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Duties to Past Persons

*Moral Standing and Posthumous Interests of Old
Human Remains*

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Abstract

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Genetic research has increasing power to analyse old biological remains. Biological traces of well-known historical persons can reveal personal information. The aim of this thesis is to investigate ethical concerns for the dead, within the biological, historical and archaeological sciences.

In philosophy there is a long-running discussion on whether or not the dead can be wronged. The good name is proposed as a candidate of a posthumous interest. It is first of all argued that slandering *per se* can be wrong regardless of posthumous wronging of the dead. Secondly, the concept of change is investigated. It is argued that the property of having a reputation is a relational property. Hence a change in public opinion of a dead person, is also a change in the dead person's reputation.

The third contribution of this thesis is a constructive proposal for how a posthumous identity could be understood using narrative theory. Understanding identity through the life-story opens up the possibility of a gradual loss of identity after death, rather than absolute loss at the moment of death. Fragments of a person's narrative identity can persist in other peoples' narratives, and for some historical persons, their narratives can be found long after their death.

Finally, the implications of a remaining narrative identity for the dead are investigated in the area of archaeology and museumology. In the past 30 years, there has been increasing critique about present and past discriminatory handling of old human remains by archaeologists, in museums and in other institutions. Increasing numbers of requests have been made for repatriation or reburial of old human remains. Following an analysis of three current ethical guidelines in handling old human remains, changes to these guidelines are proposed based on a narrative method to a hypothetical claim of reburial.

Keywords: posthumous interests, moral standing, missing subject, archaeology, human remains, rights, dead, interests

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Dedication

Till mamma för din påhittighet, envishet och kärlek.

Till pappa för ditt lugn, omtanke och okuvliga stolthet för oss barn.

To my hubby George for all your encouragement from the very start and for being there for me.

Till min Ebba för din entusiasm och fantasi.

Till min Rory för din leklust och glädje för de små sakerna i livet.

Till Jennifer och Erik för att jag nu uppskattar er mer när vi blivit ”stura”.

Till alla er som har funnits där för mig och min familj!

List of Papers

This thesis is based on the following papers, which are referred to in the text by their Roman numerals.

- I With kind permission from Springer Science+Business Media: Masterton, M., Helgesson, G., Höglund, A.T., Hansson, M.G. (2007) Queen Christina's moral claim on the living: Justification of a tenacious moral intuition. *Medicine, Health Care and Philosophy*, 10 (3): 321-327
- II With kind permission from Springer Science+Business Media: Masterton, M., Hansson, M.G., Höglund, A.T., Helgesson, G. (2007) Can the dead be brought into disrepute? *Theoretical medicine and bioethics*, 28(2): 137-149
- III Masterton, M., Hansson, M.G., Höglund, A.T. In Search of the Missing Subject. Narrative Identity and Posthumous Wronging. *Submitted*
- IV Masterton, M., Höglund, A.T., Hansson, M.G., Ethical Considerations in Reburying Old Human Remains, a Narrative Approach. *Submitted*

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*Thanks to Geoffrey Metz for the original photograph,
Uppsala University*

*Portrait picture taken by Catarina Olsson
Painting by Jacques Deshaies, DNA Family with Cells, 2002*

Contents

Introduction.....	9
Personal Reflections.....	11
Background.....	12
Biological Information and Ancient DNA	13
DNA techniques	13
Areas of Application.....	14
Queen Christina’s DNA.....	15
Legal & Ethical Frameworks	16
The Swedish Penal Code	16
Genetic Integrity	16
The Personal Data Act.....	17
Archaeological Guidelines.....	17
The Dead Body	21
Moral Standing.....	22
Rights.....	25
Privacy.....	25
Interests, Properties & Changes.....	27
Posthumous Identity.....	31
Memory Theory.....	31
The Psychological Criterion	32
The Biological Criterion.....	33
The Narrative Subject.....	35
Criticism of Narrative Theory	37
Historical and Archaeological Research.....	39
Public Figures.....	39
Albert Einstein.....	39
President Abraham Lincoln	40
St Birgitta of Sweden.....	41
Anonymous	42
Face to Face: Exhibition at the Vasa Museum	43
Inventory of Sámi Human Remains in the National Historical Museums’ Collections	44

Aims.....	46
Method.....	47
Limitations	48
Summary of Findings.....	50
Study 1: Queen Christina’s Moral Claims on the Living	50
Study 2: Can the Dead be Brought into Disrepute?	51
Study 3: In Search of the Missing Subject - Narrative Identity and Posthumous Wronging	52
Study 4: Ethical Considerations in Reburying Old Human Remains, a Narrative Approach.	53
Discussion.....	54
Future Work.....	59
Conclusion	60
Acknowledgements.....	61
Summary in Swedish – Sammanfattning	63
References.....	66

Introduction

Certain historical people have been subject to special interest and scrutiny, not least members of royal families. Various objects connected to Queen Christina of Sweden have survived into modern day, such as written records, personal belongings and even biological remains. Although Queen Christina has been dead for over 300 years, her genetic information can now be analysed with DNA technology. DNA-analysis is used to connect objects to person, confirm the identity of human remains, or to unravel unanswered questions concerning family relations. With increased capacity of linking genetic makeup to phenotypic expression, i.e. the observable characteristic, more can be learnt about a person through their genetic material.

Queen Christina was brought up to be the “King of Sweden” since she got the traditional education for the (male) heir of the throne. She did not follow the stereotypical ideals of the time for how a woman should behave. A question that has long been discussed is whether she was a “real” woman or a “pseudo-hermaphrodite” (122, pp.64-68). With some of Queen Christina’s DNA being stored in Sweden, the idea of genetically testing for a Disorder of Sex Development (DSD) has been raised. Currently in Sweden there are no laws regulating the use of historical persons’ DNA. For the living, genetic information is strictly protected but the current protection of the dead is weak, if not non-existent in this aspect.

There are numerous articles published in the natural sciences domain on historical persons, whether involving genetic testing or not. To illustrate some of the ethical issues raised, research on Albert Einstein, Abraham Lincoln and St Birgitta of Sweden will be presented in the section *Public Figures*, page 39. There have been questions asked about the (lack of) consent when the brain of Einstein was retained after his post-mortem examination. Einstein’s brain was kept in an unlabelled container in an office room and it took years before the first scientific study was published on Einstein’s brain.

The case of Abraham Lincoln is quite complex as many theories have been published on the nature of his ill health. The purpose of ascribing genetically inherited diseases to Lincoln is questioned in this thesis. For Sweden’s only saint, the genetic testing of the two skulls preserved in Vadstena abbey show that they are most likely not those of St Birgitta and her daughter Katarina. This has consequences for previous research, where traces of a benign tumour led to speculations of epilepsy for St Birgitta.

More hands-on handling and research on the long dead is the domain of archaeology and museumology. This thesis will touch on some ethical questions pertinent to these fields as well. Current examples from the Swedish Warship Vasa and inventories of indigenous human remains at a Swedish museum are discussed in the section *Anonymous*, page 42. From the start, the main focus has been on historical persons, but many of the arguments are applicable to archaeological human remains where little personal information is known.

In this thesis I will argue:

1. that the dead have direct interests, e.g. interests not based on interests of the living
2. that posthumous interests have a sound philosophical basis
3. that the living have duties to the dead
4. that a person's good name is a prime candidate for a posthumous interest that is of moral relevance when doing research on historical persons and on archaeological human remains.

I propose three duties that the living owe to the dead in the research setting. I argue for a duty of truthfulness, such that the aim of research on historical persons is to describe them as they once were, to the best of our ability. The second duty is to respect the privacy of the dead. When seeking personal information of a historical person, the relevance for making the information public must be argued for. The last duty is a duty of recognition. Under special circumstances, there can be a duty to recognise the wrongs done to people in the past and, for a time at least, to remember past victims. This duty can be relevant in cases where anonymous human remains were unlawfully exhumed and where there are now no living descendants to argue their case.

In this thesis there are several terminologies used for the dead. Those persons who died a long time ago are referred to as the long dead persons, compared to the persons who have died in the past few hundred years. Human remains are used when discussing the remnants of a human body, mostly in the form of skeletal remnants. I make no distinction between the dead and the deceased, but the main interest in this thesis are for those who have died some time ago. Lastly, historical persons are those people in the past of whom there are historical records and where some persons are more well-known than others.

Personal Reflections

I started my PhD studies in 2004 and this work has led me to reflect much on time and change. It also made me realise that the present is a vanishingly brief moment compared to the past and the future. Ours would be an impoverished world if all that exists is the present. My most surprising result, however, is that the past is open to change because of its continued relation to the present and future. Personally I experienced this during my visit to Orkney, Scotland, in 2001. My husband and I travelled there because of the island's rich archaeological findings. In fact, we learnt that there were so many archaeological traces of the people who once lived on Orkney that not all findings could be taken care of in museums. One farming family had over the years collected old human remains that they had come upon whilst farming their land, and the daughter in the house showed us tourists around the visitor centre. The most memorable moment was when a 4000 year old skull was handed round, and each of us got to hold it. Our guide told us that it was the skull of a woman who had lived to her 40s, so quite a long life. However, her remains showed that she had suffered from rheumatism and that she must have lived with a lot of pain in the latter part of her life. Her skull was small, much lighter than I had imagined, and with the information that the family had managed to acquire about her, it really brought the long distant past closer to me. It felt foreign to be allowed to hold her skull with my bare hands, and it is definitely not something that is done in "proper" museums. I have many wonderful memories from Orkney, but due to my thesis, this particular experience has substantially changed its meaning. At that farm, I not only got to hold old human bones, I got to connect with a past person.

Although I early on understood that this PhD project would lead to questions of what remains of a person after death, I did not fully realise just how philosophically challenging the work would be for me. I thank my supervisor Mats G. Hansson for giving me the opportunity to work on this project and to learn the art of critical thinking. I hope this thesis contributes to a respectful attitude when meeting people of the past.

Background

The area of bioethics is multifarious and various disciplines are or can be included. A loose definition is that bioethics is the study of ethical, social, philosophical and legal issues that arise in the biological and medical sciences. Traditionally, medical ethics has been the leading area of research in bioethics, but with the major advances in biology, ethical concerns have emerged. With the ability to make specific changes in the genetic code, the biological sciences have been revolutionised. DNA technology has opened the door to many new practices, such as cloning, stem cell research, genetically modified crops and animals, and in general learning the genetic code for organisms. For all these applications of DNA technology major ethical and philosophical questions are raised, such as: Are we allowed to manipulate nature? What is natural? What are the risks and benefits with genetically modified crops / animals? How should we value the rights of the embryo compared to the potential benefits of stem cell research?

In focus for this study are the ethical questions that spring from the advances made in forensic science as they relate to research on the dead. Some of these questions are novel, whereas most are old questions that re-emerge with new strength. For forensic scientists it is of great interest to find techniques that require a minimum amount of genetic material for DNA analysis. In crime investigations there may only be small amounts of and / or partially degraded genetic material available (23, 98). The techniques used in forensic science can be applied to other areas where the genetic material is scarce and / or partially degraded, which is the case for old biological material. Besides the exciting possibilities for evolutionary biology in these kinds of studies, DNA analysis has been used to find out genetic information about people of the past. So far it has been used for identifications (24, 69, 70, 123), to investigate possible illegitimate children (17, 89) and to identify diseases (140, 141). There has always been great interest in the lives and livings of well-known persons. If biological material and reference material is available, it is now possible to settle some questions that have so far only been rumours. Genetic testing of old DNA made it possible to name, up until then, anonymous mummies of Tutankhamen's family (60). The question raised is then: are there any ethical considerations from the perspective of the long dead that should be taken into account when proposing research on the dead? If so, for what reason?

First, the current status of DNA technologies and their uses on old biological material will be presented. Second, some of the ethical implications of these techniques are investigated for the dead.

Biological Information and Ancient DNA

It is relatively new that DNA technologies are being applied on old biological material. Some of the information gained through DNA analysis could have been acquired through other means and techniques, such as learning about diseases through the studies of the body or bones or establishing a person's identity through written documents or physical characteristics. I still choose to focus on DNA techniques since they have shown great power, scope and accuracy in their various applications. The genetic code now has a key role in the identification of human remains, often an important starting point before other analyses. The newly gained ability to extract genetic information from old material made some ethical questions re-emerge with new force and in addition has raised some new ethical considerations. The focus is also on DNA technologies due to the intense research generally on linking genetic information with cellular and biological functions, the phenotype. The DNA techniques are likely only to increase in force in the future. There are many more techniques that are applied on old human remains, some of which are new and some of which have been used for a long time. An example of a new technique is computerised reconstruction of facial shapes from skulls (see 26). The ambition is that the arguments presented in this thesis are generally applicable to research on the dead, irrespective of the techniques used.

DNA techniques

With the advent of DNA technologies, previously laborious and sometimes impossible work on identifications is now more accurate and less time-consuming. Most genetic tests on human material use DNA from the nucleus of the cell. However, in each cell there is also non-nuclear DNA called mitochondrial DNA (mtDNA). The mtDNA contains substantially less information than does the nuclear DNA (nDNA), but the advantage is that there are more copies of mtDNA in each cell (19, p.553). In every cell there is only one copy of the nDNA, but about 1000 copies of the mtDNA. From the outset then, there is many times more mtDNA available for analysis than nDNA. In situations where there is limited amount of genetic material and / or the genetic material is partially degraded, the higher abundance of mtDNA means that at least some genetic analysis is possible. For some time now, these more refined methods have allowed DNA extraction and analysis of old and ancient biological material (106, 107). The first and so far only,

complete sequencing of ancient human nuclear genome was successful due to the optimised conditions, namely permafrost-preserved hair (109). So far, the oldest genetic material to be successfully sequenced was 400,000 years old plant material (136).

Depending on the type of information that is sought, DNA analysis can be more or less difficult to perform. For identification purposes it is not necessary to access the genetic code. Instead, the method of DNA fingerprinting is used where DNA is broken up at specific points and depending on the individual's genetic sequence, different banding patterns will emerge. Those who are closely related will have similar banding patterns. With a similar technique it is relatively easy to establish if the biological material is of human origin or not. On the other hand, if more specific knowledge is sought, such as whether a person had a specific mutation or not, then the nDNA has to be sequenced. The technical difficulties mainly depend on the age of the material, storing conditions and the size of the gene to be analysed. With fragmented DNA molecules it may be impossible to piece together the original genetic sequence.

When using mtDNA the purpose is most of the time to do DNA fingerprinting analysis. Although a lot of information can be gained through mtDNA it has some drawbacks from nDNA. The mtDNA is maternally inherited and is therefore unique to a maternal lineage rather than to the individual. The lack of sexual recombination for mtDNA means that there is less variation in the sequence. It is always easier to prove that two people are not related, whereas with mtDNA more detailed sequencing may be required to achieve higher certainty that two people are actually closely related rather than simply sharing a common variant of mtDNA. Each child that a woman has will have the exact copy of her mtDNA. This is an advantage when looking at mother and child, but will mean that mtDNA cannot tell you anything about the paternity of the child. For this, nDNA needs to be examined. The genes that are present in the mtDNA are few and they code for proteins necessary for the basic functions of the cell (81). There is less potential to acquire new information about a person using mtDNA.

Areas of Application

Mostly, DNA techniques have been used for **identification** purposes for old human biological material. The identifications have been of different kinds. It can be to settle questions on who is buried in a grave (60, 123), when and where a person died (69), possible impostors (124) and questions of paternity or maternity (17, 39, 53, 89). In cases of identifications it is not enough to have access to the deceased person's biological material. Reference material to compare with is also needed, either using authenticated biological material or with samples from known relatives. The certainty of the person's identity in the end is dependent on the accuracy of the reference material.

A different area that has attracted interest is the investigation into **diseases** of well-known people in history. So far most investigations of this kind have not used genetic analysis, but with increased access to DNA technologies and more genes being linked to specific diseases, more interest has been shown (see e.g. 32, 58). Although most diseases are not simply the cause of one single faulty gene, better risk-assessments may in the future be developed for multiple gene disorders, such as epilepsy (51). When investigating diseases it is not only inherited diseases which may be of interest. Acquired diseases (from bacteria or viruses) can leave genetic material in an infected body and is sometimes possible to investigate long after a person's death. For example, remains of tuberculosis have been found in 4000 year old mummies (115, 140), malaria in King Tutankhamun's family (60) and there is interest in investigating bloodstains from the Swedish king Gustaf II Adolf to see if he had malaria (Eva-Sofi Ernstell, pers.com.).

DNA technologies have opened new ways to solving old crimes. A button that is said to have been what Charles XII of Sweden was shot and killed with in Norway 1718 has been analysed and the results support this story (21). A more recent example is from the 1950s when the Swedish priest Dick Helander applied for a position as a bishop. Leading up to the voting on the new bishop, slandering letters concerning the other applicants were being distributed. Helander was accused and later committed for this slandering campaign, although, he always claimed his innocence. Marie Allen and her group have analysed DNA from the saliva on the envelopes and the findings were that Helander did not at least seal the letters, which is in support of his innocence in this matter (20, 21).

One area of use where DNA technologies could cause ethical objections of a new kind is the finding of genetic dispositions towards certain **personality traits**. There is currently considerable research effort into the possible genetic basis of e.g. risk-taking (75, 83), alcoholism (42, 57), anxiety (121) and anti-social behaviour (36, 105). Our actions could be seen to be excused by our genetic makeup. Alternatively, that which we have achieved can be seen not to have been through our own hard work but rather given to us through our genes.

Queen Christina's DNA

The Swedish researcher Carl-Herman Hjortsjö was present when Queen Christina's grave was opened in 1965 in Rome. Although he swore to touch nothing he retained pieces of fabric from her gown (68). DNA from this material has later been isolated and is now stored in Uppsala. A few years ago a journalist learnt that DNA of Queen Christina was isolated and he contacted a researcher who presently has access to the old DNA. His question was whether one now could attempt to settle the rumours of the Queen's gender identity through genetic analysis. The question asked would involve ad-

vanced techniques since it would not be sufficient to investigate mtDNA. In addition, one particular gene sequence would need to be isolated in a first attempt to settle the question. Even then, it is not certain that a straightforward yes or no answer would come from the results. However, it was not only the technical difficulties in what was proposed that raised concerns. The researcher hesitated if one should even attempt to acquire such personal genetic information. For living persons the genetic information is protected from public access. The researcher's intuitive reflection to the journalist's proposal was: Does Queen Christina have a posthumous interest in protecting her privacy? Or put in another way: Can personal information continue to be of sensitive nature, and therefore require ethical reflection before exposing, even if that person died a long time ago?

Legal & Ethical Frameworks

The Swedish Penal Code

There is support in the Swedish Penal Code (1999), Law 1993:207, for the right of the dead to have an undisturbed resting place. If, for example, a grave is opened without authorisation it can be a "crime against the peace of the tomb" (5, p.69).

In section 4, there is even stronger wording for the right of the deceased. For example in defamation cases, the primary focus is on the living survivors to the deceased but the law does not exclude that it can be the deceased person whose peace is disturbed and to which "the deceased should be entitled" (5, p.23).

In commentaries on the Swedish Penal Code, it is clarified that although time passed since the death of a person is an important aspect when considering possible defamation of the deceased, no time limit was set. Other circumstances can mean that even defamation of a person who passed away a long time ago can risk being prosecuted (65, p.255). Two other remarks in the commentaries are of interest. The first one is that historical research is regarded as an obviously good reason for exposing sometimes sensitive information about a deceased person. The second remark is that in defamation cases it is regarded as of "essential importance" in the deliberations that the memory of the deceased remains with "living personal force" (65, p.255). In the later section *The Narrative Subject*, page 35, the importance of the latter remark will be discussed.

Genetic Integrity

In 2006, a law on genetic integrity was passed in Sweden (10). The purpose of the law is to safeguard the integrity of each person. Genetic information is

regarded as particularly correlated with personal integrity and therefore requires legislation against misuse. In the preparatory works for the law on genetic integrity, genetic integrity is explained as a part of a person's personal integrity (6, pp.34ff). Personal integrity in turn, is correlated with basic human dignity and personal identity. In the preparatory works there is no discussion on how genetic integrity, personal integrity or personal identity could or could not apply to the dead. The law on genetic integrity does ban economical gain in handling all biological material, whether from living person, deceased person or aborted foetus.

The Personal Data Act

In the Personal Data Act, sensitive personal information is defined as information relating to ethnicity, political views, religious or philosophical convictions, membership in unions, health and sex life (4, 13 §). The Personal Data Act is only applicable for the living, but since personal information about a deceased sometimes can affect living next of kin, the dead can indirectly be protected. In particular it is cause of death that can be classified as sensitive information and therefore not allowed to be recorded without adhering to the Personal Data Act. If personal data is protected by the Freedom of Information legislation, it can only be protected for a maximum of 70 years (15, ch.21 1 §).

Archaeological Guidelines

Besides the legal situation in Sweden for mainly the recently deceased, there are ethical guidelines that concern older human remains. Despite some controversial treatments and holdings of old human remains in Swedish universities and museums, there is only one Swedish code for archaeologists. The Swedish Code of Practice is based on the EAA's (European Association of Archaeologists) code of practice (14), and neither document specifically mentions human remains, repatriation or reburial. There are a few ethical guidelines that directly consider the dead, where the first adopted international code was The Vermillion Accord on Human Remains (3). The Vermillion Accord begins by stating that respect should be accorded to all human remains and goes on by acknowledging the wishes of the dead where these are known or can be reasonably inferred. In the UK, various documents have been published that discuss questions on how to handle old human remains (7, 8). In the USA, Native Americans have for decades protested against the treatments of their ancestors and in 1990 new legislation was brought in. The Native American Graves Protection and Repatriation Act (NAGPRA) gives rights to Native American tribes to reclaim human remains where cultural affiliation can be shown. The NAGPRA legislation has been much critiqued, debated and has only begun to be tested in court

(18, 71, 96, 113, 131, 132). NAGPRA provided the basis for the legal conflict over the Kennewick man, the 9000 year old human remains of a man discovered in 1996 (132). After protracted legal battle, it was ruled that the human remains were too old for any group to be able to claim affiliation and therefore NAGPRA legislation was not applicable. The ruling gave scientists access to study the human remains about eight years after the discovery (25, 38). Two examples of ethical guidelines for old human remains are given in Table 1 and Table 2. For details to additional ethical guidelines, see Table 3.

Table 1. *The Vermillion Accord on Human Remains (3)*

Adopted in 1989 at World Archaeological Congress Inter-Congress, South Dakota, USA.

- 1 Respect for the mortal remains of the dead shall be accorded to all, irrespective of origin, race, religion, nationality, custom and tradition.
 - 2 Respect for the wishes of the dead concerning disposition shall be accorded whenever possible, reasonable and lawful, when they are known or can be reasonably inferred.
 - 3 Respect for the wishes of the local community and of relatives or guardians of the dead shall be accorded whenever possible, reasonable and lawful.
 - 4 Respect for the scientific research value of skeletal, mummified and other human remains (including fossil hominids) shall be accorded when such value is demonstrated to exist.
 - 5 Agreement on the disposition of fossil, skeletal, mummified and other remains shall be reached by negotiation on the basis of mutual respect for the legitimate concerns of communities for the proper disposition of their ancestors, as well as the legitimate concerns of science and education.
 - 6 The express recognition that the concerns of various ethnic groups, as well as those of science are legitimate and to be respected, will permit acceptable agreements to be reached and honoured.
-

Table 2. *Guidance for the Care of Human Remains in Museums, 2005, UK (8)*

These ethical principles are designed to guide museums' thinking and actions in decision-making, but cannot in themselves determine the outcome in any particular case. The principles will frequently come into conflict with each other; where they do, the museum will need to determine the appropriate balance and may need to seek expert advice.

- 1 Non-maleficence – *doing no harm*
Non-maleficence would require you to avoid doing harm wherever possible. This could include avoiding harm to an individual, a community or the general public. For example, not taking an action that would cause distress to a particular community.

 - 2 Respect for diversity of belief – *respect for diverse religious, spiritual and cultural beliefs and attitudes to remains; tolerance*
Respect for diversity of belief demonstrates humility and modesty regarding one's own opinions, and shows respect for individuals, cultures, groups and communities. The principle requires decision-makers to give consideration to the cultural and historical backgrounds, beliefs and values relevant to all parties concerned. For example, it would require a museum to recognise and respect that a community may place a particular cultural value on human remains that is not shared by others.

 - 3 Respect for the value of science – *respect for the scientific value of human remains and for the benefits that scientific inquiry may produce for humanity*
This principle holds that individuals and communities (past, present and future) benefit both personally and indirectly, through the benefit to their loved ones, descendants and communities, from the fruits of science.

 - 4 Solidarity – *furthering humanity through co-operation and consensus in relation to human remains*
The principle of solidarity recognises that we all have a shared humanity and an interest in furthering common goals and tolerating differences that respect fundamental human rights. Mutual respect, understanding and co-operation promote solidarity by fostering goodwill and a recognition of our shared humanity. This principle emphasises the importance of rising above our differences to find common ground, co-operation and consensus. It would be reflected, for example, by seeking to find a consensus in relation to competing claims over human remains that all parties can accept.

 - 5 Beneficence – *doing good, providing benefits to individuals, communities or the public in general*
Beneficence would dictate that your actions have good outcomes wherever possible. This could include advancing knowledge that is of benefit to humanity (for example, by using human remains for scientific research) or respecting the wishes of an individual (for example, by returning the remains of their relative for burial).
-

Table 3. *Online Ethical Guidelines for Archaeological and Museum Associations*

Association	Web address	Access Date
World Archaeological Congress	http://www.worldarchaeologicalcongress.org/site/about_ethi.php#code2	18 Feb 2010
Department for Culture, Media and Sport, UK	http://www.culture.gov.uk/images/publications/GuidanceHumanRemains11Oct.pdf	18 Feb 2010
European Association of Archaeologists	http://www.e-a-a.org/EAA_Code_of_Practice.pdf	18 Feb 2010
Society for American Archaeology	http://www.saa.org/AbouttheSociety/PrinciplesofArchaeologicalEthics/tabid/203/Default.aspx	18 Feb 2010
International Council of Museums	http://icom.museum/ethics.html	18 Feb 2010
The Swedish Archaeological Society	http://www.arkeologiskasamfundet.se/Dokument/Div_pdf/Principer_ark_praxis.pdf	18 Feb 2010

In summary, there is some support in the legal framework in Sweden for duties to the deceased. In the ethical guidelines on human remains, there are sometimes wordings in support of interests of the dead, but the moral status of the dead remains ambiguous and vague. If the living now have duties to historical persons and old human remains, a more complete ethical argument must be presented. What the philosophical basis is for arguing for posthumous interests and rights is the purpose of the next chapter.

The Dead Body

Historically, old human remains have been treated instrumentally and mechanically by physicians, archaeologists and explorers (37, 74, p.15). It was primarily Native American populations who first objected to the treatment of old human remains of their ancestors. Globally, indigenous peoples have found it upsetting and deeply offensive that the remains of their ancestors were treated in dehumanized ways. Most explorers, early anthropologists or archaeologists were white Christian men. Little or no respect was paid to human remains that were in some aspect other than the own time, culture or social status (37, p.114). Therefore it was not unusual that human skeletal remains were acquired, handled and stored in ways that were sometimes illegal at the time or would have been regarded unacceptable if human remains of the own community had been subjected to the same treatment. Within the own community, human remains are treated differently from other non-human object, with more respect and care taken (33, p.7). In reaction to the view of human remains as objects, some of the ethical codes have specifically mentioned the importance of recognizing the person who once was and to handle human remains in a respectful manner (3, 8).

What constitutes respectful treatment of the dead has of course changed over time and is dependant on cultural and religious beliefs. In most instances it would be impossible to give a long dead person a suitable reburial because of limited knowledge of that person's culture and complete lack of knowledge on any personal wishes or beliefs. As there can be no moral imperative to fulfil something that is unachievable, we can only have a limited moral duty to the dead as regards giving them the treatment or burial that they wished. However, despite vast cultural differences over time and place, general respect can be shown to human remains. The concern for the treatment of the dead has been led by minority and indigenous peoples due to the discriminatory ways of physicians and archaeologists in the 18th, 19th and early 20th century. Human remains were valued differently depending on the dead person's religion, place of burial, ethnicity or social status (37). This differential treatment risks continuing now when greater ethical concern is shown for those human remains where there are now-living culturally affiliated descendants who request repatriation.

Moral Standing

What things and beings that have moral standing is a much debated question, where the outcome can have great practical significance. Moral standing means that one matters morally in and of oneself and not merely instrumentally or indirectly. The moral community, those with moral standing, has gone from only including some groups of people to now including all of humanity and some animals. The debate is far from over and further widening of the moral community is likely to continue to occur over time. Moral standing is a complex concept which touches on many other concepts and distinctions. In this section I will give an introduction to the debate and show its relevance to the dead and to human remains. The unclear moral standing of human remains contributes to our uncertainty regarding the ethics of collecting and preserving human remains in institutions.

The first distinction is that of **object** – **subject**. This distinction has had different meanings over time. One definition was that all that we experienced were subjects and only the mental ideal would be the object (91, p.546). When we observe a tree, for instance, this would be a subject and the mental representation of a tree would be the object to which the particular tree had to be compared. Each thing in the world was a physical substantiation of a mental and objective representation. Nowadays, this distinction has been turned around. Objects are all things in the world, whereas subjects are a subset to objects. Beings with for example consciousness, an inner world, and a capability of self-reflection are subjects as well as objects. Which organisms (assuming that only biological beings are subjects) who are subjects as well as objects and to what degree, is open for debate. This attribution of a person being an object and a subject, is using object and subject in a descriptive sense. In a reaction to disrespectful treatment of the dead body, for example if dead bodies are objectified in an exhibition, “object” has taken on a normative meaning. In a museum, there is no moral reaction to artefacts being objectified, whereas treating human remains as objects is disrespectful. If we assume that at least healthy adult human beings are subjects, the question is what happens with the moral standing on death. With the rejection of the old view of remains as objects, and the obvious difference between human remains and the once living person, this puts human remains into a third category which is other than objects and subjects (33, p.7). The term “**abject**” has been proposed for this third category.

[...] the cadaver poses an interesting problem. The cadaver is a body without life, without mind. [...] From having been nature and culture, subject and object, it is now suddenly neither. Still, for a time, it remains recognizable as the person it used to embody. Thus, through the emergence of the cadaver, that person is neither present nor absent. Being no longer subject nor object, it qualifies into the category of the abject, as proposed by Julia Kristeva. (126, p.23)

Yet, without more work to understand this third category, introducing “abject” does not help to enlighten the moral standing of the dead body or of the dead. For now it suffices to conclude that the dead body does not fit into our ordinary categorisation of subject / object.

The second distinction concerns moral value. In environmental ethics, if moral standing is to be recognised in ecosystems or in inorganic substances, such as rocks, mountains or rivers, then **intrinsic value** appears to be the most sustainable line of argument. To assign interests to non-living things will be a hard case to argue since interests require some kind of goal-directedness. All living things have some basic goal-directedness, ultimately in their own survival, and so it makes sense of talking about the interests of plants or even bacteria, but not for ecosystems or mountain ranges¹. The situation for historical persons is different since they once were living biological beings, who were subjects with some goal-directedness and we can now know something of their interests. The philosophical basis for possible posthumous interests will be explored in the section *The Narrative Subject*, page 35, as well as in study III. However, for older human remains where there is limited knowledge about the person, her time, or culture, a different basis for respect of human remains is called for. Following the arguments used in environmental ethics, moral standing can be based on intrinsic value also for non-living things. Intrinsic value is used in at least two senses:

1. Intrinsic value as equivalent to non-instrumental value. If something has value only as a means of obtaining some other value, it has instrumental value. For example, the (instrumental) value of exercising in order to live a long and healthy life (intrinsic value).
2. Intrinsic value as a thing's all non-relational properties.

It is intrinsic value in the first sense that is of relevance for moral standing. Intrinsic value in the first sense is also known as *final value*, meaning that we value something *as an end in itself* (101, p.46). For the dead it means that they have value in themselves and not in relation to their use now, for example as a source of gaining knowledge about the past. Human remains appear valuable to us for (at least) the following reasons: 1) as traces of the past, 2) as ways of attaining knowledge of the past, 3) as how the human remains relate to the person who once lived (see study III). All these reasons seem to be instrumental / extrinsic values rather than final / intrinsic values, i.e. no reason to value human remains as ends in themselves. I will here give an argument on how human remains can have final value that is based on a non-intrinsic (extrinsic or relational) property.

¹ If ecosystems appear to act as a living being, with responses to stimuli, with actions and reactions, this is because it is an evolved system where it is always individual organisms that are at the basis of all actions and reactions.

Given that human life is valued in itself, either as an anthropocentric ethics or as part of a biocentric ethics (40, p.135), this means that human life has intrinsic value in the first and in the second sense given above. Intrinsic value in the first sense is referred to as final value, but it is open for debate whether final value has to be intrinsic (in the second sense). Although many philosophers have assumed that being valued for its own sake must be equivalent to being valuable in itself, a position called intrinsicism, this assumption has started to be challenged (101, pp.45f). Take for example the pen Abraham Lincoln used when he signed the Emancipation Proclamation. In an isolation test, it can be shown that the property of being Lincoln's pen is a non-intrinsic property (101, pp.50-51). Yet, the pen has value independent of its use. Adding and editing the previous list on meanings of intrinsic value, we get a more complex picture:

1. *Final* value as equivalent to *non-instrumental* value. Instrumental value means that something has value related to its use (as means only), in order to attain some other value.
2. *Intrinsic* value as a thing's all non-relational properties. The antonym is *extrinsic* value or relational value.

With this terminology, final value may be intrinsic or extrinsic.

The respect given to the dead body is respect to the dead person, rather than respect to the family etc. This final value is extrinsic since what we value is life and the dead body is a sign, a trace of someone who once lived. This respect is more readily given to recently deceased persons, who share our own time and culture. Faced with old human remains, the skeleton may have value only as objects of study in order to gain knowledge of the past. The human remains may on the other hand have value *as ends in themselves* because of the unique and direct relation to the person who once lived.

On this analysis, the dead would have moral standing. Their final value would be based on the extrinsic value of respect of human life. It is wrong to handle old human remains as means only (for example as a way of attaining knowledge) without also acknowledging their final value. This preliminary analysis does seem to capture some of the criticism to the instrumental handling of old human remains by physicians and archaeologists in the past. It is not necessarily wrong to make use of old human remains as a source of knowledge, as long as it is recognised that it is the remains of a person who once lived.

In brief, this analysis on intrinsic and final value is more relevant for the moral standing of old human remains, which are almost always anonymous to us. For historical persons who are not too distant to us in time and culture, there is a more straight-forward argument in posthumous interests. In order to approach possible posthumous interests, some basic concepts are relevant. First, concepts on rights on which interests are most often based. Second, the concept of privacy that is of relevance when historians are investigating the

personal lives of well-known individuals in history. Third, analyses on interests and properties, which lead up to a discussion on posthumous changes.

Rights

If we wonder about possible limits to our research on the dead, then one of the most basic questions is *why* the dead would have a right, e.g. to be handled respectfully. There are other questions concerning rights, such as what rights do the dead have or what would it mean for the dead to have those rights. Before attempting to answer those other questions, the first question must be in focus. How can it be justified to attribute rights to the dead?

The three common ways of justifying rights are 1) natural law theory, 2) social contract theory and 3) rights protecting interests. Natural law theory is generally rejected due to the apparent confusion of “is” and “ought”. For example, even if human beings have certain biological and social needs, these facts alone fail to explain why we ought to acknowledge human rights. Every person’s equal moral worth is an ethical judgement and cannot be derived from facts of human nature. Rights based on a social contract are a possible way of attributing rights to the dead. It is an argument mostly used by those who hold that the dead cannot directly have any rights or interests, but who still think there are reasons for upholding current respect for the dead (31, 103). The general argument is that it is good for society that the idea of to-be-posthumous wishes is respected (103). Could the same line of argument serve those who hold that the dead can have direct rights? Even a hypothetical social contract must be based on some knowledge of traditions and values. For long dead, for human remains of unknown origin or without now-living representatives, we may not know anything of these persons’ wishes. The social contract theory assumes that the recently dead are part of a society, but for those who have been dead for a long time, in what current society would they be included? It appears that in the end, any direct rights of the dead still depend on belonging to some existing society, however remotely. For those lacking anchoring in some existing society, it would appear that they cannot have any rights.

Lastly, rights can be justified as existing to protect important interests (45, 48, p.57). For the dead to have any rights, it must therefore first be shown that there can be posthumous interests, an issue that will be returned to after looking at the concept of privacy.

Privacy

There are many aspects of privacy and much debate on whether these aspects have a common core or not. Of concern for the dead would be the protection of their private information. It may be objected that what is regarded as private information varies from time and place and that it is impossible to

decide what would qualify as private information or not. However, our primary concern is whether a case can be made that the dead have an equivalent right to privacy in relevant aspects as the living have.

If we take the following as a loose definition of privacy: a *state* or *condition* of limited access to a person (118, p.3). This definition lets us separate the loss of privacy from violation of privacy. A person can willingly share private information and this could lead to loss of privacy, without any violation of privacy occurring. Correspondingly, a violation of privacy can occur without necessitating any loss of privacy. A violation of privacy therefore is not dependent on subjective experience. Edward J. Bloustein argues that rightful claim to privacy does not need to rely on a person's wounded feelings, mental suffering or outrage. These reactions may follow, but "these consequences themselves flow from the indignity which has been done". (27) What makes violations of privacy wrong is not the mental suffering a person may experience. Rather the person is likely to suffer mentally because of the violation of privacy. The perpetration may occur before the person realises the state of affairs (when there has been a burglary in one's house), and in some cases the person may never learn of it (private details being talked about behind one's back).

Before moving on to the question of posthumous interests, two distinctions are to be noted concerning the concepts of harming and wronging. The first distinction is that harming can occur through many causes, only some being through human wrongdoing. Harm therefore can occur when there is no one to blame (94). One example is when a person unintentionally causes an accident where other people are harmed (e.g. wounded), without the person having been negligent. In such case we would say that the person did cause other people harm, but that he or she did not do anything wrong. Wronging, on the other hand, always implies some morally reprehensible action. If an accident is caused because someone did not take due care, then they have been negligent and are morally responsible for the consequences. The second distinction is that harm necessarily entails some negative consequences whereas a wronging can be committed with no negative impact or even have positive impact (78, 94). It is contradictory to say that a person was harmed but that there was no negative impact (personal or economical). On the other hand, if someone lies for some purpose and the situation changes so that the person being lied to actually benefits, this does not take away the wrongness of lying. Of course, wronging and harming often come together, but this does not mean that they cannot be separated (see study I).

These distinctions are important in this context since what has mostly been discussed is the possibility of harming the dead, to the detriment of seeing other possibilities of why certain acts may be morally wrong for the dead. There is one unresolved problem with this strategy and that is that posthumous wronging will not fully explain the "badness" of being murdered. Epicurus argued against the fear of death and the following lines have

been attributed to Epicurus: where she was, death was not, and where death was, she was not. This was to show that whilst you are living, death is not present and after death, you no longer exist. Therefore it is illogical to fear your own death. The Epicurean example has been used for a different purpose, namely to consider posthumous harming. Before you are murdered, you have not died and no crime has been committed (assuming instant death), and after your murder, there is no longer any subject. If harming requires a living subject, then you cannot be harmed by being murdered, a conclusion that most people find counter-intuitive and unacceptable. Even with a successful line of argument for posthumous wronging, the concept of wronging does not seem to capture the magnitude of being deprived of one's future.

Interests, Properties & Changes

On Interests

In the debate on posthumous interests the main objection has been that the dead are beyond harm and in order to have any interests a moral subject must be able to stand to lose or gain (31, 103). However, in the previous section, violation of privacy was separated from loss of privacy. With a violation of privacy, consequences (positive or negative) are irrelevant to the wrongdoing which has taken place. It is then not obvious why it is necessary for the dead to stand to lose or gain. The next question is what kind of interests could become posthumous interests. The dead can no longer form interests or have desires, so it would seem that they cannot have any interests. However, as the dead were once living people with interests and desires, it is possible that already formed interests can persist after death. Of course some interests, such as those relating to personal experience of some sort, can no longer be fulfilled and can therefore not be relevant.

Joel Feinberg and Søren Holm have both proposed that one candidate for a posthumous interest is the interest in one's good name, one's reputation (49, 64). Living persons have a legally recognised interest in the protection of their reputation and the law is open for the possibility of a posthumous interest in the reputation (see page 16). Claims about a person are objects of moral scrutiny, in relation to the type of information, the relevance for public knowledge and not least to the truth-value. This gives support to a morally relevant interest in one's reputation. Given this interest in the protection of one's reputation, a closer study is needed of what kind of property a reputation constitutes.

On Properties

Joan C. Callahan has argued that the reputation of a person is a property only of the group of persons who hold an opinion of someone else (31). In this

thesis, an argument is given for why a person's reputation is a relational property that cannot be reduced to either the group holding an opinion, or to the person whose reputation is at stake. It is argued that relational properties cannot be reduced to non-relational properties² (see study II).

The test of relationality involves imagining a world where there exists but one thing, and that thing has the property *x*. If this is achievable, then property *x* is a non-relational property. For instance, it is possible to imagine a world where there exists a person who has the property of being female without necessitating the existence of anything else. To be female is a non-relational property. On the other hand, the same person's property of being a sister necessitates the existence of at least one other human being, namely her brother or sister. The property of being a sister is a relational property. The two properties partly relate since one must be female in order to be a sister, but the relational property cannot be reduced to the non-relational property, or so I will argue. The two statements predicate different properties of the person. Likewise, for the property of being taller than your brother, a property that is related to your height but cannot be reduced to the non-relational property of being *x* cm tall.

G. Leibniz stated that there can be no purely extrinsic denominations, leading to rivalling interpretations of what Leibniz meant with this (for extracts of Leibniz's writings see 90, p.225). One resulting interpretation has been that relational properties can always be reduced to non-relational properties (90, p.217). However, D. Plaisted argues for an alternative interpretation of Leibniz's philosophy (104, p.1). An alternative interpretation with the opposite conclusion, namely, since there can be no purely extrinsic denominations these statements must be "genuine properties of the thing they denominate" (104, p.1). In other words, Leibniz appears to deny free-floating existence of "relational properties" that are not based in any one subject. Instead, these extrinsic denominations are in fact genuine properties of some subject (see also 95, pp.48ff).

To hold that relational properties are not genuine properties of a person is a hard-lined position to defend. (See von Wachter for a critique of relational properties (130).) Many properties that a person regards as genuine of themselves are in essence relational, such as being a parent, being married or being a member in an organization. The importance of what kind of property a reputation is for the discussion on posthumous interests, is two-fold. Firstly, the conclusion that a reputation necessarily requires at least two parties, one party whose good name it is and a second party who holds a belief about this good name. It does not suffice to claim that the reputation only relates to the living. Secondly, related to the view that intrinsic properties are more genu-

² I do not assume that a non-relational property is necessarily an intrinsic property, nor that a relational property must be extrinsic. Consider the property of being painted green, which intuitively is extrinsic of the object, but not relational.

ine to a person, is the view that changes to intrinsic properties are more likely to be morally relevant. Relational properties can change in what has been termed “phoney” ways, making it possible to ascribe new properties to the non-existent, and this is the topic of the next section.

On Change

According to Peter Geach the Cambridge criterion of change correctly identifies instances of change, but also instances of change which we would deem as phoney changes to an object. These mere Cambridge changes appear to occur when real changes occur elsewhere. For example, the Cambridge change in me as I become shorter than my brother, due to him growing. Geach still saw this criterion of change as the only sharp criterion and did not see any possible alternative (56, p.71).

The Cambridge criterion of change can be written in two ways, either as objects undergoing change or as change occurring³ (thus proposing that there are such entities as *changes*);

An object, x , changes if and only if there are distinct times, t and t' , and a property, P , such that x has P at t and fails to have P at t' (or vice versa).

A change has occurred if and only if there are distinct times, t and t' , and a proposition, S , such that S is true at t and false at t' . (85)

It is here not important to settle the issue whether or not changes have to occur in objects or if there are such entities as *changes*. Because both criteria set no limits for what kind of properties can change, they are equally open for changes in relational properties or in extrinsic properties. These changes are assumed to be phoney since they are seen not to occur in the objects themselves (85, pp.63-64). It may for other purposes be important to formulate a criterion of change where only instances of “real changes” are identified, i.e. changes to intrinsic properties⁴. However, there are many “real”

³ Spatial relations are excluded since they pose special problems.

⁴ Cambridge changes are often confused with relational changes, possibly because all Cambridge changes are relational, but not all relational changes are Cambridge changes. See (85), Lombard LB. 1978. Relational Change and Relational Changes. *Philosophical Studies* 34: 63-79.

Ruben offers a definition to distinguish “real” relational changes from Cambridge relational change.

An object, x , in going from having to lacking the property P , at t , undergoes a real change iff (i) x , in going from having to lacking P at t , changes, and (ii) there is no possible world in which x goes from having to lacking the property P at t and x undergoes no non-relational change at all at t . (114) Ruben DH. 1988. A Puzzle About Posthumous Predication. *Philosophical Review* 97: 211-236

changes that result in new intrinsic properties of a person, without any necessary moral relevance, such as becoming one second older or that my hair has grown. I argue that moral relevance is independent of the nature of the change (see study II). It may be that the Cambridge criterion of change is not too wide, and instead it is our intuition of what constitutes change that is too narrow.

David-Hillel Ruben suggests that without accepting relational properties and Cambridge changes, it becomes difficult to understand posthumous predication, i.e. the ascription of new properties to the non-existent (114). He presents two predications which together only become coherent if posthumous predication is accepted.

1. Since Smith has just now been born, Smith is now the latest remote descendant of Adam and Eve.
2. Whoever is Smith's remote ancestor was human.

Only if predication 1) is accepted as a posthumous predication of Adam and Eve can it be logically inferred that Adam and Eve were human. In conclusion, Ruben's analysis on posthumous predication is in support of understanding Einstein's reputation as a scientific genius as a relational property which truth-value can change posthumously for Einstein.

Changing the Past

There are certain properties which an event cannot have at the time of its occurrence. It may be foreign to think that past events can change due to later events. If properties of events are sometimes dependent on later events, then posthumous changes can occur to the past. Consider person A who shoots person B. A can die before the victim B dies and thereby becomes a killer posthumously (135). When B dies (later event) it makes the earlier action of shooting become also a killing. Due to the death of victim B, person A goes from being the shooter to being the killer. The earlier event acquires new properties due to some later events to which it is related. This is an example of a Cambridge change in the past event, which endows the past event with new properties that are morally relevant (133).

If we do lose the belief that Einstein was a scientific genius, is there a moral element to this loss of belief? Either Einstein was a scientific genius or he was not. Either we believe him to have been a scientific genius or we do not. The moral element in this concerns whether or not a change in beliefs is justified. Is there new evidence to show that Einstein did not do the work he claimed he did, or is it misinformation spread with intention to discredit Einstein? Obviously no one has the right to a good reputation, only to the reputation they deserve, whether good or bad. In the case of Einstein, the historical records support a good reputation for him. Fabrication of facts in order to discredit Einstein's work, I argue, is morally reprehensible (see study I).

The main counter-argument is that the dead no longer exist and without a moral subject there can be no violation of privacy. There has been no satisfactory proposal on what basis the dead can / cannot have rights. The “missing subject” has been a stumbling point in the debate and new effort is necessary in order to move the debate onwards. The next topic is therefore personal identity and what remains of identity after death.

Posthumous Identity

In this thesis I have applied narrative theory on personal identity since I could see a possible way for personal identity to remain without the living subject. Posthumous identity is important because the moral status of the dead appears to assume some kind of subject. The argument has been that without a subject there can be no interests and therefore no harming or wronging of the dead. I have countered this argument in three ways. Firstly, some acts are morally reprehensible in and of themselves, such as lying or discrediting (see study I). Secondly, it is not obvious that personal identity is found solely in the person. People’s lives are entangled and personal identity is created in relation with others. When a person dies, fragments of their identity may continue to be part of other persons (see study III). Thirdly, it is not necessary for harming or wronging to occur that the whole of the subject is harmed or wronged (see study II). If there are fragments of personal identity, it may suffice for harming or wronging to be possible. With this conclusion, it remains to be shown how fragments of personal identity can exist posthumously and a theory of personal identity is necessary. In my thesis I have focused mainly on the works of Paul Ricoeur, but there are other theories on personal identity. My aim in this section is to briefly consider how other theories on personal identity would handle the possibility of a posthumous identity and it is not to be read as a full account on theories of personal identity. The main rivalling theories that will be considered are the Memory theory (Locke), the Psychological criterion (Parfit), and the Biological criterion (Olson).

Memory Theory

In John Locke’s theory on personal identity, he begins by separating “the identity of man” from the material substance (84, pp.36-37). In doing this, he rejects a substance-based theory in favour of a relational theory of personal identity. In other words, Locke supports a theory of continuous memories in order for a person to be identical with the child he was 20 years previously. If a prince and a cobbler exchange bodies, the prince with prince-memories, is now identical with the person looking like the cobbler. Few philosophers support this theory in its original form due to several limitations. The chief

objection being that memory presupposes personal identity (29), i.e. memory presupposes *someone* who remembers. On Locke's view, what it means to be a person is to be a rational, intelligent being who is capable of self-reflection. Thus persons come into being some time after a human being's birth. In time we may cease to be the same young child that we once were since "as far as this consciousness can be extended backwards to any past action or thought, so far reaches the identity for that person" (84, p.39). The aim for Locke was an account of personal identity for ethical reasons. He searched for what makes a person accountable for an action in the past and what makes a person concerned about his future self. With this aim it makes sense that the person would cease to be as soon as consciousness was permanently lost, or if the person lost all the memories about himself. For example, we do not hold a person legally accountable for past wrongdoings if he now suffers from severe dementia. Locke is only interested in personal identity for beings who are moral agents⁵, whereas my question concerns identity criteria for moral recipients. Obviously, a theory of identity based on consciousness and memory cannot be applied on dead human beings. However, my main reason to reject this theory is that it claims that a person with dementia has ceased to be. This is not the way we use personal identity, it is not limited to moral agents but is of practical concern also for those who are solely moral recipients. We still name a person with severe dementia by their name, regardless of whether he remembers his name. A demented person continues to receive her pension and if she had become a different being or ceased to exist as a person (on Locke's definition), then she would have no right to the money paid to her as a saved-up salary. Locke's memory theory led the way to the psychological criterion of personal identity where we can see that loss of memory does not lead to the same conclusion as it did for Locke.

The Psychological Criterion

In the psychological criterion on personal identity it is the continuous and psychological connectedness that matters for identity. Psychological continuity and connectedness are wider concepts than only memories of past experiences. They include preferences, interests, desires, values and goals in life (117, p.14). It is not necessary for a person to directly remember all of his childhood's days in order to be identical with that child. It is only necessary that there are overlapping instances where the person (at time t_1) remembers some previous events (time t_2), that the person at t_2 in turn remembers some earlier event (time t_3) and so on. With such definition, an old person who is sometimes confused and forgetful is still the same person, even

⁵ Only moral agents are responsible for their own actions. Children, for example, are not moral agents but they have moral standing. Children, therefore, are moral recipients.

though he does not remember his life the way he did in his younger days. As long as the person retains his or her core values and preferences, they are the same person. With this amendment, this theory on personal identity has many examples where it agrees with our intuitions. Nevertheless, it is for my purpose a no starter position if a possible remaining identity for the dead is to be entertained. In fact, with this criterion for personal identity a person can cease to be before the death of the biological organism, for example if a person is in permanent vegetative state (100, pp.111-112). This conclusion can either be taken as a reason to change current directives for when a person is regarded as dead, or as a reason to reject the psychological criterion.

Derek Parfit has taken the psychological criterion for personal identity one step further due to some objections to this theory⁶. Parfit argues that what we are (or should be) concerned with is the survival of our psychological continuity and / or connectedness rather than being concerned about whether or not that future person will be me. This is not a possible alternative for my purposes since the question in search of here is “who am I?” or for some historical researchers “who was Queen Christina?”. With this aim, a theory where the conclusion is that identity is not what matters, is of no assistance.

The Biological Criterion

Eric T. Olson makes a strong case for why humans as organisms should be taken into account when considering puzzling cases regarding personal identity (100). A person in a permanently vegetative state is not biologically dead, this can be proven by science. Yet, advocates for the psychological criterion would say that the person has ceased to exist. Advocates for the biological criterion would say that as long as the person is a living organism, the person still exists. I would say that the possibility of a first-hand account on personal identity has been lost, but parts of the person’s identity remains through second-hand accounts. Both the psychological criterion and the biological criterion fail to situate the “human animal” in a social setting. In my view, the psychological criterion claims too much, that the person has ceased to exist and the biological criterion does not recognise the partial loss of

⁶ The main criticism is branching of personal identities and one of the most well-known illustrations of this problem is the brain transfer case. In the first case, one half of person A’s brain is transferred to a different body. Person A survives this operation, and it is a fact that persons can live with only one of their hemi-spheres functioning. Imagine now that both halves of the brain are intact and that each half of the brain are transferred to two different bodies, B and C. On the psychological criterion on personal identity we are now forced to conclude one of the following alternatives: (1) that both persons B and C are identical with the person A, (2) that B or C is identical to A, or (3) that neither person B nor C is identical to A. See (102) Parfit D. 2008. Personal Identity. In *Personal Identity*, ed. J Perry. Berkeley: University of California Press

identity. It is because a person is in a social setting that we can continue to refer to him or her as the same person.

Even in the biological approach to personal identity it is argued that on death the “human animal” ceases to exist. In fact, Olson argues that it is incorrect to talk of a dead animal. As soon as an animal or a person dies, it ceases to exist and what we call a dead animal and a dead person is “only the lifeless remains of an animal that no longer exists” (100, p.136). This claim only complicates our communication about things that once lived and are now dead. I do not see any important difference in saying “a dead animal” or “the lifeless remains of an animal that no longer exists”. In either case, if we point at a lifeless body without referring to the once living thing we cannot distinguish between a once living biological organism and a non-living stone (for a longer discussion of this argument see 50, 86). Death means a great loss to any living creature, but one does not need to claim that it means the total, instant extinction of the organism.

If there is such a thing as your body, it must cease to exist at *some* point (or during some vague period) between now and a million years from now, when there will be nothing left of you but dust. The most salient and most dramatic change that takes place during that history would seem to be your death. Everything that happens between death and dust (assuming that you remains rest peacefully) is only slow, gradual decay. So whatever objects there may be that your atoms now compose, it is plausible to suppose that they cease to exist no later than your death. (100, p.152)

The physical body is part of making up a person’s identity in life and it can be an aspect of personal identity that persists for a time after death. As the quote from Olson indicates, the loss of bodily integrity is commonly a process over time. There is no need to hold that an organism either exists (completely) or does not exist at all, and a more fruitful strategy is to accept partial loss of personal identity. It may then be that no single theory on personal identity is able to capture all that contributes to a person’s identity. Sydney Shoemaker writes:

“[b]odily identity is certainly *a* criterion of personal identity, and if it were not, I have argued, nothing else could be so much as evidence of personal identity. But I do not think that it can be the sole criterion, and I think that there is an important sense in which memory, though certainly not the sole criterion, is one of the criteria.” (120, p.129)

The pragmatic view is that a theory can be correct, but nonetheless not applicable in all situations. For a particular purpose, some theory will be more suited than another. Other concepts of identity may be superior in other situations and for other purposes. The questions investigated in these works on personal identity are, however, different from those of interest in this thesis. Two kinds of questions are generally of concern when personal iden-

tity is investigated, namely the question of how a person can be identical with the person they were 20 years earlier (identity over time) and the question of how we can know that a person that we saw at one time is identical with the person that we are now seeing (distinguishability). My main question is what remains of personal identity after the (biological) death of the person.

The Narrative Subject

I have dismissed the previous theories on personal identity for the dead and now it is time to give a constructive proposal on posthumous identity. Basic assumptions are that there is no immortal soul, that on death all consciousness ceases and the mind becomes non-existent. Death means that the subjective inner world ceases to exist and consciousness is irretrievably lost. The person as a living subject has ceased to exist. What then can remain of personal identity after death? It is argued in this thesis that narrative identities are entangled, that the living person is not the sole author or creator of his or her narrative identity and that posthumously, the narrative identity can be maintained by the living. Before going into posthumous identity, I will outline the narrative subject of a living person.

Paul Ricoeur has written the most comprehensive material on narrative theory and for reasons given in study III, it is from Ricoeur's philosophy that I will base my description. On my reading of Ricoeur, the living subject, the self, cannot be reached directly. We may try to "look inside" to find out "who we really are", but this is a failed project because it is then assumed that who we are is sameness (*idem*-identity) only. As the title of Ricoeur's main book on narrative identity gives away, "Oneself as Another", our self includes not only sameness (*idem*) but also otherness (*ipse*) (112). Without otherness, habits could not be formed, a person could not change. It is the possibility / reality of people changing that makes a concept of identity important. If we stayed the same, enigmatic situations would not occur where one must ask "is that the same person as before?". We often rely on sameness as ways of recognising the self or the subject (I will use these two terms interchangeably). This can lead to the idea that there is an original subject to find, forgetting that each person is part of creating and maintaining the self. With the impossibility in reaching the subject directly, one way is to use a narrative approach to get near the subject (without excluding other ways). The narrative subject relates to the living subject but can never be equal to it. It is a metaphorical subject in relation to the living subject, but it is at least a subject that we can work with. The narrative subject is made up of the stories that can be told of her. These stories can never be gathered to a single, all-encompassing, story. Neither is it the task of the individual person solely to create and maintain the narrative subject. In fact, no person is the sole author

of their life, and due to entanglement of stories it is often difficult to separate what narrative belongs solely to a particular person.

It is through the narrative identity that the (living) subject is described, without ever being able to do so fully, whether the subject exists now or whether it once existed. Since we are dealing with a conscious subject who is also an object to the world outside, there are two (sometimes competing) perspectives on personal identity. One perspective is from the inside and deals with self-designation. The other perspective is from the outside and is concerned with identifying reference. The first is what is lost when a person has severe dementia or dies. The second is what can remain even when there is no personal identity “from the inside” whether this is due to illness or death.

On death, much of the narrative identity is lost with the person, but some narratives can remain by entanglement with other people’s narratives. These fragments of narrative continue to refer and point to the subject. On the psychological criterion of personal identity, a human being who is in a permanent vegetative state (still biologically alive), that *person* has ceased to exist. Because of our social way of living, there will be people around this human being who continue to identify him or her as this or that person. We continue to speak of this person as the one being in hospital, coupled to machine and who is unlikely to ever wake up. Other people are now responsible to carry this person’s identity. Though, something has been lost: the first-hand account. Regardless of how many people there are who can contribute to this person’s identity, these can only be second or third-hand accounts.

An example of how narrative identity is created and given support by society is in situations of stillbirths. In Sweden, for registered stillbirths it is possible for the parents to name the infant by writing to the Swedish Tax Agency. A stillborn infant can thereby be given an identity, just like is done in live births, even when there was no first-hand contribution to this identity. This is an example of how at the beginning of life, the narrative is more part of the parents’ narratives. It also portrays how others help giving us a narrative identity before we can contribute ourselves. A consequence of narrative theory is that not all fetuses have narrative identities, for example if the woman was unaware of her pregnancy and then spontaneously miscarried.

Narrative identity means that there can be degrees of identity. In fact, even for a fully functioning human being who has access to all information, it is an impossible task to completely capture even one’s own personal identity. We can have a fuller or a thinner description of someone’s narrative identity, but never a complete one. It is here of interest the commentary to the Swedish Penal Code, where defamation of a deceased person will only be considered if the memory of the person persists with “living personal force” (see page 16). A philosophical basis for this comment is that the narrative identity of a deceased person must have been maintained to some degree as a prerequisite for the deceased person to be defamed.

The continuous quest for identity

In the context of historical and archaeological research, this is a well-suited description of personal identity. There is no belief in historical research that one can completely capture who a historical person was. There is always room for new interpretations and new evidence.

It is possible to successfully continue to refer to a now dead person. When we do research on historical persons and we find evidence of that person having died of poisoning, we have said something about that person. To talk of existence or non-existence is not helpful in this kind of situation. The person is dead, is no longer living, but she once lived and she once existed. Because Queen Christina once lived, we can now make claims of when she was born, what she achieved in life and at least attempt to answer questions of who she was. We are in search of her personal identity long after her (biological) death. Our only means to her personal identity are traces, physical or recorded history, that exist now but that point to an earlier time. When all traces have been destroyed, then Queen Christina has ceased to exist. After that point it makes no sense to ask the question “who was Queen Christina?” as this statement would be empty of meaning.

Criticism of Narrative Theory

Galen Strawson has voiced criticism to many versions of narrative theory that have been put forward. Strawson argues that not all persons necessarily are narrative and these “non-Narrative people” experience life perhaps differently from those who feel a need to account for and recount their own personal history: “And yet I have absolutely no sense of my life as a narrative with form, or indeed as a narrative without form. Absolutely none. Nor do I have any great or special interest in my past. Nor do I have a great deal of concern for my future.” (125, p.433). Narrative theory can be descriptive, the Psychological Narrativity thesis. It can be ethical, the Ethical Narrativity thesis. Or a combination of both. Whilst I agree with the arguments against any ethical imperative to live life as a story or to be more narrative, I will defend the descriptive version of narrative theory.

The descriptive thesis does not require any person to understand their life or their identity in narrative terms. Strawson argues that it is trivial to understand narrative identity as if all actions and events in your life adds up to your narrative at the end of your life because then “any human life, even a highly disordered one, can be the subject of an outstanding biography that possesses all the narrative-unity-related virtues of that literary form” (125, p.440). On this description anything can have a narrative identity. As Ricoeur has argued, there are many differences between life and fiction and it is simplistic to believe that narrative identity means telling a unified story (111). There is no single identity ready to be discovered, and so identity has

to be created and maintained. This work does not necessitate some great life plan to either be formulated or to be lived by. Life cannot be controlled and what makes two separate events more than just two separate instances is because they are part of one and the same life. In this sense, narrative identity may presuppose personal identity in order to distinguish which events make up narrative identity.

Regardless of whether or not one believes that each person has a narrative identity, it is the ambition of historians to capture historical person's life and identity. Historians do this by writing the person's life-story and are thus creating a narrative identity of the historical person. In fact, there is no need for the human being to be consciously aware of her own self or to remember her life, for there to be a narrative identity. For one's life to have some further meaning (which it does not need to have), there needs to be some kind of gathering of one's life. Meaning is created and identity is created. This does not mean that we are free to create, there are restrictions of various sorts. The narrative identity can be created by others, as is the case for historical persons. Sometimes the meaning of someone's life is only possible to begin to capture after their death.

Historical and Archaeological Research

In this chapter, I will give examples of research on the dead in historical and archaeological contexts. I will outline ethically relevant information and in the following chapter, discuss the questions raised from the perspective of the dead.

Public Figures

There is great interest in the medical community for retrospective diagnosis. The aim is either to find a well-known person who can represent some newly identified disease or to get to speculate on some unresolved illness or cause of death. There are too many publications when searching for “famous person” and “illness” to account for here. Since many of these publications have been published in other languages than English, the examples will be limited to historic persons from Western history. The examples that I will describe here will highlight different ethical questions, such as informed consent, respectful handling of the dead and diagnosing historical persons. I have chosen to describe the research on three historical persons: Albert Einstein, Abraham Lincoln and St Birgitta of Sweden.

Albert Einstein

The facts surrounding Einstein’s last wishes and his autopsy are hard to pin down. It is known that Albert Einstein wanted to be cremated and his ashes buried at an undisclosed place in order to prevent his remains being revered (82). There is no firm evidence of Einstein consenting to his brain being used for science after his death, whereas Einstein’s reticence to post-mortem examination is reported (116). It is confirmed, however, that Dr Thomas Harvey removed Einstein’s brain with the aim of discovering the underlying basis for high intelligence (82).

From the time of the autopsy in 1955, Dr Harvey kept the preserved brain for the next 20 years in a cedar box in his office (44). Despite Dr Harvey distributing microscopic specimens from Einstein’s brain to various renowned neuroscientists (82), it took until 1985 until the first peer-reviewed article appeared (41). Marian Diamond and colleagues’ work was later criticised for containing several major methodological problems so to “render

the conclusions drawn invalid” (61). It appears unlikely that this paper would have been published had it not been a study on Einstein’s brain. More recently, some other studies have been published (22, 138), but the significance of these results has also been questioned (35). Jorge Colombo and co-authors argue that the previous studies have relied too heavily on deducing function from structure. Without further experimental evidence it is unclear “as to the exact contribution of these types of analyses, besides spurring a provocative discussion in scientific and layman literature” (35, p.262). In an editorial in *Science* from 1978 it is commented that “[e]ven with the contemporary methods, it would be more surprising than otherwise if the nature of Einstein’s genius could be divined from dead tissue” (44).

There is a further complication in studying Einstein’s brain since it is known that the brain ages just like the rest of the body. Although Einstein was mentally alert before his death, it is unknown how his brain at the age of 76 corresponds to his brain in earlier years, the presumed peak of his intelligence. Differences recorded now could be due to variations in aging mechanisms of the brain between the persons studied, rather than being a difference in intelligence (35). Out of the four published studies (22, 35, 41, 138), there is only one article which mentions the circumstances of acquisition of Albert Einstein’s brain (138). This is especially notable when there is no evidence of Einstein’s consent (116).

President Abraham Lincoln

Abraham Lincoln suffered from ill health for most of his life. Various conditions have been proposed to explain his stature, his gait and his moods. Norbert Hirschhorn and co-authors have suggested mercury poisoning as an explanation of Lincoln’s depression and angry temperament before his inauguration into office (62). Heavy metal poisoning leaves traces in the hair at the time of consumption, but there are only authenticated hair specimens at the time of Lincoln’s death, years after the last proposed ingestion of mercury tablets. Therefore this theory cannot be tested on the biological material from Lincoln. The authors propose that documentation on Lincoln’s acquisition of these mercury tablets could be obtained from documents of prescriptions from a particular pharmacy in Ashland. On contacting the pharmacy’s present owner, H.O. Brownback, the great-grandson of the physician contemporary with Lincoln, he gives an interesting reason for refusing to share the details of Lincoln’s prescription: “The fact that Lincoln chose to seek medical and pharmaceutical care outside of his immediate community certainly acts to heighten our sense of responsibility in the matter.” (62, p.328) Thus Brownback argues for continued patient confidentiality for Abraham Lincoln.

Ronald Fishman and Adriana Da Silveira remark on the asymmetry of Lincoln’s face (52). They speculate on whether the deviation of the left eye

was due to craniofacial microsomia or due to an accident where the 10-year-old Lincoln was kicked in the head by a horse. The authors end the article by asking the question “What influence did this minor anomaly of his face and eyes have on Lincoln’s life and the course of history? Probably none at all” (52, p.1129).

The Marfan syndrome was the first medical condition attributed to Lincoln that later would in theory be possible to test genetically (119). It is a condition that affects the connective tissues of the body, where common phenotypes are tallness, long thin fingers and heart problems. The genetic mutation underlying Marfan syndrome is mostly in the FBN1 gene, inherited in an autosomal dominant pattern. President Lincoln was a tall man, however, due to the heterogeneous afflictions of Marfan syndrome patients, it is a complex diagnosis to establish even in living patients. With the FBN1 gene identified, genetic testing is sometimes used to confirm diagnosis in patients who do not fulfil all the clinical criteria (46). Biological material of Lincoln was sought with the aim of testing for Marfan syndrome, but the request was turned down (93, 110).

After Marfan syndrome, another genetically inherited disease has been proposed for Lincoln. A familiar case of spinocerebellar ataxia type 5 (SCA5) occurred in families related to the paternal grandparents of Abraham Lincoln. In a mapping study for this autosomal dominant disease, it is hypothesised at the end of the article on the likelihood of President Lincoln having the disease. Yet, it is concluded that there is no direct evidence since Lincoln was murdered before the age of onset (Lincoln lived to be 56 years old) and there are no close relatives (108, p.283). It is recorded that Lincoln had an unusual gait, where he put down his whole foot rather than first putting down his heel and then pushing off with his toes (63). This could be indicative of neurological damage. In 2006, the gene for causing SCA5 was identified, partly with the help of the Lincoln families (67). Again, a genetic test of the late president is proposed and the authors claim that genetic testing for SCA5 “would be of historical interest and would increase public awareness of ataxia and neurodegenerative disease” (67, p.188). There is no further reason given for why it would be of historical interest to know the nature of Lincoln’s illness.

St Birgitta of Sweden

According to history, St Birgitta’s remains were brought back to Sweden after her death in 1373. Eventually, St Birgitta’s and her daughter’s skulls were said to have been placed in a relic shrine in Vadstena abbey. With new information, this account has been put into question. Recent genetic analyses of the two skulls reveal that the past persons cannot have been mother and daughter (99). Furthermore, the genetic analysis raised suspicions that the presumed skull of St Birgitta was significantly older than the presumed skull

of her daughter. The mtDNA was considerably more fragmented and more degraded, which could be due to the age of the skull. Therefore the two skulls were radiocarbon dated, with the result that it is most unlikely to be the skulls of either St Birgitta or her daughter, as recounted. The two women, whose skulls rest in Vadstena abbey, most likely lived 100 years before and 100 years after St Birgitta and her daughter.

The presumed skull of St Birgitta has been examined numerous times and an abnormality in the skull has been noted. This cranial depression has been attributed to a benign tumour (99). The traces of a benign tumour on the presumed skull of St Birgitta, together with her religious revelations, have led to speculations of epilepsy (80). This is despite the fact that the benign tumour is not located in the temporal lobe, which could have given support to a diagnosis of temporal lobe epilepsy. Others have opposed the seemingly reductive explanation of religious visions to neurology and that physical examination of the skull disturbs the peace of the dead (97). With little support for the skull being that of St Birgitta, there is limited evidence for a theory of epilepsy for Sweden's patron saint.

It is far from always that DNA will give us a definite answer. Most of the time, the best we can hope for is a genetic probability of a disease, but without access to the patient directly it is a great challenge to find historical evidence for phenotypic expression of a disease. The risk is therefore that retrospective diagnoses will say more about our time than give us any historical knowledge (72). Axel Karenberg argues that for retrospective diagnoses to be anymore than entertainment value, there needs to be substantial historical research at the basis of such efforts (73, p.148). Questions of possible interests of privacy for the dead may not be novel to historians, but with DNA technology it is in the hands of biologists to deal with perhaps sensitive information about a historical person. Without thorough historical research there is a risk that a DNA test of the dead is due to pure nosiness and does not contribute to current historical knowledge of the dead person. Karenberg uses Frederick Chopin to argue his point (72). Chopin has for example been diagnosed with cystic fibrosis (77, 87), alpha-1-antitrypsin deficiency (77) and tuberculosis (88).

Anonymous

The vast majority of human remains in collections are anonymous, which protects the dead from many of the ethical problems related to privacy as described above. Only limited amount of personal information can be gained from archaeological remains or human remains collected for medical purposes. On the other hand, questions of how to handle old human remains, who has access, how they are shown, storage conditions and not least questions of reburial, are relevant. Two current examples in Sweden will here be

presented in brief. One concerns the exhibition of human remains at the Vasa museum and the other is a discussion based on the inventory of Sámi human remains by the Swedish National Historical Museums (16).

Face to Face: Exhibition at the Vasa Museum

The current exhibition of ten human remains found with the Royal Warship Vasa went on display in 2004 (1). The Vasa ship sunk in 1628 and was salvaged in 1961. The human remains of at least 16 individuals were found onboard the ship. After preliminary osteological studies, the human remains were buried in 1963. The prompt burial was in accordance with the wishes of Admiral Pastor Gustaf Brandt and the Vasa committee (43, p.25). Later studies of the sea bed around where Vasa had rested, revealed the remains of another six individuals. Burial for these human remains were never discussed and they came to be stored at the Vasa museum.

The prompt burial of the Vasa remains hastened the scientific study. In the 1980s, as part of constructing the new Vasa museum, interest was awakened for the buried human remains to be more fully examined (79, p.171). When the graves were opened in 1989, it was clear that the precautions taken to preserve the human remains had failed. Despite coffins made out of concrete and each individual's remains sealed in plastic bags, water and damp had found their way to the bones. Compared to the human remains that were never buried, the interred remains were in poor condition (43, p.30, 79, p.172). The burial of the remains tried to accommodate the wishes of a swift burial in consecrated grounds, with the aim of preserving the human remains for their scientific and historic value. In hindsight, osteologists do not recommend this kind of burial if the remains are considered to have scientific value (79).

In the old Vasa museum there was a single display of human remains, labelled "the Ship boy". Later studies revealed that the remains are in fact from a girl in her upper teens (1, 43, p.42) and she is now exhibited together with some of the other individuals who died on Vasa. The expanded exhibition at the Vasa museum today does not seem to be controversial. Great care has been taken in how and where the human remains are displayed. They have been given their own section at the museum, it is clearly stated beforehand what is on display and it is optional to seek out this part of the museum. The remains of each individual are displayed separately and with accompanying personal information, such as sex, age, height, diets, illnesses and injuries (43, pp.56-57). Facial reconstructions have been made from a few of the skulls and these are on separate display, away from the human remains. A student survey which was partly carried out at the Vasa museum, indicates that visitors are positive to human remains being exhibited and expect both reconstructions and authentic human remains in museum settings (129, p.16). In the British policy document *Guidance for the Care of Human Re-*

mains in Museums, it is stated that “the vast majority of museum visitors are comfortable with and often expect to see human remains, usually skeletons, as parts of museum displays” (8, p.20). However, great preparation before a display containing human remains are encouraged (1, 8, 11, 28).

Inventory of Sámi Human Remains in the National Historical Museums’ Collections

In 2007, the Sámi Parliament officially demanded inventories and subsequent repatriation and reburial of Sámi human remains from all Government-funded museums and institutions (13). The result of the inventory of Sámi human remains at the National Historical Museums showed that the human remains in the collection are all anonymous, despite efforts to trace back acquisitions of relatively recent origin (16, p.3). The most debated remains are 13 skulls with assumed Sámi origin. One of the skulls was collected for medical purposes and is of a younger age, probably from the mid 1800s. The 12 skulls are all from an abandoned churchyard in Rounala, Kiruna council, excavated in 1915. It has been assumed that the skulls are from the time that the churchyard was abandoned in the 16th and 17th century, but recent radiocarbon dating indicates that the skulls may be up to 500-600 years older (16, p.4).

Inquiries as to the scientific value of the skulls were sought from in total eight institutions in Sweden, including Västergötland County Museum and the archaeological departments at Uppsala University and University of Lund (16, p.18). There was consensus on rating the skulls from Rounala churchyard highly, whereas the single skull is recommended for repatriation and possible reburial. Three arguments are given for why the 12 skulls together with the more complete human remains should not be granted repatriation:

- The human remains were discovered during archaeological investigations and constitute important basis for research on the early history of Norrland, Northern Sweden.
- Because of the age of the remains, no identities have been traced.
- The ethnic affiliation of the human remains are not certain, a basic requirement for repatriation. (16, p.5: my translation)

The National Historical Museums see no arguments against the 12 skulls and other human remains to be transferred to the Sámi museum Ájtte, as long as the human remains are handled and preserved according to general guidelines (16, p.6). Ájtte museum shares the view that the Rounala skulls can give unique information on old Sámi history as well as the history of Northern Sweden (16, p.29). Ájtte’s main concern is that the old human remains are available to researchers and for scientific discussions. The situation now is that the old human remains are only available to a small group of researchers.

The Sámi Parliament hold that all Sámi human remains should be reburied and that a “reburial would be a symbolic act that contains both reconciliation and restitution” (12, p. 8: my translation). In reply to an inquiry to loan the Rounala skulls for research study, the Sámi Parliament argues that until ethical guidelines for research on Sámi human remains have been developed, further studies should not take place. In addition, the Rounala skulls which were exhumed in 1915, represent Sweden’s colonial past that has not been resolved and have high emotive value for the Sámi population (16, p.34).

Ájtte museum reasons differently in their reply to the proposed research. Already obtained results on the Rounala skulls have been presented by the researchers to Ájtte museum and the Sámi Parliament, and these have been interesting results for understanding Sámi history. One concern for Ájtte museum has been the limited dispersal of the research results. As concerns the proposed research, it is argued that it is a continuation of previous results, and therefore should be approved. However, new research projects should not be initiated until the ethics of research on human remains have been discussed and the question of management settled (16, p.33).

Aims

The general aim of this thesis is to investigate whether the dead can have any interests or the living any duties toward the dead. The hypothesis is that there is at least one good philosophical argument supporting the claim that the dead can be wronged. A constructive proposal for how the dead can matter morally is presented. As a result of this investigation, a further aim is to give some normative directions for those who handle the long dead in their work, such as historians, archaeologists and curators at museums.

The central research questions are:

1. Do the dead have a moral claim on the living, and what could be the justification for such a claim?
2. In what sense can the dead change and what are the ethical implications of posthumous change, if any?
3. What can narrative theory contribute to the question of identity after death? What are the ethical implications of narrative identity after death, if any?
4. What ethical implications result from this study for those handling human remains in museums or in research settings?

Method

H₀: There is no good philosophical argument supporting the position that the dead can be wronged.

H₁: There is at least one good philosophical argument supporting the position that the dead can be wronged.

There are competing moral intuitions and claims regarding the dead, where we may feel that the dead are beyond wronging and at the same time we avoid speaking ill of the dead. My initial approach to the problem whether the dead can be wronged was to use the hypothetical-deductive method. Due to the number of strong arguments in support for the position against posthumous wronging (supporting the H₀ hypothesis), the challenge for this thesis was to investigate if there were any arguments in support of the alternative hypothesis, H₁. If so, what is the philosophical basis for the dead who no longer exist, having remaining interests?

Ethics include fields such as meta-ethics, empirical ethics and moral philosophy. Within the field of ethics, studies can be descriptive or normative, or a combination of both. In descriptive ethics, research for example tries to establish what the current moral attitudes or moral reactions are. In normative ethics, arguments are presented for or against moral attitudes or on what actions should be taken in a situation of conflicting moral values. Good arguments rely in part, but not exclusively, on consistency and on coherence. Consistency demands that good arguments should hold for similar situations. Good arguments in one situation should be coherent, to some degree, with recognised moral values. For example, if a good argument is that doctors should not lie because it undermines trust in medical situations, then we would expect that trust is a moral value. A good argument must finally be based on relevant facts. A more extensive discussion on good arguments lies beyond the scope of this thesis.

The aim of normative ethics is to influence moral attitudes, either by supporting moral attitudes that are already embraced or by arguing for a change in moral attitude. This thesis is in the field of moral philosophy, it has a normative aim and the methods include philosophical analysis of basic concepts and arguments, reflective equilibrium and hermeneutical method.

In order to be relevant for real life, it is important that basic concepts agree with common sense understandings of words and concepts. The philosophical work with analysing basic concepts includes evaluating previ-

ously proposed definitions, adopting definitions suitable for the aims and relating basic concepts to each other. The work on concepts is the basis for achieving a clear and precise line of argument in the succeeding steps. For example, the concepts of change, interests and personal identity are central to this thesis.

Literature reviews have been used to identify existing positions and arguments and to locate the main point of disagreement, in this case whether interests necessitate a living subject. Relevant arguments have been critiqued and proposed conclusions have been supported by a clear presentation of the underlying premises (59, p.48).

In normative ethics, general ethical principles have to be applied and related to specific situations and to existing intuitions. Vice versa, the study of specific situations and analysis of existing intuitions can lead to an adjustment to or replacement of a general principle. In normative ethics, the reflective equilibrium method is therefore important (55, pp.161-162), meaning that general principles and particular instantiations are allowed to influence each other and be adjusted accordingly.

Three general ethical principles to the dead are proposed in this thesis, the duty of truthfulness, the duty of privacy and the duty of recognition. These general principles have been applied and contrasted to moral intuitions held about the dead. For example, the duty of privacy for the dead is upheld not least in the handling of the body of recently deceased. For instances where our moral intuitions have diverged from the duties suggested, good reasons have been presented in order to argue for a change in attitude.

A hermeneutical method was used to understand the works of Paul Ricoeur when working on study III. To begin with, the goal was to gain understanding of Ricoeur's theory of narrative identity. Central parts in the works of Ricoeur were identified and a working hypothesis was formulated. When the working hypothesis had been further developed, it was related back to the text with the purpose of achieving coherence with narrative theory overall.

The final aim was an explorative study on whether narrative identity could be extended beyond death. Here the philosophical analytical method was employed. The application of methods from both the analytical and the continental philosophical traditions was typical of Ricoeur, who regarded the two traditions as complementary.

Limitations

The purpose of this thesis is to analyse posthumous interests and possible duties to the dead. There are many other concerns that can be raised when discussing research on the dead, but these concerns can be derived to interests of the living. Therefore, it is the people who have been dead for a con-

siderable time that are the main focus in this study. Interests of the living have to be taken into consideration when weighing all legitimate interests, but the question in focus here is whether or not the dead can ever have legitimate interests of their own. Therefore, it is the interests of the dead that are argued for and described. In the fourth manuscript, there is more effort to show other interests and to weigh these interests against the posthumous interests that I argue for.

Another limitation is that cultural aspects have not been specifically considered. Cultural differences over time and place have been at the back of my mind and often discussed at seminars, but due to time restriction, no deeper effort has been made to understand how cultural differences may affect the findings of this work. My effort has been to point at a minimal standard for dignified treatment of the dead. A dynamic analysis on the concept of culture and cultural identity would have been of benefit, but this must be left for future work.

Summary of Findings

Study 1: Queen Christina's Moral Claims on the Living

In this study, the main arguments in the debate on posthumous interests are presented and considered. Although most people in the debate agree that we should conserve the status quo and continue to respect the dead, the reasons given for this conclusion are, in our view, unsatisfactory. The distinction between indirect and direct reasons for protecting the dead is made and the aim in this study is to investigate if any direct reason can be given to protect the dead.

Søren Holm believes the question of posthumous interests to be irresolvable, but is willing to consider the possibility that Tutankhamen should have a right to be protected against invasive research. His reasoning is that if the dead have interests, one possible interest is in one's good name. In Tutankhamen's case, Holm argues that a stronger justification should be provided than simple curiosity when research risks tarnishing someone's good name. Joan C. Callahan, on the other hand, believes that the simple solution to the problem is that there can be no posthumous interests since there is no one that can be wronged or harmed. Still she holds that it is important for indirect reasons to respect testaments and therefore we should continue to talk as if the dead have interests. The intuition that the living may have moral duties to the dead appears to be hard to get rid of.

The main stumbling point in this debate is how the dead could have interests when there is no one to be harmed or benefited any more. Callahan's argument is that if the dead cannot be harmed, then they cannot have any interests. Although it can be agreed that the dead are beyond harm, it is questionable that interests only relate to questions of harm or benefit. Actions can be morally significant also when no one is harmed or is at risk of harm, e.g. slandering or breaking a promise are *prima facie* wrong and demand justification if they are done. Since the good name of a person carries on as a unique reference to that person, we propose that slandering is wrong also when it concerns the dead. The good name is proposed as a strong candidate of a surviving property of the dead. The subject that is seen as missing is thereby not required. It is the living who have a duty to the dead not to do certain *prima facie* wrong actions without giving a justification.

Study 2: Can the Dead be Brought into Disrepute?

A statement by Joan C. Callahan is further investigated: if Einstein's reputation changed, then this would not be a change in Einstein. It would simply mean that a group of people had changed their opinion of him. This question is relevant to the debate on posthumous interests and wrongdoing since it implies that nothing can happen to the dead. At the same time, it appears counter-intuitive that Einstein's reputation is completely separated from Einstein. The aim of this study is to discuss the possibility of posthumous change and for this purpose the concept of property is explored.

One result of this analysis is that relational properties should be recognised in their own right and that these cannot simply be reduced to non-relational properties. There are examples of properties that inherently require two subjects and are impossible to reduce to the one or the other. One example of such a relational property is being married. The good name of a person is a relational property because there can be no reputation without 1) a group of people who hold an opinion and 2) a person of whom the opinion is held.

The importance of the relational properties becomes clear when moving on to the concept of change. Non-relational properties can only go through one type of change, a non-relational change. For example, being a certain height is a non-relational property and the only way of changing this property is for the person to either shrink or grow, both of which are non-relational changes. Relational properties, on the other hand, can go through non-relational and relational changes. For example, when becoming a parent the mother can go through the non-relational change of giving birth and the relational change of having a child. Of course, it is possible to become a parent without going through this non-relational change.

Often it has been argued that some relational changes are not *real* changes when there is no accompanied non-relational change in the person. Peter Geach argued that the definition of change used by the Cambridge-philosophers Russell and McTaggart was too broad and called the apparently phoney changes for "Cambridge changes" (56, p.71, 134). A Cambridge change is a relational change lacking a simultaneous non-relational change in the same object. Since there is no non-relational change in the person, posthumous change can occur if it is of a Cambridge kind. However, there must be a non-relational change elsewhere for a Cambridge change to occur. So when Socrates died, Xanthippe became a widow from the moment of his death and Xanthippe underwent a Cambridge change. Since the non-relational change occurred in Socrates, many would say that this is the only "real" change, indicating that all Cambridge changes are "phony".

In this study it is proposed that there are other examples of Cambridge changes where we are more prone to regard them as "proper" changes. A reason for this may be that what is of relevance is whether we see a change as significant or not. There are many examples of non-relational changes

which are not significant (e.g. constantly becoming one second older) and Cambridge changes which may be significant (e.g. becoming famous).

In conclusion, if some relational properties survive the death of a person, then Cambridge changes can occur to the person after death. A person's reputation is given as an example of a relational property that can possibly survive posthumously. A change of opinion in the general population can therefore entail a Cambridge change in the reputation of a dead person.

Study 3: In Search of the Missing Subject - Narrative Identity and Posthumous Wronging

The aim of this study is to present a constructive theory for how the dead can matter morally. The main assumption that is questioned is that the whole of a person would disappear on death. The works of Paul Ricoeur are studied to explore personal identity using narrative theory.

When we search for our own identity or someone else's it is the *who* of a person we seek. However, this self cannot be accessed directly and so we have to go through *what* a person is. The act of narration is how the what (and in extension the who) of a person is accessed. Identity is not something that is fixed and can be found. It is always possible to tell a different story.

People can never grasp their own narrative completely. The birth and upbringing for the first years of one's life must be told by others. The person's death is part of his or her narrative, but it is one which is only accessible to others. In this way, narrative identity must be relational. They know about parts of our lives which we do not or cannot know about. Identity analysed in narrative theory highlights how entangled each person's identity is with that of others. Due to entanglement, parts of a deceased person's life-story can remain in those who are living. Since the narrative identity of a person does not necessarily end on death, and this narrative continues to directly relate to the person who once was, it is the narrative subject that can continue to be posthumously wronged.

Queen Christina can no longer maintain her own identity, but we maintain it by our research into her life. We propose three duties relevant for posthumous wronging: the duty of truthfulness, the duty of recognition and the duty to respect privacy.

Study 4: Ethical Considerations in Reburying Old Human Remains, a Narrative Approach.

The indigenous peoples of Sweden, the Sámi, have since 2007 officially requested repatriation and possible reburials of all Sámi human remains. The aim of this study is to apply ethical guidelines to a hypothetical request of reburial of old human remains, to identify interests and stakeholders and to re-examine the request using narrative theory.

In examining the issues surrounding repatriation and reburial, we found that narrative theory makes several contributions.

1. **Pluralities of pasts.** Archaeologists have appeared to give the single, correct, version of the past, but others must be invited in the processes of history telling even when numerous pasts are not compatible.
2. **Narrative identity** opens up for a possible posthumous identity, even if it can be limited many years after death.
3. **Entanglement of narratives** and entanglement of our pasts. It is unclear on what grounds a community can be given sole authority to decide over old human remains. With shared past, there are many interest-holders.
4. **The openness of the past.** With no single, true version of the past, there is always room for new interpretations. Reburial of human remains can eliminate the opportunity for new interpretations.
5. **Duties to the past.** The living can have duties to the past, for example by acknowledging past persons' lives, contributions to the future and their sufferings.
6. **Authenticity.** Human remains are important traces of people of the past. They help to personalise the past for us who live now. In cases where atrocities have occurred, we may inadvertently make the dead "missing subjects" by not acknowledging past sufferings.

In conclusion, it is argued that reburial of old human remains should be discouraged, but multiple voices encouraged about the past. Reburial risks making past victims of discriminations "missing subjects" instead of having that story told to present and future generations. If research on our past is of value, then human remains may need to be institutionalized. This does not negate respectful treatment of human remains.

Discussion

Researchers working with past persons will make claims about these dead individuals. Physicians use historical records to make retrospective diagnosis on historical persons, molecular biologists can establish identity and sometimes genetic disease, historians can reveal hitherto unknown personal details of a famous person and it is primarily archaeologists and curators who deal with the physical remains of the dead. Working with the past and past persons, there are moral duties that should be recognised. I argue for three duties to the past, the duty of truthfulness, the duty of recognition and the duty to respect privacy. I will here apply these duties to the examples of research on historical persons and archaeological human remains, as well as discussing other ethical reflections raised by these examples.

The duties to the past that I argue for are not duties in general, but in the setting of professional life, at universities or in museums. I am not arguing for a general duty of recognising past wronging of the dead, as this would be an unattainable moral duty. It is not a comment on speculation on the illnesses of a historical person in private life. However, in working life where the research subject is a past person, I argue that the researcher has duties to the dead.

The question of consent will be limited to a few historical persons. Jeremy Bentham, for example, wished for his body to be preserved and shown in public (33, p.262). Others were in life aware that their dead bodies would be of interest and therefore tried to take precautions to avoid exploitations. The most well-known example of the latter is Charles Byrne, more known as the Irish Giant. He was exhibited all his life and he wanted his dead body to be disposed of at sea (92). Instead his body is still kept by the Royal College of Surgeons of England (2). In Albert Einstein's case it is inconclusive whether or not he gave his consent to donate his brain to science. Both the duty of truthfulness and the duty to respect privacy are relevant in the case of Einstein. Einstein's son appears later to have given his consent (137), but proxy consents have shaky philosophical basis (64, 139). Irrespective of Einstein's wishes, it is remarkable that the origin of the samples is only discussed in one of the research articles published on Einstein's brain (138).

The storage conditions for Einstein's brain were perhaps not unusual for the times, but there has been a change in attitude to how old human remains should be handled. In textbooks on human remains, the focus is not only on how to curate and preserve human remains so that valuable information can

be secured, but also on the respect for human remains. Consider the following quotes from a textbook on human remains:

Human remains are entitled to a high level of dignity, and to begin with, curation must include a sense of reverence. (33, p.49)

Human remains are not specimens; they were people – they are individuals. To begin with, handling should be undertaken only with a specific purpose. One should not browse as if in a library, picking up bones and articulating joints without a purpose. Simply put, a mental state of propriety is required of handlers. (33, p.49)

Lack of individual consent [...] is problematic for human remains collections [...]. Preservation, protection, and respect are the baselines for consideration in the development of storage recommendations for human remains. (33, p.103)

Whether in a high-profile example such as the return of a royal mummy to Egypt or in the more routine movement of human remains, a sense of respect and reverence must guide the project's planning and execution. The specific requirements or circumstances of any particular scenario should not overshadow an awareness of the fact that the remains were once a living individual. (33, p.125)

In light of these texts, the storage of Einstein's brain in an unlabelled cedar box in an office is plainly ethically objectionable. The duty to respect privacy includes respectful handling of the human remains and to acknowledge that they were once living persons. Unfortunately, even the scientific value of retaining Einstein's brain is questionable. Only five original research articles have been published on the subject, of which several lack scientific quality (22, 35, 41, 47, 138). It would appear that the articles in question have been published not because of the scientific results, but because of the person examined. It is part of science and history to argue for new theories and for these theories to be tested and critiqued by others. However, scientific standards should not be lowered because the title contains the name of a well-known historical person. The main argument in this thesis is that a general respect is owed for human subjects in research, also long after their death.

The research on Abraham Lincoln has been quite extensive and varied. A general comment for most articles published on historical persons in the natural sciences is that no reason is given for why the research would be of value, historical or other. Sometimes the aim seems to be to diagnose a historical person with a disease in order to raise awareness of the disease and as a way of giving now-living sufferers encouragement. As well-intentioned this aim is, it fails to acknowledge the past person's interest in his or her reputation. The duty of truthfulness must take precedence in these cases.

This entails recognising that the historical person was once a living person and is not to be equated with fictional persons. It is an impossible task to “tell-it-as-it-was”, nonetheless, that must be the aim when dealing with history and historical persons.

In a few of the articles on retrospective diagnosis, there are references to now-living sufferers of genetically inherited diseases who benefit from high-profile representatives (67, 76, 87, 110). This can give the impression that whether the historical person in fact suffered from cystic fibrosis is irrelevant, as long as people of the past can be used “to give hope and meaning” to living sufferers of genetically inherited diseases (87). Such an attitude goes against the duty of truthfulness that should be granted the dead. Similarly, to claim that Lincoln suffered from Marfan syndrome should require substantial historical and medical evidence, which is unlikely to be achievable given the difficulties in diagnosing Marfan syndrome in living sufferers. Even if a genetic test could confirm Marfan syndrome as a diagnosis, the historical significance of presumed findings must first be argued for in order to motivate the use of limited biological material. Surprisingly few articles in the genre of retrospective diagnosis mention historical significance of the information whilst “retrospective diagnosis of illnesses and conditions affecting historical individuals is quite a popular activity” (30).

The basis for even beginning retrospective diagnosis should be correct identification of the human remains. The speculation of epilepsy originated from the physical examination of St Birgitta’s presumed skull. The recent genetic analysis of the skull raised suspicions of the reported age, and there is now little evidence for attributing epilepsy to St Birgitta. In a literature based study, John Hughes argues against the diagnosis of epilepsy for a number of famous persons (66). A different question is raised if identification studies are performed on the presumed remains of a historical person: how are the human remains to be handled if they prove not to be authentic? In the case of the skulls in Vadstena abbey, the skulls will remain in the relic shrine as before. For human remains in named graves, the matter may become more complicated and should be considered before attempted identification. Genetic testing can aid in establishing historical facts, so to avoid attributing personal information to the wrong individual.

Ascription of personal information to old human remains should only be done after thorough examination. At the Vasa museum, the previously labelled “Ship boy” we now know was a 16 or 17 year-old girl. If the results are ambiguous, personal information should not be attributed to the human remains until other methods can better determine the facts. For human remains where gender cannot be determined, genetic analysis is now an option, albeit expensive (128).

The duty of recognition will only come into play in specific circumstances, as it is untenable that we should have a general duty to the dead to recognise and remember them. I will outline some possible scenarios where

the duty of recognition could be pertinent. In the early 1800s and for 100 years onwards, it was not unusual that human remains were acquired in unlawful ways. In such a case where the exhumation or acquisition was unlawful, I argue that there is a duty of recognising the history of these human remains in order to acknowledge the wrongs done to them in the past. There may be a duty of recognition owed to the Rounala skulls, but not to the remains found on the Vasa Warship. The manner of recognising past wrongdoing, I leave open. The prompt burial of the Vasa human remains are an example, though, of the double standard toward respecting the peace of the dead who can be defined as belonging to the majority community. In an official communication by the Swedish National Heritage Board in 1983, the burial of the Vasa human remains are discussed. It is argued that if old human remains have scientific value, they should be available for study for some time, and “[r]eburial in the ground should therefore not be allowed” (127, p. 10). If research is deemed acceptable on old human remains, it must be acceptable to retain those regarded “our” dead as well as those remains regarded as “other”.

Connected to the discriminatory choices of reburial, is the relevance of having now-living culturally affiliated groups. For those individuals without (known) culturally affiliated descendants, it would appear to be ethically unproblematic to keep them for future research. Unless the duty of recognition is owed to the dead, there would be no moral imperative to acknowledge illegal actions in the past for these human remains. I argue that attributing moral standing only to the dead who have now-living descendants, is an inconsistent position. There are parallels to the 19th century laws in the UK where “unclaimed bodies” were made legal to use for medical dissection. The unclaimed were the dead without friends or family (37).

Perhaps there is a general duty to the past to recognise those who came before us and to appreciate past people’s living conditions. By coming close to old human remains in a museum setting, the past can become personalised. It is unlikely that any of the persons whose remains are now shown in museums would have approved to have their final resting place in a public space with the general public as visitors. Excavations can be regarded as disturbing the peace of the dead, but it can be a way of recognising suffering of past persons and a way of bringing the past closer to the present day. One example is the excavation at Pompeii where the remains of two persons were found holding hands (34).

The conclusion of this thesis is not that the interests of the dead should have precedence, only that posthumous interests should be considered. It may be acceptable to exhibit human remains in a museum, in order to obtain other values, such as the value for the general public to come close to people who lived on this earth hundreds, or even thousands, of years ago. Due to the value of research into our past, human remains may not always be laid to rest in the ground. There are legitimate reasons for why personal information of a

well-known historical person should become public knowledge, but these reasons must be presented and argued for. I argue in this thesis that the dead deserve our respect and careful handling and that these considerations are based on the moral standing of the dead person.

Future Work

In 2005, the Swedish Government ordered an inventory of the human skeletal collections in Government-funded museums. The task was to identify “human remains from the world’s indigenous peoples” (9). Björn Furuhagen gives a historical background to the collecting of human remains in the 18th and 19th century and the roots of racial biology in Sweden. He notes that several researchers who he interviewed appeal for Swedish guidelines in handling old human remains and possible reburial (54, pp.6, 45, 46). Before such guidelines are worked out, it is necessary to investigate the current views and arguments of main stakeholders. Therefore, a study with individual interviews, focus groups and questionnaires would be of great value. Stakeholders could include political leaders in the Swedish and the Sámi Parliament, archaeologist, osteologists and curators working at museums. Of particular interest are the Sámi museum Ájtte and the Swedish National Historical Museums, where the latter hold a collection of Sámi human remains. Interviews would be held with political leaders; focus groups with researchers; questionnaires would be used to capture the opinions of the general population across Sweden concerning old human remains in institutions.

Conclusion

This work is of relevance to a variety of researchers in the sciences: physicians, molecular biologists, historians, archaeologists and curators. In short, all researchers who in some way make claims of the dead and handle their remains.

The central conclusions from this thesis are:

- That the dead have an interest in their good name. Therefore, a **duty of truthfulness** should be observed when past persons are described. The aim is to describe the past as it once was, to the best of our ability, and to avoid speculation.
- That the dead can be wronged by unjustified research into their personal information and that a **duty to respect privacy** is owed to the dead. The relevance for making personal information about a historical person public must be argued for.
- That under special circumstances there can be a **duty of recognition**. This means to recognise wrongs done to people in the past and, to acknowledge the suffering of past victims. This duty can be relevant in cases where anonymous human remains were unlawfully exhumed and where there are no living descendants to argue their case.

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Summary in Swedish – Sammanfattning

För levande personer finns det en särskild lag som skyddar mot otillbörlig analys av vår genetiska arvs massa, lagen om genetisk integritet. För drottning Kristina finns det däremot inga lagliga hinder för att återigen försöka visa att hon inte var en ”riktig” kvinna, denna gång med hjälp av genanalys. Små mängder biologiskt material är tillräckligt för att kunna utföra genetisk analys av gammalt DNA. Gentekniken kan användas för att undersöka bland annat identitet och sjukdomar. Är det rätt person som ligger i rätt grav? Led Abraham Lincoln av en neurologisk sjukdom? Syftet med denna avhandling är att utreda om döda personer kan tänkas ha rätt till skydd mot till exempel genetiska undersökningar. Kan en person ha rätt till skydd för privat information även 300 år efter sin död?

Postuma intressen har diskuterats inom filosofin. De allra flesta intressen som vi har som levande måste upphöra när vi dör, men ens goda namn har föreslagits som ett möjligt postumt intresse. I första studien presenteras argumentet att det alltid är moraliskt fel att smutskasta en persons rykte, och att skäl måste ges om känslig personlig information görs offentlig. Skilda uppfattningar om postuma intressen går igenom och på vilken grund döda personer kan anses ha moralisk status. Den moraliska statusen för döda personer är mycket oklar och de flesta som argumenterar för skydd för de döda grundar detta på de levandes rättigheter (31, 103).

Ett starkt argument mot postuma intressen är att dåtiden inte kan förändras. Inget kan hända de döda och de kan därmed inte skadas. I andra studien undersöks egenskapen rykte som en relationell egenskap och begreppet förändring. Vem förändras om svenska folket ändrar åsikt om drottning Kristina? Är det enbart en förändring i folket eller även en förändring för drottning Kristina som nu har ett bättre eller sämre rykte? Slutsatsen blir att i sociala sammanhang erkänns många relationella egenskaper, såsom att vara gift eller vara medlem i en förening. Inom filosofin har förändringar i relationella egenskaper inte beaktats som ”riktiga” förändringar. Däremot kan förändringar i relationella egenskaper erkännas i sociala sammanhang, såsom när ens partner dör och man blir änka eller änklings.

Ändå kvarstår en filosofisk fråga kring postuma intressen: Vem är det som har ett intresse? Om vi förutsätter att en person slutar existera i det ögonblick hon dör så finns inget subjekt som kan ha intressen efter det.

I tredje studien presenteras argument för hur en persons identitet (delvis) kan kvarstå efter döden. Inom narrativ teori förstås personlig identitet genom livsberättelser, vilket är nära besläktat med en persons rykte. Ingen av oss är ensamma i skapandet av vår identitet och varje persons livsberättelse hänger samman med andra personers livsberättelser. Därmed blir inte en persons identitet enbart avhängig den levande personen och en postum narrativ identitet blir möjlig. Det finns mycket forskning om drottning Kristina och vi kan fortfarande säga mycket om vem hon var som person långt efter hennes död. Inom historisk forskning söker man till exempel svar på frågan: Vem var drottning Kristina? Det finns många svar på denna fråga och vi kommer säkerligen aldrig nå ett slutgiltigt svar, men att återigen försöka utreda om Kristina var en ”riktig” kvinna är att lägga fokus på något som för det första är privat information och för det andra är en myt som saknar historisk grund. För att det ska vara etiskt försvarbart att söka känslig personlig information om historiska personer måste det vara väl motiverat utifrån ett historiskt perspektiv.

Denna filosofiska analys om döda personers intressen och moraliska status är också relevant för debatten om alla de mänskliga kvarlevor som finns bevarade på universitet, institutioner och i museer världen över. Framförallt är det urfolk som har reagerat på hanteringen av deras förfäders kvarlevor. Intresset för att studera gamla mänskliga kvarlevor blev mer systematiskt på 1800-talet. De gravar som de tidigaste arkeologerna grävde ut var knutna till andra grupper, med annan religion eller kultur än den egna. I Sverige fanns det särskilt intresse för samiska skelett, men även förkristna gravar och fattiggravar grävdes ut (54).

I studie IV appliceras begreppet narrativ identitet på frågor kring återbegravning, aktuella frågor inom arkeologin och på museer. Krav på återlämnande och återbegravningar av mänskliga kvarlevor måste nu bemötas även i Sverige. I studien analyseras tre etiska riktlinjer för hantering av mänskliga kvarlevor; förslag till ändringar presenteras; och ett hypotetiskt krav på återbegravning diskuteras utifrån ett narrativt perspektiv.

Denna avhandling argumenterar för att döda personer ska erkännas egen moralisk status, kopplat till vår respekt för mänskligt liv. Samtidigt understryks möjligheterna med historisk och arkeologisk forskning i upprätthållandet av en (fragmenterad) narrativ identitet för människor som levt för länge sedan. Om det är ett samhällsintresse att uppnå ny kunskap om tidigare samhällen, och en del samlingar av mänskliga kvarlevor är nödvändiga i detta arbete, så är det etiskt försvarbart att bevara mänskliga kvarlevor på institutioner. Detta under förutsättning att man i hanteringen visar respekt för den döda personen. För forskare som på något sätt tar fram ny information om länge döda personer föreslås tre plikter mot de döda som ska tas i beaktande. Dessa är plikten om sanningsenlighet, plikten om att respektera personlig integritet och plikten om erkännande.

De centrala slutsatserna från denna avhandling är:

- Att de döda har intresse i sitt goda namn, sitt rykte. Därför ska **plikten om sanningsenlighet** respekteras när döda personer blir beskrivna. Målet ska vara att beskriva dåtiden såsom den var, så långt som är praktiskt möjligt, och att undvika spekulationer.
- Att de döda kan skadas moraliskt av omotiverad forskning om deras person och att vi har en **plikt att respektera personlig integritet** för de döda i forskningssammanhang. Detta innebär att relevansen för att offentliggöra personlig information om en historisk person måste påvisas.
- Att under vissa förhållanden kan det finnas en **plikt att erkänna fel** som begåtts mot de döda. Denna plikt kan vara relevant för anonyma mänskliga kvarlevor som olagligt grävdes ut och där det saknas efterlevande som påtvingar etisk reflektion.

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