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Jesse D Peterson, Natashe Lemos Dekker, and Philip R Olson (eds), *Death's Social and Material Meaning Beyond the Human* (Bristol University Press, 2024)

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We are in an age of global crises – environmental collapse, geopolitical instability, a failing liberal order, a cost-of-living crises, a housing crisis, an AI crisis. Law cannot carry on as normal in these troubled times. It must begin to think about itself differently (read: critically) and turn to new approaches if it is to meet these crises head on. Queer theory provides a lens to view the world (or a particular academic field) askant (Leckey and Brooks 2010, 2). It is 'relentlessly norm-critical' (Radomska, Mehrabi, and Lykke 2020, 82), with the verb-form 'queering' understood as a process of critical defamiliarisation in the hope of opening other, more affirmative horizons (Radomska and Lykke 2022).

Whilst claims that queer theory is nearly totally absent from legal scholarship are certainly overstated (Cossman 2019), there are still many insights to be gained by looking to other disciplines that are intentionally trying to 'queer' themselves (or, to reposition agency, are actively being 'queered' by scholars in the field). Death studies is one such discipline. Speaking broadly, death studies examines the death of the human subject as a complex and multifaceted phenomenon that requires interdisciplinary approaches (Radomska, Mehrabi, and Lykke 2020, 85). Recently, however, a call has been issued to 'queer' death studies – that is, to move beyond the norms that have traditionally grounded the field (Radomska, Mehrabi, and Lykke 2020). With its stated intention being to address 'the urgent questions facing death research' (p3), *Death's Social and Material Meaning Beyond the Human* explicitly, and largely successfully, locates itself in response to this queering call.

The necropolitical and ethico-political dimensions of more-than-human death, for example – a central concern of queer death studies (Radomska and Lykke 2022) – are the central subject of two chapters in the collection. In chapter 3, Serena Zanzu explores the use of microbes in the remediation of soil contaminated by human activity. After bioremediation is achieved, and considered solely from

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a human perspective, the ongoing presence of microbes in the soil becomes a safety concern. And so those microbes that do not die naturally must be destroyed. This is done by using gene modification to program cell death into the microbes before they are sent on their bioremediation mission – a 'kill switch' that is activated once their job is complete. In her intentionally un-anthropocentric analysis of this process, Zanzu emphasises the 'exploitation of [microbial] life and death to address anthropogenic crises' (p44).

A different perspective on the necropolitics of nonhuman death is provided by Doortje Hoerst in her description of work done with a seal rehabilitation centre in the Netherlands (chapter 9). Whilst Zanzu's focus is on the use and disposal of microbes by humans for human ends, Hoerst questions 'the dominant position of humans in relation to nonhumans' (p132). With the seal population at 'carrying capacity' (meaning it has reached the maximum size that available food resources can support), the rehabilitation centre must decide which seals to rehabilitate, and which to euthanise. Adopting the framework of 'multispecies collaboration', Hoerst argues that the biopower operating behind these decisions lies not in the hands of the centre staff, but with the lungworms that infect the seals. When the workers at the centre act in accordance with the lungworms, they are representative of the human existing, not 'outside of the ecological circle, but as having an assisting function within it' (p140).

These chapters work to both critique and undermine the traditional normative paradigm that is human exceptionalism – the belief that humans are qualitatively different to other animals, and entirely independent and detached from the environment they inhabit. It is a paradigm well-known to law, underpinning legal systems around the globe for millennia and repeatedly requiring the rights of the non-human – be it plant, animal, or entire ecosystem – be subjugated to the rights of the human. Increasing incursions from the animal rights movement, environmental litigation, and even the recent emergence of robotic and artificial beings, however, remind us that this norm that has long been considered foundational need not remain so. For as long as these calls to recognise the non-human as legal person, or at least as holding some stripped-down version of rights we associate with legal

personhood, remain unanswered, Zanzu and Hoerst's chapters remind us of the extractive necropower at the heart of human exceptionalism, and thus also at the heart of law itself.

In including chapters on the deaths of microbes and seals, this volume is to be commended for 'centring discussion of the death of nonhuman others' (p3). However, as Philip R Olson notes in his chapter, 'the human often reasserts itself' (p37), something the collection cannot escape (and certainly does not claim to). In chapter 4, for example, Jesse D Peterson considers the multiple different ontological realities imposed on the Baltic Sea, asking whether it is truly possible for a water body to die (p54). Ultimately, Peterson concludes that the death of the Baltic Sea is socially constructed: from saline levels to algal blooms, whether the Sea is living or dying depends on who is making the claim. Whether this particular natural entity is alive or dead is, then, still fundamentally a determination made by the humans who seek to exploit it.

And on a broader, more literal level, the bulk of the contributions to the volume deal with the death of the human subject and the corpse this death inevitably results in. Throughout these chapters, a reoccurring theme is the normative power, but practical frailty, of the longstanding cultural practice of individualised body disposal. This coterminous power and frailty was laid bare by the COVID-19 pandemic. As Samual Holleran shows in chapter 7, the drone footage of mass graves in New York, Iran, and Brazil that were broadcast around the world not only drove home the reality of a deadly virus, but also the reality of loss of individuality in death. In these images our 'worst fears' (p110) of non-individualised burial were suddenly realised.

Olson, quoting Haraway (2016), locates this desire for individual burial in the 'old saw' of bounded individualism (p29) – the framework that sees the individual, rather than the group, as being of primary importance. In his analysis of the origins of a natural organic reduction (that is, human composting) system in the United States, Olson examines the moral dialectic between individual and community (chapter 2). The system was initially conceived as having a central core within which multiple bodies would be placed, the newer bodies on top mingling with the composted remains of the bodies further down. However, intense opposition saw the design changed from a collective core,

to each body (and thus also the resulting compost) being placed in an individual, identifiable vessel. Olson ultimately concludes that the 'persistent power of individualism as a moral force' (p35) in deathcare leaves little room for the acceptance of comingled human remains on a cultural, legal, or moral level.

As Rosa Inés Padilla Yépez and Anne W Johnson emphasise in chapter 5, however, adhering too closely to the self/other dichotomy can cause significant social harm. Their analysis of 'contagious' bodies in Mexico and Ecuador reveals how in Western medical discourse the body is seen as a battle site between the individual and foreign invaders. When the boundaries of separation between self (body) and other (virus) are overwhelmed (as in the case of those who died of COVID-19), physical protection protocols are put in place. However these practices only serve to segregate the individual deceased from the care and empathy conveyed by the touch and presence of others, removing both the dead and the living from their social and cultural fabric.

Ultimately, and as noted above, this collection seeks to move beyond the normative and exclusionary notions of the sovereign human subject (usually envisaged as white, able-bodied, cishet, modern, from the Global North, and at least middle-class) that defines traditional death studies (Radomska, Mehrabi, and Lykke 2020) and consider 'new forms of deathly concern' (p2). And, as also noted above, to a great extent it succeeds in doing so. But the fact that so many chapters return to fundamentally human concerns and fundamentally anthropocentric norms does raise the question: just how far beyond the human can we as humans go? And for those in the legal academy: how far beyond the human can law – a thoroughly and inescapably anthropocentric project – go?

At the same time, in its many considerations of the human dead, this collection only serves to emphasise how hard it is to escape the siren call of bounded individualism even when it is known to cause harm. This is an escape that law has apparently made little attempt to make. The bounded individual remains, as it has been for centuries, the paradigmatic legal subject; an individual who, in this legal imagining, is segregated from (in the sense of being considered entirely independently of) their family and community. However this approach has long been criticised as being entirely removed

from reality. Advocates of more recent, alternative theories such as relational personhood instead stress the interrelatedness of all human beings and the (inter)dependence of our decision making on others. Relational personhood emphasises in a way that bounded individualism cannot the highly social nature of our society, and the fact that all human beings rely on some form of assistance when interacting with others as a legal person (see, eg, Arstein-Kerslake et al 2021). Here, then, the groundwork seems to be in place for law to dislocate itself from bounded individualism and walk towards a new horizon of legal subjectivity.

Whilst this volume struggles to overcome the hierarchising divide between human and non-human, however, it proves more successful in challenging another dichotomy familiar to law – that of person/thing.

The fundamental and unavoidable materiality of the human corpse is a reoccurring theme of the collection. And so, for example, the epistemological priority of the physical corpse over the visually-mediated corpse in the context of autopsy is revealed by Céline Schnegg, Séverine Ray, and Alejandro Dominguez in chapter 1. The physical (by way of autopsy) and the visual (through the use of radiological imaging) are 'two realities of the body that are not necessarily congruent' (p14). When incongruities arise – such as when a rupture in the spleen is identified in a CT scan but cannot be located during the autopsy – the evidence of the physical corpse, and not the visual one, is adopted. Simply put, the physical body is 'more valuable, powerful and real' than the body visualised through radiography (p24).

The undeniably physical presence of the corpse, however, poses ontological problems. In chapter 8, Olga Sicilia draws out the long-standing tensions regarding the status of the corpse – is it a person or a thing? – in the unique context of the decaying bodies of dead spiritual mediums in northern Zimbabwe. These corpses are the source of significant social tension: for the family, the body is that of a loved one, but for community it is something else entirely – a vessel that once held a spirit.

Sicilia rightly points out that the person/thing dichotomy has long evaded legal resolution. In chapter 11, Trabsky and Flore take up the task, questioning the usefulness of this dichotomy as a

theoretical tool. Instead, drawing on feminist new material approaches, and in particular Barad's thinking on entanglement, they argue that the corpse 'is not limited to a unitary or undivided physicality or personhood' (p164). In the capitalistic search for value that characterises the biomedical recycling of the corpse we see that even parts of a dead body – organs, tissue, arteries, even skin – retain agentic power. Thus, 'the material agency [of the corpse] is distributed' throughout its constituent parts (p164). In setting out this argument, Trabsky and Flore make a truly novel contribution to a debate that until now many would have considered to be exhausted (if not exhausting), and provide a specific example of what a 'queered' way of thinking about the dead body might mean in terms of the practical application of law.

Other, equally foundational, binaries are also challenged in this collection, although space constraints prevent a detailed consideration here. In her analysis of the French supernatural drama *Les Revenants*, which sees the dead return to life as their former selves (chapter 10), Bethan Michael-Fox explicitly seeks to trouble the dichotomy between alive and dead, and then and now. Similarly, in chapter 6, Isabel Bredenbröker examines the social lives of Ghanaian funeral banners, which are made of PVC and so linger as trash long after the funeral – thus denying the dead the ability to truly disappear. And the human desire to extend *beyond* death in the form of a tree or a patch of mushrooms is considered critically by Hannah Gould, Tamara Kohn, Michael Arnold, and Martin Gibbs (chapter 12) (although as the authors point out, 'the allure of a posthumous "return to nature" or ecological afterlife belies the uncomfortable realities of the decomposing human corpse' (p169)).

By way of conclusion, it only serves to note that *Death's Social and Material Meaning Beyond the Human* is a welcome addition to the nascent, but growing, body of work that actively seeks to queer the established discipline of death studies. Even within this small body of work the collection is notable for the breadth of its scope, and the intentionality with which it has taken up the task of both destablising and moving beyond the norms that have grounded death studies to date. As this review has suggested, that it only *nearly* entirely succeeds is likely an inescapable flaw of the human condition.

In setting out on its task, however, this volume provides some much-needed guidance for how law might begin to ‘think askance’ about itself going forward.

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