



FORSAKEN AND FORLORN

ON SADNESS, GRIEF, AND MOURNING

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ANNALISE ACORN

Blood Money: Some Thoughts on Law and the Compensation of Grief

The idea that all losses, even loss of a loved one can, in principle, be compensated has its beginnings in the *lex talionis*. The notion that everything has its price, that everything can be made right, resurfaces in many disparate legal traditions from the blood feuds of medieval Iceland to the twentieth century craze for “law and economics.” Yet the absoluteness of grief; its necessary insistence on the immutability of loss, gives us pause about this idea. Grief is uncompensated and uncompensatable, a tragic remainder that defies the possibility of perfectly reciprocal justice. The very idea that grief might be amenable to compensation calls into question grief’s authenticity. Grief is not grief if capable of consolation by other advantages. To take comfort from compensation would be a betrayal of the beloved.

Paradoxically, however, we are unsatisfied with legal remedies that ignore grief. The quip “it’s cheaper to kill than to maim” points to the callousness of a law that does not value grief as a loss worth compensating. In this paper I will examine the nature of grief and ask why grief (as distinct, for example, from anger) is the emotion most resistant to compensation. Further, I will examine a number of legal attempts to place a monetary value on grief and to bring grief under the umbrella of legally compensable harms. Ultimately, I argue that the profoundly private nature of grief and the corresponding barriers to empathy with grief go at least some way to explaining why grief seems ever to remain outside the realm of compensation.

Annalise Acorn is Professor in the Faculty of Law at the University of Alberta, Canada. Her main research interest is the emotions of conflict and justice. She has published numerous articles in journals such as *The Oxford Journal of Legal Studies*, *Osgoode Hall Law Journal*, *Valparaiso Law Review*, and the *UCLA Women’s Law Journal*. 1998–1999 she was President of the Canadian Association of Law Teachers. In the same year she was a McCalla Research Professor. In 2000 Annalise Acorn was Visiting Professor at the University of Michigan Law School. She is co-editor of *Passions in Context*. Recent publications include: “Besieged by Beneficence: Love Justice and the Autonomous Self”, in: *Saskatchewan Law Review* (2000); *Compulsory Compassion: A Critique of Restorative Justice* (2004); “Surviving the Battered Reader’s Syndrome or a Critique of Linda Mills’ Insult to Injury”, in: *UCLA Women’s Law Journal* (2005) and “Eine verbogene Maßlatte? Über Mitleid in der Rechtsprechung” in: *Berliner Debatte Initial* (2006).

HINDERK M. EMRICH

Resignation and Grief: Emotional Responses in Different Situations of Failure

The three components of subjective time: memorizing the past (conscious memory, the subliminal and the unconscious), the generation of presence (construing the “now”) and the future (expectance of new experiences, enterprises and endeavours) play a fundamental role in the genesis of resignation and grief. In psychopathology the different aspects of the “final pathway depression” as a complex syndrome are often not clearly discriminated, since e.g. resignation has to be distinguished from melancholia and endogenous depression.

Prototypes to describe three time-related modes of affective states are trauma-induced disorders, e.g. the post-traumatic stress disorder (PTSD) for the past, melancholia for the presence, especially in separation-conditions and due to the loss of familiarity, and resignation in relation to the future, especially in patients with a poor prognosis of a disorder.

The time-related aspects of emotional problems are discussed under the perspective of the “internal value balance” (Emrich) and the psychology of coping with the past.

Hinderk M. Emrich, born 1943; 1968 MD University of Bern; 1968 PhD University of Munich; 1972 Habilitation in Molecular Neurobiology Technical University of Berlin; 1973–1974 patho-physiological studies at the Pediatric Hospital, University Munich in collaboration with the Department of Physiology; 1975–1978 Postgraduate training in psychiatry, neurology, and clinical psychopharmacology; 1979–1987 Group and later Department Leader of clinical psychopharmacology at the Max Planck Institute for Psychiatry; 1991–1992 Fellow at the Wissenschaftskolleg zu Berlin; 1992–2008 Chair of the Department of Psychiatry at the Medical School, Hannover; several guest professorships, e.g. at the Universität Witten-Herdecke and the Deutsche Film- und Fernsehakademie Berlin. Publications include: *Psychiatrische Anthropologie – Therapeutische Bedeutung von Phantasiesystemen* (1990); *Vom Nutzen des Vergessens* (1996); *Welche Farbe hat der Montag? – Synästhesie: Das Leben mit verknüpften Sinnen* (2001); *Psyche und Transzendenz* (2002); *On Time Experience in Depression – Dominance of the Past* (2004); *Emotional Time, Creativity, and Consciousness: On Time Experience in Depression* (2005); *Identität als Prozeß* (2007); *Texte zu Rilke* (2008).

PHILIP FISHER

The End of Mourning

Why does mourning take time and occupy time? How does mourning end? What were the major philosophical proposals to disable grief or to imagine death so as

to take away legitimacy from mourning? My talk will consider Stoic, Christian, and later arguments against mourning, including those implied by Spinoza's thought experiments with the passions. I will use Shakespeare's *Hamlet* to discuss prolonged mourning, distraction, and the absence of mourning. Poetic examples will also be used to discuss surprise and mourning.

Philip Fisher was Professor of English, Harvard University. Fisher's publications include *The Vehement Passions* (2002); *Still the New World: American Literature in a Culture of Creative Destruction* (1999); *Wonder, the Rainbow, and the Aesthetics of Rare Experiences* (1998); *Making and Effacing Art* (1991); (ed.) *New American Studies* (1991); *Hard Facts* (1986); *Making Up Society* (1981). He received the Truman Capote Prize, jointly with Elaine Scarry, for *Dreaming by the Book*.

HELENA FLAM

Grief – Forbidden, Postponed, and Resented: A Source of Angered Political Mobilization

In my presentation I will address the politics of grief that develops as a result of grieving mothers' mobilization in response to the political regimes/leaders responsible for their sons disappearance or death. Drawing on empirical examples from the Palestine, Nicaragua, China, Chile, Argentine (and if time permits, Russia) I will discuss the conflictual issues that are at stake for the mothers and the political leaders, making references to their respective attempts to define whether or not expressions of grief are at all legitimate. I will also show that they carry out conflicts about its locations, forms of expression, duration, and attendant frames.

Helena Flam is Professor of Sociology at the University of Leipzig since 1993. 1982 Ph.D. Columbia University, Department of Sociology, 1984–1985 Research at SIAR, SIFO, and at Uppsala University, 1985–1987 Research at the Swedish Collegium for the Advancement of the Social Sciences, 1986–1990 Research Fellow at the Max Planck Institute for Social Research, Cologne, 1990–1993 Assistant Professor at the University of Konstanz. Her publications include: *Mosaic of Fear: Poland and East Germany before 1989* (1998); *The Emotional 'Man' and the Problem of Collective Action* (2000); *Pink, Purple, Green: Women's, Religious, Environmental, and Gay/Lesbian Movements in Central Europe Today* (ed. 2001); *Soziologie der Emotionen. Eine Einführung* (2002); *Emotions and Social Movements* (ed. with Debra King, 2005); *Migranten in Deutschland: Statistiken – Fakten – Diskurse* (ed. 2007); *Rule Systems Theory: Explorations and Applications* (ed. with Marcus Carson, 2008).

PETER GOLDIE

The Narrative of a Grieving

What I will consider in my paper is the complexity of grieving, such that it cannot be analysed or understood as the experience of a single emotion (sadness at a loss for example), nor even as a mixture or blend of emotions. I will look at an alternative view, according to which the experience of grieving is best captured in narrative form, involving a multiplicity of thoughts, feelings, actions, expressive actions, and so on. This view is, I will suggest, well placed to explain how our grieving is bound up with memories of our past, viewed now in the light of what we now know: that the object loved is gone.

Peter Goldie is The Samuel Hall Chair at the University of Manchester. His main philosophical interests are in the philosophy of mind, ethics and aesthetics, and particularly in questions concerning value and how the mind engages with value. He is the author of three monographs: *The Emotions: A Philosophical Exploration* (2000); *On Personality* (2004); and *Who's Afraid of Conceptual Art?* (with Elisabeth Schellekens, 2009). He is editor of *Understanding Emotions: Mind and Morals* (2002); co-editor of *Philosophy and Conceptual Art* (2006); and editor of *The Oxford Handbook of Philosophy of Emotion* (2010). He is currently writing a monograph on narrative.

DORIS KOLESCH

Performing Mourning

How to perform mourning? Theories of acting since the 18th century discuss this question widely and in detail. In the first part of my talk I will analyze how an actor or an actress was and is supposed to perform mourning and death. The second part of my talk focuses on situations of mourning outside the theatre and the arts. Thus I ask, if acted mourning is part of the key scenarios in which we experience and express emotions.

Doris Kolesch is Professor for Theatre Studies at the Freie Universität Berlin; D.Phil 1994, Habilitation 2002; she taught at the Johannes Gutenberg-Universität Mainz and was a researcher at the Freie Universität Berlin before she was appointed as Professor for Theatre Studies in 2002; she is a member of the Junge Akademie at the Berlin-Brandenburgische Akademie der Wissenschaften. She was a visiting professor at the universities of Bern, Stockholm, and St. Gallen. Selected publications: *Das Schreiben des Subjekts. Zur Inszenierung ästhetischer Subjektivität bei Charles Baudelaire, Roland Barthes und Theodor W. Adorno* (1996); *Marguerite Duras* (with Gertrud Lehnert, 1996); „Aufbauende Zerstörung“. *Zur Paradoxie des Geschichts-Sinns bei Franz Kafka und Thomas*

Pynchon (1996); Roland Barthes (1997); *Theater der Emotionen. Ästhetik und Politik zur Zeit Ludwigs XIV.* (2006).

CAROL LANSING

Rituals Change: Restraint of Male Grief in Late Medieval Italy

Thirteenth-century Italy saw a conscious effort to change mourning rituals, an effort that threw into sharp relief connections among urban politics, gender expectations, and understandings of emotionality. Court cases reveal that male elites were accustomed to mourning loudly and demonstratively at funerals. As many as a hundred men might gather in a town's streets and squares to weep and cry out, even tear at their beards and clothing. Some of the same men enacted laws against such emotional display and then paid fines for violating their own legislation. Political theorists used gender norms to urge men to restrain their passions; histrionic grieving, like lust, was womanish. Lawmakers drew on gendered ideas about grief and public order to characterize governance in ways that linked the self and the state. They articulated them in terms of rules of decorum, how men and women need to behave in order to live in society.

Carol Lansing is Professor for Medieval Europe at the Department of History, University of California at Santa Barbara. 1984 Ph.D. University of Michigan, 2000 John Simon Guggenheim Fellow, 2008 Robert Lehman Visiting Professor, Harvard Center for Italian Renaissance Studies at Villa I Tatti. Selected publications: *The Florentine Magnates: Lineage and Faction in a Medieval Commune* (1991); *Power and Purity: Cathar Heresy in Medieval Italy* (1998); *Passion and Order: Restraint of Grief in the Medieval Italian Communes* (2007); *A Companion to the Medieval World* (ed. with Edward English, 2008).

CLAUDIO LOMNITZ

Horror, Irony, Sadness, and Grief in the Formation of Mexican Public Discourse

In Spanish America generally, national independence brought a liberation of public speech, manifested in the freedom of the press. Such freedom presented constant risks of assault on the personal honor of the objects of discursive criticism. The free press also leaned on invoking an imaginary citizen-reader, whose sentiments were allegedly represented in the pages of the press. Both of these phenomena: public discussion of public personages, and the emulation of the imaginary reader by journalists, favored the development of ironic distance as a predominant register in public discourse. Such irony was performed either by way of humorous lampooning, or through a journalistic penchant for horror and spectacle. Neither strategy co-existed easily with the public expression of sad-

ness and grief, except in the context of death itself. This paper explores the connection between irony, sadness, and grief in public discourse, in pre-revolutionary and early revolutionary Mexico.

Claudio Lomnitz is Professor of Anthropology and Director of the Center for the Study of Race and Ethnicity, Columbia University. He works on the history, politics and culture of Latin America, and particularly of Mexico. 1987 Ph.D. Stanford. Lomnitz was a Distinguished University Professor of Anthropology and Chair of the Committee on Historical Studies at the New School University. He has also taught at University of Chicago, New York University, El Colegio de México, and Universidad Autónoma Metropolitana Iztapalapa (Mexico City). His publications include: *Evolución de una sociedad rural* (1982); *Exits from the Labyrinth: Culture and Ideology in Mexican National Space* (1992); *Modernidad Indiana* (1999); *Deep Mexico, Silent Mexico: An Anthropology of Nationalism* (2001); *Death and the Idea of Mexico* (2005). He serves as editor of the journal *Public Culture*.

GESINE PALMER

Undressing and Dressing the Dead: Professional Approaches to the Work of Sorrow

The desire to make the life of loved ones last in spite of death seems to be one of the oldest forces in culture. The shock of real death produces an urge to act in ritually prescribed ways – rituals of cleaning (oneself and the dead and the living world from death) are the real immortals of cultures. With them culture itself comes into being and disappears. In their attitude towards the death of the other (which is the only death that we can perceive, as Rosenzweig before Heidegger contested) people often discover/reveal the deeper layers of their imbeddedness in their own culture. Interestingly enough, the oldest tales of the Western world are tales about struggles or even wars, fought about the proceedings of undressing and dressing the dead, of how to deal with dead bodies and the memories of the deceased (particularly the victims of violence). My paper will confront insights from cultural history with observations on professional dealing with death and sorrow in secular Berlin.

Gesine Palmer is a philosopher, author, and funeral orator. Ph.D. 1996 at Freie Universität Berlin in Historic Theology. 1996/97 she was a fellow at the Franz Rosenzweig Research Center for German-Jewish Literature and Cultural History, Hebrew University of Jerusalem; 1995–2001 Assistant Professor for History of Religion, Freie Universität Berlin, 2003–06 she was a researcher at the Interdisziplinären Forschungszentrum “FEST”, Heidelberg. Since 2007 she also works as a professional orator at funerals. Her publications include: *Ein Freispruch für Paulus. John Tolands Theorie des Judenchristentums* (1996, engl. translation: *Aquittal for Paul: John Toland's Theory of Jewish Christianity*,

forthcoming); *Apokalyptische Müdigkeit und Die Hure im Buch Jecheskel* (2002); *Der Protestantismus. Ideologie, Konfession oder Kultur?* (with Richard Faber, 2003); *Fragen nach dem einen Gott: Die Monotheismusdebatte im Kontext* (2007).

DONALD SUTTON

The Emotions of Chinese Mourning and the Question of Sincerity

Our notions of grief and mourning (and their relationship) are based heavily on experience in the West. As anticipated by the conference's emphasis on culture, historical and anthropological research in other societies suggests alternative perspectives, such as the difficulty of universalizing "grief" and abstracting it from mourning rituals. Focusing on the standard early modern Chinese funeral (1368-1911), which blends canonical Confucian forms with Buddhist and some Daoist folk practices, I discuss various emotions linked with grief and their treatment in mourning rituals, and examine the roles of sincerity, tears and filial piety in Chinese thinking about death.

Donald S. Sutton is Professor of History at Carnegie Mellon University, Pittsburgh, PA. 1971 Ph.D. Cambridge University. He teaches at Carnegie Mellon since 1969. He is a China historian working at the juncture of history and anthropology. Besides early studies of the origins of 20th century warlordism, he has mostly focused on ritual or folk religion, seen in a variety of contexts. Recent research, again combining history with fieldwork, explores ethnicity and religion in two remote areas: West Hunan and the Tibetan borderlands. Selected publications: *Provincial Militarism and the Chinese Republic: The Yunnan Army, 1905–25* (1980); *Steps of Perfection: Exorcistic Performance and Chinese Religion in 20th Century Taiwan* (2003); *Empire at the Margins: Culture, Ethnicity and Frontier in Early Modern China* (ed. with Pamela K. Crossley and Helen F. Siu, 2006); "Death Rites and Chinese Culture," *Modern China* (2007); *Faiths on Display: Religious Revival and Tourism in China* (ed. with Tim Oakes, forthcoming).

CHRISTIANE VOSS

Endlich – Finally

The Limits of Mourning or: How to Deal Emotionally with Human Corpses?

This lecture focuses on a cinematographic as well as on a philosophical reflection on our emotional reaction to and treatment of human corpses. While mourning is often defined by its directedness towards a loss – paradigmatically caused by the death of a relative, friend or a beloved person – it is not at all clear today, how to deal with the corpses of those persons. Are they also part of our mourn-

ing? Or are they already excluded from our emotional concerns? And if that is the case, why? Although we know from earlier times and different cultures that relatives prepare the corpses of their relatives and friends for the funeral, it became a dominant practice in our modern culture to delegate these caring activities. What had once been a matter of intimacy, friendship and emotional relationship, today has become a matter of service, organized by a professional undertaker. This cultural change has had an impact on what we may call 'emotional helplessness' towards dead bodies in general. While the politics of visual representation of death and dying bodies in the public sphere emphasize the sensational aspects of it, our private sphere lacks any immediate contact with dead bodies. A nine-minute documentary entitled ENDLICH (FINALLY) will be screened, that shows the prosaic work of a modern crematorium in Berlin. Referring to this documentary about the high-tech-standards and the rather impersonal setting of the crematorium – the following hypothesis may be underpinned: Corpses are excluded from processes of mourning because they can't figure as dynamic factors in our person-directed imagination and narrative fantasies, that underlie all our emotions.

Christiane Voss is Professor for Media Studies at the Bauhaus University Weimar. Ph.D. in philosophy 2003; she taught at Freie Universität Berlin and she also works as a film maker and is the director of ICH DICH AUCH (2005). At present she is working on a documentary with the title ENDLICH (FINALLY). Selected publications: *Narrative Emotionen. Eine Untersuchung über Möglichkeiten und Grenzen philosophischer Emotionstheorien* (2004); *Zwischen Ding und Zeichen. Zur ästhetischen Erfahrung in der Kunst* (ed. with Gertrud Koch, 2006); *...kraft der Illusion* (ed. with Gertrud Koch, 2006); „*Es ist, als ob*“. *Fiktionalität in Philosophie, Film- und Medienwissenschaft* (ed. with Gertrud Koch, 2009); *Die Mimesis und ihre Künste* (ed. with Gertrud Koch and Martin Vöhler; forthcoming).

TRIO FADO

Maria Carvalho (voice)

António de Brito (voice / guitar)

Daniel Pircher (Portuguese guitar)

Benjamin Walbrodt (cello)

Trio Fado is a Berlin based Fado group. In 2002, António de Brito and Maria Carvalho won the 2nd and 3rd prizes in a Fado competition in Germany. The Trio played not only in Germany but also in Armenia, Austria, Italy, Luxembourg, Russia, and Switzerland. CDs: *Com Que Voz* (2005); *A Espera do Verão* (2007); *Portolisboa* (2009).

The concert will be followed by a short conversation with the composer and journalist Oliver Hafke Ahmad.