

## **The Body as a Disposable Object**

Does our law tend to accept the concept of the body as a thing?	Can we point to examples showing that the body is treated as an object?	What are the consequences entailed in the questioning of the non-disposability of the body?
Isn't the liberalization of abortion the consequence of a new perception of the human body?	Are we not quickly coming to consider the body as another thing among others?	Wasn't there, however, some reluctance on the part of pharmaceutical firms regarding their research on contraceptive products?

### **Does our law tend to accept the concept of the body as a thing?**

Speaking historically, our law reached a decisive step when it began to consider the human person as an unbreakable, indivisible unity, and in consequence, the human body was not a disposable thing. This non-disposability means that the body cannot be made the object of a contract, a transaction, a sale or be made an instrument.

Awareness of the non-disposability of the body nourished movements fighting for the abolition of slavery. We also rightly consider legalization of slavery just plain nonsense.

We also find awareness of the non-disposability of the human body at the root of opposition to White Slave Trade. Again it is this awareness which since the 19th century has been the source of justification for workers' rights to better working conditions: The laborer is not a machine. It is this same awareness that is particularly affirmed in some feminist movements combating the myth of woman as an object.

Nevertheless, it is precisely this distinction between the world of men and the world of things that some are actually calling into question. Such questioning is

the fatal price of a narrow concept of freedom that reduces the body to an object of pleasure.

Such questioning also results from certain derivatives of technological thinking. In effect, many practices clearly *treat as objects* not simply tissues and organs of the body, but *bodies themselves* .

## **Can we point to examples showing that the body is treated as an object?**

Four examples will suffice to illustrate the practices that attack the non-disposability of the body.

First of all, *in vitro fertilization and embryo transfer* , during which the embryo may be donated, sold, submitted to experimentation, or destroyed. <sup>1</sup>

In addition, we also have the *donor baby* : an infant is conceived in order to be able to remove from it some cells which will be grafted on another.

Besides donor babies, we also have *surrogate mothers* who agree to put their own bodies at the disposition of a tenant and to deliver, on the date of maturity, another body (the one which they carried)- all on the basis of certain contractual conditions which describe bodies as though they were things.

Finally, *abortion* , which also consists of the disposing of a body at someone else's discretion, as one would dispose of any object.

From all the evidence, the principle of the non-disposability of the human body is today seriously devastated in both theory and practice.

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1. On this problem see Michel Schooyans' book , *Power over Life Leads to Domination of Mankind* (St. Louis, Mo.: Central Bureau, CCVA, 1996) esp. Ch. III.

## **What are the consequences entailed in the questioning of the non-disposability of the body?**

To the extent that this principle is disputed, even rejected, the road is opened wide to new forms of slavery. The infant is considered a "piece of property" to which someone has a right, even the right of life or death. The poor can be "cannibalized," that is considered as breeding ground for organ transplants; their "fresh" organs become marketed objects. In exchange for a certain price, the poor man is separated from an organ of his body: he alienates it, he is alienated from it, and in it, he is alienated.

Finally, one observes even *livestock* connotations with regard to the human population. Too many bodies harm the ecological equilibrium, and one must set quotas to their number to prevent them from becoming excessive and cause a deterioration in the surrounding milieu. We are told that economic laws must be respected and thus we must avoid that men become too numerous, thereby disturbing the good functioning of the market.

In brief, an entire dynamic is set in motion. Since these things that are bodies are not persons, they can be disposed of before as well as after birth. The management of human "livestock" must obey the same rules that apply to the management of other material goods.

## **Isn't the liberalization of abortion the consequence of a new perception of the human body?**

A narrow conception of freedom without limits opens the way to an impoverished conception of the body. Despite appearances, we are witnessing the devaluation of the latter. And this devaluing is very perceptible in the phenomenon of *cannibalization* : one looks upon the human body as a reservoir of organs that can be removed for grafting. Once severed from the person, the body becomes the seat of amorality. Corporeity is no longer perceived as a dimension of personality with which man is situated in the world and time, and with which he enters into interpersonal relationships with other subjects.

This is particularly apparent in sexual behavior. The body is reduced to an object of individual pleasure. The sexual relationship becomes commonplace *because* it is depersonalized and is simply a source of pleasure. Now as this relationship is depersonalized, the partners become interchangeable. What counts is the variety and variation of pleasures. Individual reason, which calculates and compares the pleasures, is called upon to practice the techniques that best satisfy them.

The infant itself is perceived along the lines of an arithmetic of pleasures. It is seen either as a bothersome body to which abortion quickly puts an end, or as an object giving pleasure to the partners, or even as giving pleasure to only one of them.

## **Are we not quickly coming to consider the body as another thing among others?**

A depersonalizing conception of the body inevitably leads to a commercial exploitation of it.

Direct or indirect exploitation of individual sexual pleasures has become a powerful stimulant for economic, scientific and technological activity. This is evident for contraception and abortion over which specialized lobbies and even the Mafia jealously stand guard. According to the United Nations Fund for Population, perfecting of a new contraceptive product, before marketing, requires an investment in the range of \$200,000,000.00. That gives us an idea of the interests that are in play.

That clarifies also the reasons why the maximum extension of marketing for contraception is called for: All the potential customers are far from having become effective consumers, and passing from the first to the second category will be facilitated by the promotion of a hedonist morality, permissiveness in morals, pornography, initiation in licentiousness under the pretext of sex education. In turn, this promotion will contribute to the early spread of sexually transmitted diseases. Now, if these produce a large and defenseless clientele for pharmaceutical firms, they also create terrible dramas for individuals and families, and they weigh very heavily on the budget of the whole of society. And so, youth is doomed to depravity by companies with a cynicism bordering on madness, and scientific research as well as Social Security are powerless before the scope of the problem.

This is, then, fundamentally the same logic which, starting with a narrow concept of human freedom, ends by thinking that the human body can be disposed of as one disposes of a thing. The body is an *object* of alienation. An elementary truth is forgotten, namely, that is not enough to say that we *have* a body, but one must say that we *are* a body. The whole of anthropology is certainly not exhausted by this formula, but it does affirm something essential.

## **Wasn't there, however, some reluctance on the part of pharmaceutical firms regarding their research on contraceptive products?**

In a book that appeared in 1979, Carl Djerassi explains that pressure brought to bear by consumers unhappy with the harmful effects of contraceptive products, ran the risk of discouraging the firms' making these products. <sup>1</sup> These same firms also showed reluctance about the research leading to the production of new contraceptive preparations.

The author's analysis is all the more interesting in that it shows that the intervention of public powers became indispensable if they wanted to overcome the impasse created by the private firms' reluctance. With an unusual insistence, "demographic problems" were invoked, and they drew from that the argument that public powers must intervene.

The "contraceptive establishment" was able to find a by-pass thanks to the firm of Roussel-Uclaf, which benefited from the support of the socialist government of France, in order to produce the abortifacient pill RU 486, equally sponsored by the W.H.O.

This understanding between the public powers and the famous Germanic-French multinational derived much from the difficulties endured by the North American pharmaceutical companies. It shows how seriously threats of boycott can be taken that threaten firms producing contraceptive drugs.

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1. Carl Djerassi, *The Politics of Contraception* (New York and London: Norton, 1979).