Book Reviews

Whose body is it anyway? Justice and the integrity of the person

Cécile Fabre

Clarendon Press, Oxford, 2008, 232pp., £44.00/\$106.00, ISBN 978-0199289998

Contemporary Political Theory (2010) **9**, 345–347. doi:10.1057/cpt.2009.23

Liberal egalitarianism is the view that we may compel the distribution of resources with the aim of securing a fair or equal outcome consistent with recognition that what ultimately justifies, and also constrains, any such distribution is the value that each individual has as a rational and moral agent. Cécile Fabre is a liberal egalitarian and in this rich, entertaining, compelling and provocative book she pushes at the critical question of what resources we may coerce the distribution of. In sum, her view is that we may compel the distribution of body services and body parts. Yet she also thinks that individuals should, subject to some constraints and regulatory controls, be free to sell those body services and parts. She is radical in that she departs from those liberal egalitarians who follow Ronald Dworkin in believing that a ‘prophylactic line’ should be drawn around the body; she is not a radical liberal egalitarian inasmuch as she does not urge an equal distribution of all resources, including bodies. She thus provides an answer to the Nozickian libertarian who thinks that if we may compel the distribution of income from the use of our bodies we are committed to the conscription of bodies themselves, so that taxation stands morally on all fours with forced labour (Nozick, 1974). At the same time she supplies an answer to those, like Jerry Cohen, who try to motivate rejection of the view that our bodies fall within the scope of what may be coercively distributed by suggesting that we would thereby be committed to a conscripted eye lottery from which the unsighted could draw (Cohen, 1995).

Fabre’s answer consists in showing that bodies are for sharing, but that the shares need not be equal. To take the second part first, she is not a radical egalitarian. A just society is one regulated by the principles of sufficiency and autonomy, subject to the no-responsibility provision. The latter stipulates that individuals are not entitled to be compensated for shortfalls for which they are responsible, so long as any determination of the extent of their responsibility does not force the shameful disclosure of personal facts. The sufficiency

principle holds that we have rights against the better off to supply us with resources needed to lead the minimally decent life. This may be met by the curtailment of the autonomy of the better off, but not by causing them to lead a less than minimally decent life. As such a life is one in which we are 'capable of framing, revising and implementing a conception of the good' (p. 32). It is not entirely clear what autonomy adds to minimal decency. Nor is it clear what the precise trade-off might be between some losing some degree of their autonomy and some enjoying more than merely having their basic needs met. As Fabre endorses a multi-faceted capabilities approach indebted to Nussbaum, those problems are amplified.

Be that as it may, the true originality of her book lies in its defence of the first part of the answer to libertarians and to radical egalitarians. She thinks that bodies and their parts are simply analogous to material goods in being fungible resources to which others may have claims of justice and which are used by us to pursue our conceptions of the good. She dispenses with various objections to that basic claim. But I suspect that some, including myself, will not be persuaded by her rejection of the idea of a principle of bodily integrity. A crucial assertion is that made on page 110: '... it is unclear why our interest in bodily integrity should be given importance in its own right, *alongside* our interest in leading a minimally decent life'. In other words the value to us of such integrity is instrumental; it preserves the conditions of our personhood and of our being able to lead the life we choose. On this account rape is wrong – and Fabre explicitly concedes as much (p. 120) – only because it is harmful and dangerous. But some believe that a safe and harmless rape (one that does not occasion physical or psychological harm) remains seriously wrongful inasmuch as it violates the bodily integrity of its victim; moreover its wrongfulness cannot fully be captured without attending not just to our embodiment but to our sexed embodiment. Fabre's use of 'absolute' to qualify any putative right of bodily integrity is question-begging. One need only believe that there is a *pro tanto* reason not to violate bodily integrity, which is neither equivalent to nor reducible to reasons not to subvert the conditions of personhood or of a minimally decent life. *That* belief has more plausibility than I think Fabre is prepared to grant it.

These brief comments do insufficient justice to a book that is philosophically sophisticated and replete with excellent discussions of not only the key theoretical principles but of their implications for the moral permissibility of surrogacy, prostitution and organ sales. Some arguments perhaps are discharged too quickly: the dispensing of the Parfitian non-identity problem by appeal to an obligation to provide decent care for any child that is not fully explained or justified is one example (pp. 208–209). But, these are relatively minor cavils. Fabre not only shows great philosophical intelligence, but also displays a refreshingly clear-sighted awareness throughout of what it would

mean to make law and policy in the light of her theoretical prescriptions. The book thus exemplifies what is best in contemporary Rawlsian political philosophy and applied ethics. It is both an excellent contribution to our understanding of what liberal egalitarianism requires of us and of how our embodied nature makes a difference to these requirements. Her title is of course rhetorical; it might as well have been, in response to Dworkin's 'prophylactic line', 'Why stop at the body?' Her own negative response to *that* question merits further discussion.

References

Cohen, G.A. (1995) Self-ownership, world ownership and equality. Section 1, and 'Self-ownership: assessing the thesis', Section 5. G.A. Cohen, *Self-Ownership, Freedom and Equality*. Cambridge: Cambridge University Press.

Nozick, R. (1974) *Anarchy, State, and Utopia*. Oxford: Basil Blackwell, p. 169.

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Sex, violence and crime: Foucault and the 'man' question

Adrian Howe *Routledge-Cavendish, Milton Park, 2008, 238pp., ISBN 978-1904385103*

Contemporary Political Theory (2010) 9, 347–350. doi:10.1057/cpt.2009.25

Political theorists are certainly familiar with violence, an ever-present spectre of disorder in every major text. And while *The Republic* raised the sex issue more than two millennia ago, it has taken considerable feminist effort in recent years to get this re-centred again so that it is not just an issue about women, but an issue debated and expanded from women's perspectives on power relations in social relationships. Today this covers critical engagement with the ways that sex itself is constructed as knowledge about anyone's body, the gendered hierarchies of power through which women and men are perceived and