

# The value of the body after death: new possibilities, new conflicts

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**Abstract.** Recently, new and unedited questions connected to the development of technology and digital are facing the reflection on the value of the memory and data of the deceased. The development of modern technologies and digital communication systems requires new reflections on the social and cultural significance of death and on the influence of digital culture in the ways of dealing with the issue of death. The interactivity between users in flesh and blood does not take into account that they can die at any moment, but the presence of the person remains present within the network through actions (their own and others), through speeches and narratives produced and reproduced through various web channels. This makes it very complicated to understand the role and meaning that the data recorded on the web assume *post mortem*, generating emotional, psychological, social and legal consequences that are still not very clear today and which include the themes of the elaboration of mourning, of personal inheritances and, also, of the transformations of funeral rites.

**Key words:** Social identity, Technology, Death studies, Privacy, Right to self-determination, Digital Death, Digital Immortality

Ethical, anthropological, psychological, social and juridical issues that are increasingly controversial revolve around the body of the deceased, its value and uses (1, 2).

The archiving, use of biological material in the so-called biobanks and, in general, the issue of the “ownership” of biological materials are issues that are the subject of continuous and now well-known debate.

Thus, scientific communities and judges have repeatedly intervened to resolve delicate issues regarding the rights of family members and heirs to access the data of the relative to protect their own health (3, 4).

Recently, new and unpublished themes are facing the reflection around the data of the deceased, which include the themes of the elaboration of mourning, personal inheritances and, also, the transformations of funeral rites.

Death, which has almost disappeared from our existential horizon, now lives in a paradoxical situation, when the data and traces of the deceased person become a precious good and the object of legal contention.

Today the images and words of the dearly departed, suddenly return and burst from the screens of our mobile phones. We die, but we continue to exist, to be immortal in the ineliminable presence of our past online life with a series of consequences that must be fully thematized in the field of psychology, anthropology and thanatology. Social networks, chats, websites together constitute, to date, the largest cemetery in the world, accessible via a simple data connection. A cemetery that represents a powerful antidote to the repression that death has suffered in the West since the second half of the 19th century (5).

Shakespeare explained how “the evil that men do extends beyond their life, while the good is often buried with their bones”.

Today this is no longer the case.

Death then raises to those who remain the ethical and juridical question of how to guard and possibly protect everything that is connected to the personality of the deceased. A topic that nowadays, with the spread of the web, is particularly complex since everything that is put on the Net, with the signing of

the contractual access conditions, becomes someone else's. But what is claimed and wanted to be preserved includes a series of personal data of the deceased that are independent of the biological, scientific and economic value that such rights may have.

The decision of the court of Rome (February 10<sup>th</sup>, 2022) which authorized the access request of the wife for the recovery of personal data (photos and videos) of the family from the accounts of the deceased husband is recent. A request motivated to reinforce the memory of the time spent together and to preserve these images for the benefit of the daughters at an early age.

The mismatch between biological lifespan and digital lifespan therefore raises many questions, because behind the profiles there are stories and lives (6).

And then, just as it is advisable to prepare a living will with respect to a technology that prolongs a sometimes unwanted biological life, so perhaps it is to establish a digital will in advance.

**Conflict of Interest:** None of the authors of this manuscript has a financial or personal relationship with other people or organizations that could inappropriately influence or bias the content of the paper. It is to precisely state that "No Competing interests are at stake and there is No Conflict of Interest" with other people or organizations that could inappropriately influence the content of the paper.

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