate African people to donate dead bodies and further our ability as a people to advance our medical knowledge and expertise.

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