

ample, the idea of risk is a new concept. Theorists in social policy are in some respects theoretically more sophisticated than philosophy, but haven't formulated their points systematically enough. They are therefore not so good at setting priorities. We need a sort of virtuous partnership between policy and philosophy here. Policy should inform philosophical theory, and philosophical theory can then help determine priorities in social policy.

Our Bodies, Our Organs - Ourselves?

Cecil Fabre on her recent book:
Whose Body is it Anyway? Justice and the Integrity of the Person:
Oxford University Press 2006.

Whose Body is it Anyway? is in many respects a neat, complicated web of ideas. You establish philosophical connections between a number of varied and polemical issues pertaining to the contents and possible marketability of the human body, such as the confiscation of cadaveric organs, the right to rent one's womb as a surrogate mother, and the right to sell and purchase sexual services.

Did you begin to work on this book with strong intuitions about

the meaning of our bodies, in terms of how we ought to think about them, and the sorts of freedoms that we ought to be able to exercise over them? Or, on the contrary, did your views on the nature and justice of each of these controversial practices help you to determine who, at least in those cases, ought to have control over our bodies?

I did not have strong intuitions, when I started, about the meaning of our bodies. The only strong view I had, really, was the view that once people are dead, their organs should be made available to those in need, irrespective of their (antemortem) wishes or of the views expressed by their next-of-kin. I have held that view for as long as I can remember. But I came to articulate a more systematic view of our relationship to our body only later, by trying to justify confiscation, commercialisation, and so on.

Why do you consider body parts to be fungible resources?

Because, as they are, right now, constitutive of our body in its entirety, they do not have value above and beyond what they enable us to do. And in so far as, for any specific body part, it is true that any other similar body part can do exactly the same thing, they are fungible. In other words, I need a kidney, not the kidney which happens to be located in

my body just now. I should say that this view is more plausible when applied to internal organs than to external organs. I have no doubt that some people would say that should they have a hand transplant, for example, they could not relate to their new hands as theirs. If so, they would not regard their hands as fungible at all. It's partly because of considerations such as these that I focus on blood, bone marrow, and internal organs such as the liver, kidneys, and the heart.

You argue that non-vital human organs can be confiscated from living people, and then redistributed to those who need them in order to survive. This claim will strike many as counter-intuitive, if not utterly jarring. Why should people be held under an obligation, as part of the policy you advocate, to relinquish their non-vital bodily organs to the needy, and perhaps on a moral level, to come to regard their bodies with the sort of detachment with which they might regard other taxable, tradable goods, such as their savings, food or house?

You are asking me, in effect, to restate the argument I make in the book, particularly chapter 5. But to summarise, my claim is that if one believes that if the (comparatively) well-off are under a duty to transfer part of their material resources to the needy, then the healthy

are under a duty to transfer some of their bodily resources to the sick. In other words, I argue that material and bodily resources are relevantly analogous. And I deny that giving bodily resources would always be too burdensome on the healthy (although I accept that it sometimes might be, in which case there is no duty to do so).

In your book you argue that Jean-Paul Sartre was incorrect when he claimed, in his passage on the body in *Being and Nothingness*, “I am my hand,” making reference to who he thought he was when he was engaging in the act of writing. Sartre’s statement is complicated. Earlier in that same passage, leading up to this claim, Sartre also argues that even if we restructured our faces so that one of our eyes looked at the other, “the eye cannot see itself in the act of seeing.” He claims that the senses are, in this respect, inapprehensible by the conscious mind. They are, he argues, at times a part of the conscious mind in the world—the conscious mind that sees, feels, tastes. On this view, our bodies, or at least parts of them, are important components of our personhood. Why and how do you dismiss Sartre’s claim?

I have always found that statement by Sartre utterly mysterious. And I don't think it's a translation problem; rather,

I think that this is yet another instance where Sartre privileges style over clarity. In any event, I do not deny that our bodies are important components of our personhood. In fact, I fully accept (who would not?) that we experience, and function in, the world, through our body. What I do deny is the view that the body with which we are born, in its entirety, is an inherent part of our personhood such that, if it were to become different in some way – say in an accident or, relevantly here, after a transplant - we would be less than a person, or not the person we were before the accident or transplant.

How much of a person's body can be altered or stripped away entirely without that person losing her capacity to lead a minimally flourishing life?

I do not know what you mean by “strip away entirely”. Nor do I know – as I say in the book – how much has to happen to someone body before their life becomes less than minimally flourishing. In other words, I don't think that there is a general principle which tells us that, for all individuals, losing this bit makes their life less than minimally flourishing, whereas losing this other bit does not (except of course for vital organs).

What do you mean when you say, in your discussion of a rights-based theory of justice, that people lack the

power to permit others to treat them without the respect they are owed as persons?

I use “power” to denote a “moral power”, in other words, the ability to change our, and other people's, rights, duties, liberties, and so on. Correspondingly, to lack the power to do something means that one cannot change our, and other people's, rights and duties in that way. A classic example: a judge has the power to pass sentence on a murderer, so that, if, in the relevant setting and within set procedures, the judge condemns someone to a life-term, the defendant thereby loses his right to walk around freely, live where he wants, etc., and the Home Office acquires the right to detain him. You, on the other hand, lack that power, so that even if you were to say exactly the same words as the judge, and (let's assume) in exactly the same courtroom, the defendant would not thereby lose his rights, nor would the Home Office thereby acquire the corresponding right to detain him. In other words, your sentence judgement would be declared null and void. To get back to the book, I mean that even if A agrees to let B treat her very badly, without the respect owed to persons, B does not thereby acquire the right to do so.

Do you suspect that, due to extraordinarily high demand, we will soon see a burgeoning market in human organs, and/or a system of live organ

confiscation?

There already is a market in human organs, especially in the Third World, and it will probably expand. I don't think that we will see a system of live organ confiscation any time soon; but we may well see a system of cadaveric organ confiscation.

What is the verdict? Whose body is it, anyway?

Our body is ours. Parts of it are, under some circumstances, other people's.

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