Whose Body is it Anyway? Justice and the Integrity of the Person, by Cecile Fabre [book review]

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It is a common strategy among moral and political philosophers to present the reader with a series of innocuous and reasonable statements, thus lulling him or her into a false sense of security, before revealing that a commitment to said statements require a commitment to profoundly counter-intuitive or radical conclusions. Peter Singer’s Famine, Affluence, and Morality, and David Gauthier’s Morals by Agreement represent obvious examples of this approach, but there are numerous others. In Whose Body is it Anyway? Cecile Fabre employs precisely this strategy in order to reveal what she sees as the hidden implications of a set of beliefs which are held by the vast majority of Anglo-American political theorists and which have, as a consequence, come to define the dominant normative approach to resolving questions of social justice and inequality.

Fabre points out that contemporary political theory has become dominated by thinkers who defend some form of liberal egalitarianism. Different theorists have different ideas about what egalitarianism requires, of course, but it is fair to say that there exists among the majority of Anglo-American political theorists a general assumption that it is the job of political institutions to ensure, as far as possible, a just re-distribution of wealth and opportunities such that those individuals living under them might be said to live a life that is genuinely their own, and not one forced upon them by lack of such things as wealth or education or status. Hence, egalitarians of different stripes unite around the broad normative claim that it is the responsibility of social and political institutions to make sure that all members of the polity possess those material resources necessary for the living of a life which might be said to be ‘free’, where freedom is understood to be the capacity to pursue a conception of the good that they themselves have chosen. Fabre is an egalitarian, and thus also supports this view, although her egalitarianism is, in terms of its central principles, a good deal less demanding than that defended by many others. Fabre presents a conception of justice rooted in two central principles: the principle of sufficiency (which states that ‘individuals have the rights to resources they need to live a minimally flourishing life’) and the principle of autonomy (which states that ‘once everyone has such a life, all individuals should be allowed to enjoy the fruits of their
labour in pursuit of their conception of the good’) (p. 4). Consequently, Fabre believes that we have obligations of justice to provide all persons with the basic material resources necessary to live a life that is minimally flourishing and that, therefore, social and political institutions are justified in coercively taking these resources from those who have them and giving them to those who need them. Having fulfilled our basic obligations of justice, Fabre argues, we are subsequently justified in enjoying those social, economic and other benefits which arise through our pursuit of our particular ends.

On the face of it, therefore, Fabre’s conception of justice appears to represent an interesting, but not all that controversial, contribution to debates about justice, redistribution and autonomy. It does not require that institutions provide all persons with an equal distribution of goods or resources, as ‘radical egalitarian’ thinkers like Dworkin and Cohen believe, and it does not require that all persons be able to lead their favourite or ideal life. It simply suggests that all people need to have the ability to lead a life in pursuit of ends which have some kind of value. However, as Fabre goes on to show, the principles of sufficiency and autonomy to which she appeals are in fact very controversial indeed, as evidenced when she outlines their implications with regard to the body. Fabre argues that a commitment to something like the principle of sufficiency – shared by many liberals – requires a commitment to, among other things, the confiscation of live body parts from the able-bodied so that they can be given to the needy, and the harvesting of body parts from corpses for the purposes of transplantation. Similarly, the principle of autonomy establishes the right of individuals to, among other things, buy and sell body parts on the open market, and to buy and sell sexual services on the open market for the purposes of reproduction or pleasure. Such conclusions clearly violate many commonly shared intuitions about the body, and about the implications of egalitarian redistribution, and will not sit easily with many readers. But Fabre’s arguments possess a compelling simplicity. Take the principle of sufficiency, for example. If the point of social and political institutions is to ensure that individuals possess the necessary material resources to live a life that they believe to be worthwhile, Fabre argues, then they will need, among other things, a functioning heart and liver, and it will be important their lives are not blighted by constant pain. Fabre’s implicit charge is that, in all the many and interminable debates had by egalitarian philosophers about whether such things as education or wealth or status or culture are important to one’s ability to pursue a conception of the good, something important has been forgotten, namely, the obvious role that a functioning body has in our ability to pursue the kinds of
lives that egalitarians would have us pursue. Egalitarians may be right that education is important to the pursuit of a valuable life, but it is not as important as a functioning heart. And while multiculturalists might be right that access to a culture is important to one’s capacity to live a flourishing life, it is surely less important than (or, at least, as important as) access to a set of kidneys, or a liver, or healthy bone marrow.

Fabre is not the first to make this point, of course. Nozick did so too in *Anarchy, State, and Utopia*, although his aim in doing so was to de-bunk egalitarian arguments in favour of re-distribution, and to illustrate the intuitive appeal of the principle of self-ownership. In this context, Fabre’s argument is original and not a little courageous. Rather than argue against Nozick’s *reductio absurdim*, as do most egalitarians, Fabre accepts it, agrees that the coercive re-distribution of body parts is a necessary implication of egalitarian justice, and then proceeds to argue in its favour.

It is not possible to go into the details of Fabre’s argument here, suffice to say that it is technically rigorous, analytically tight, and rather more persuasive than many readers may hope. It is also far-reaching, and in the course of her discussion she tackles topics as diverse as the nature of rights, interests, autonomy, and the complex interactions between these and other ideas. She does so well, and in a manner which yields interesting and original insights into the nature of justice and the demands of egalitarian ideals.

Two critical points are worth mentioning, however. The first is that Fabre’s central argument is weakened by the fact that she leaves certain concepts undertheorised. That is, in order for her to make her central claim – that in certain circumstances, those who have need of a particular body part or organ have the right to require those who are able to provide one to do so – Fabre has to set a lot of things up very quickly. At the very least, she needs to define such ideas as identity, justice, rights, and the body in ways which are persuasive enough to provide a foundation on which to build her normative theory, but which are concise enough to allow her to get on to developing her main point. Fabre spends insufficient time on these establishing sections. For example, while she discusses the ideas of justice and rights in some depth, she avoids lengthy discussions of what might be meant by the idea of identity or the body, and hence, many of the more intricate questions which arise in these areas. This is partly a necessary move, of course. The literature on identity, for example, is enormous and ever-growing, and it would be impossible to do justice to it without spending hundreds of pages debating its
finer points. Fabre’s explicit unwillingness to get into all that, and to limit her discussion to Parfit and a handful of other theorists, is therefore understandable, but leaves the reader with a certain uneasiness given the importance of these ideas to her central normative conclusions.

The same is true of the body. Fabre spends insufficient time discussing the growing and important literature on how we might appropriately understand the body itself. Feminist theorists and poststructuralists have long grappled with questions about the body, its nature, its importance with regard to identity, and the many ways in which it exerts, and is subject to, power. Many readers who find themselves drawn to this book as a result of a wider interest in the political theory of the body will be surprised not to find any mention of Foucault, for example, whose work on the relation between the body, freedom, and the state has shaped a great deal of feminist and radical political thought, as well as work in fields as diverse as cultural studies, anthropology, and sociology. Fabre does indeed talk about the relationship between the body and identity, and much of what she says is illuminating, but in reading through the book in its entirety, one cannot help but feel that Fabre’s understanding of the body is a little simplistic. It is a form of property and hence, like any other form of property, a proportion of it can be justifiably taken from us and given to others, even if we might otherwise object. Those who approach questions of the body from a more poststructuralist direction, or who are more familiar with more radical literature on the theory of the body, will no doubt remain unpersuaded by Fabre’s argument, and will see its treatment of the body itself as too undertheorised.

The second point of criticism is that Fabre’s argument for the legalisation of prostitution and surrogacy are rendered problematic by numerous feminist insights into the nature of gender inequality and the kinds of choices available to women under conditions of patriarchy. Fabre acknowledges these issues but states that she need not deal with them in any detail as she is engaged in the process of ideal theory, in which it is assumed from the outset that individuals already ‘fulfil their obligations of justice to one another’ (p. 156). Critics might suggest that this seems merely to assume away the vast majority of the most pressing and urgent issues facing many women and men in liberal societies today: all kinds of controversial choices may well be rendered unproblematic if we assume that they are taken against a background of perfect justice in which the choosers are not subject to social, economic, political or legal pressure of one form or another. However, it is important to acknowledge that we do not live in a world of perfect justice, and that for many the decision to have sex with people for money, or to bear
another person’s child for a fee, or to sell one’s internal organs, is, like the decision to work two jobs for minimum wage or to sign away one’s employment rights in return for dangerous low paid work, not taken under ideal circumstances, but ones characterised by terrible and crushing inequality. The fact that many of the poorest people in the world make decisions exactly like this every day would no doubt be deplored by Fabre, who after all is an egalitarian concerned to establish conditions in which people live ‘minimally flourishing lives’ rather than ones forced upon them by circumstance. But her unwillingness to step beyond the bounds of ideal theory and engage with the kinds of pressures exerted upon individuals (and their bodies) by their social and economic circumstances in which they live lends her book a rather austere quality, which feels a little too removed from reality to inform our thoughts about it.

In the end, though, this final criticism is more of ideal theory than of Fabre or her book and, hence, is rather beside the point. Similarly, in focusing upon what Fabre does not say, it is easy to underestimate the importance of what she does say. Some readers will no doubt be disappointed in her unwillingness to provide a thoroughgoing, foundational justification of egalitarianism from the ground up. But it is not Fabre’s intention to provide such an account, and the originality of her argument does not lie in her defence of egalitarianism in general. Those who reject egalitarianism will find little in Fabre’s book to change their minds; indeed, they will probably consider her argument to be a fitting testament as to why egalitarianism should be rejected, as Nozick did. But Fabre’s book is not written for those who reject egalitarianism, but rather for the overwhelming number of political theorists who accept it and defend its core assumptions. Fabre’s point is that if one chooses to defend some form of egalitarianism (even a minimal, broadly undemanding version), and if one therefore believes that the state has a duty to enforce obligations of justice by coercively redistributing resources from those who currently possess them to those who need them, then, wittingly or unwittingly, one is necessarily committed to the idea that the state can coercively take away certain of our body parts and give them to other people, even if we do not want them to. If Fabre is right, then many egalitarians are going to feel very uncomfortable about the implications of their otherwise well-meaning ideas. If she is wrong, it is incumbent upon egalitarians to read her book and to tell us why.