

Feminists on the Inalienability of Human Embryos

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The feminist literature against the commodification of embryos in human embryo research includes an argument to the effect that embryos are “intimately connected” to persons, or morally inalienable from them. We explore why embryos might be inalienable to persons and why feminists might find this view appealing. But, ultimately, as feminists, we reject this view because it is inconsistent with full respect for women’s reproductive autonomy and with a feminist conception of persons as relational, embodied beings. Overall, feminists should avoid claims about embryos’ being inalienable to persons in arguments for or against the commodification of human embryos.

One of the many ethical issues with human embryo research—especially when the research involves the destruction of embryos—is that it risks commodifying, or resulting in the commodification of, that which perhaps ought not to be commodified, namely, women’s reproductive labor and human reproductive tissues or their derivatives. Feminists and women’s health activists have insisted upon the importance of the first of these two issues—the commodification of women’s reproductive labor (Dickenson 2001; Dodds 2003). Concern about the potential exploitation of women involved in embryo research (through the donation or sale of oocytes or embryos) is crucial for feminists. Of equal concern, however, is the potential commodification of human oocytes and, in particular, of human embryos.

Arguments against the commodification of human embryos are many and varied. The most obvious, perhaps, start with the premise that human embryos are persons with full moral standing and conclude that like other persons (for example, adult humans with inalienable rights to life and security of the

person), they should not be commodified. Other arguments that oppose the commodification of human embryos attempt to draw the same conclusion, but the starting premise is nuanced. The claim is not that human embryos are persons, but rather, that they are undeniably human, they are potential persons, or they are “symbols of human life.” For one or all of these reasons, they should be treated as full-fledged persons, or at the very least should be accorded special moral status, and therefore ought not to be commodified. Still other arguments against the commodification of embryos stipulate that embryos have “an intimate connection to [our] personhood” (Holland 2001, 265), or to our selves; they are morally inalienable from us (irrespective of whether they are inside or outside of the body) and for this reason should not be commodified. Here, the claim is that human embryos are a part of, or contribute to, the personhood of full persons (but are not themselves persons, actually, potentially, symbolically, or otherwise) and that this fact precludes their legitimate commodification. The underlying assumption is that human embryos could not be commodified without at the same time partially commodifying the full persons to whom they are intimately connected.

In this essay, we aim to make sense of how human embryos could be intimately connected to, but not identical with, persons, such that embryos are inalienable from persons and for this reason alone should not be commodified. Our main goal is to encourage resistance to this line of argument, among feminists in particular, because it is insufficiently respectful of women’s reproductive autonomy; and, more generally, it is inconsistent with a feminist understanding of persons as relational embodied beings. As we suggest, such criticism is compatible with asserting that *some* human embryos are inalienable to some persons, including to some women, which could require restrictions of some sort on the commodification of human embryos.¹

Since the line of argument we target concerns whether it is morally permissible to commodify all embryos depending upon whether embryos in general are rightly alienable to persons, we begin by discussing how commodification, alienability, and personhood overlap, using feminist conceptions of personhood. Next, we outline claims made by feminists and others for why human embryos are inalienable to persons and thus ought not to be commodified. Following a brief review and analysis of feminist arguments that support these claims, as well as those that critique them, we conclude that while the commodification of human embryos is a legitimate feminist concern, this concern ought not to be grounded in general statements about inalienability. In our view, human embryos are normatively alienable from women’s bodies, but this conclusion does not settle the question of whether embryos ought to be commodified. For feminists, the answer to this question ultimately will depend upon beliefs about the intrinsic value of reproductive tissues and about the likely consequences of attempts to commodify these tissues, in whole or in part.

COMMODIFICATION, ALIENABILITY, AND PERSONHOOD

Clarifying what commodification and alienability mean is important to understanding the position on commodifying human embryos that we critique in this essay. As well, knowing what is not normatively alienable to persons, and therefore ought not to be commodified, will help in assessing whether human embryos are inalienable to persons as a class (as contrasted with whether human embryos might or might not be alienable to particular persons, including particular women).

COMMODIFICATION

When we commodify something, we take that which is not already a commodity and make it into, or treat it as though it were, a commodity. Simple enough, but what the heck is a commodity? Karl Marx provided the most thorough modern exposition on this topic. For Marx, “a commodity is, in the first place, an object outside us, a thing that by its properties satisfies human wants of some sort or other” (1867/1954, 43). In other words, a commodity is an object of utility; it has use value that satisfies a particular human want. For example, a coat is an object of utility that satisfies a want for protection from the elements. According to Marx, a commodity has more than use value, however. It also has exchange value completely independent of its use value; “to become a commodity a product must be transferred to another, whom it will serve as a use-value, by means of an exchange” (1867/1954, 48). A coat that can be traded for food or for gold (which for Marx represents the “value form” or the “money form” of the coat) is a commodity. As such, a commodity is a complex of two things: use value and exchange value. The use value is the physical form of the commodity (for example, the coat), which is a synthesis of matter and labor, whereas the exchange value is the value or monetary form of the commodity (for example, food or gold). It follows that to commodify something is to make it into an article of commerce. It is to treat an item as property that one trades or would trade for a price.

Importantly, for our analysis, commodification can be morally benign or malign. That is, the act of commodifying a thing can be morally permissible or impermissible depending upon: (1) whether the thing commodified has intrinsic value that is incompatible with its being either fully or even partially commodified;² (2) whether moral constraints exist on the alienability of the thing from persons; or (3) whether the consequences of making the thing alienable and of commodifying it are, or are not, favorable. To illustrate briefly each of these points: (1) it is morally impermissible for the Catholic Church to trade consecrated Vatican artifacts for a price; (2) it is morally impermissible for us to sell our life-sustaining solid organs when the transaction would result in our death;

and (3) there are conditions under which the commodification of the body by sex workers is morally problematic, just as there are conditions under which certain commercial transactions may be morally acceptable.

ALIENABILITY

Alienability is related to commodification in that it informs the assessment of whether a particular trade for money is benign or malign. Arguably, commodification is benign when the thing traded for a price is normatively alienable to us—meaning that it can rightly lie “outside us” (Marx 1867/1954, 43), for it can be traded or forfeited without doing harm to our person.³ We can rid ourselves of our material belongings and remain intact as persons, for example. But we cannot divest ourselves of our autonomy or of our basic human rights (for example, to life, security of the person, or dignity) without harming our person. At issue in some debates about the permissibility of commodifying human embryos (where embryos are not considered persons actually, potentially, symbolically, or otherwise), is whether human embryos are of a kind that they are or are not alienable to us (that is, separable from us) without damaging our person, and so can or cannot rightly be transferred to another. On the one hand, if the reigning view is that human embryos are (normatively) inalienable,⁴ it follows that they cannot be transferred to another by means of exchange. On the other hand, if they are alienable beings, then we need to consider carefully the nature of the transfer and specifically whether it can legitimately aim to realize an exchange value for these reproductive tissues.

PERSONHOOD

According to one tradition in Western philosophy, our personhood lies in our autonomous agency and in what sustains that agency, which is itself a matter of significant controversy. We focus here on recent feminist perspectives on personhood, which insist that persons are relational beings—socially and politically constituted selves—as well as embodied beings, and that both of these aspects of personhood are essential to autonomy.⁵

According to most feminists, persons are so profoundly embedded in social relations that one can neither individuate them, nor explain how they came to be, independently of those relations. Persons identify themselves, and others identify them, using descriptions whose meanings are deeply sociocultural. And rightly so, for the core of persons does not transcend social influence, but rather is formed within social contexts that are supportive of the key elements of personhood, including autonomy.⁶ Feminists tend to speak of “*relational* autonomy,” because relations that foster autonomy skills are crucial to being autonomous (see Mackenzie & Stoljar 2000; Meyers 1989; Sherwin 1998). In fact, much of

the skill and knowledge of persons originates not simply from within them, but also from feedback or information from others. Hence, Annette Baier wrote that persons are really “*second persons*”: “essentially successors, heirs to other persons who formed and cared for them” (1985, 84–85; her emphasis). Because others help persons to understand and give meaning to their experiences, they would suffer intense alienation without their connection to these others.

Feminists tend to agree that contexts in which persons are rooted are not merely social, but also political (at least in the world as we know it). The identity categories we use to individuate persons include not only social roles and psychological traits, but also membership in groups divided along lines of race, ethnicity, gender, class, ability, and the like. These groups are privileged or oppressed to varying degrees. Moreover, as members of these groups, persons are subjected to different societal stereotypes (good or bad) and different societal expectations. If a group of humans were *bombarded* with expectations that denied their personhood (that is, they lived in circumstances of extreme oppression, where everyone around them saw them as non-persons), they would be unrecognizable to us as persons. The key condition here for personhood is that one is politically situated within society such that one has the opportunity to develop other key conditions for personhood, such as autonomy.

For feminists, persons are not only relational in sociocultural and sociopolitical senses, but they are also embodied. This insight comes from feminist attention to the bodily experiences of women, including pregnancy and menstruation—experiences that make women’s embodied nature undeniable. Serious bodily changes, such as those that occur in pregnancy, show what having a different body can allow one to do, or hinder one from doing, and therefore reveal how one’s embodiment contributes to one’s autonomy (Young 1990). Feminists tend to agree that for both women and men, the body is constitutive of the self insofar as our experience of, and comfort with, our bodies, as well as our and others’ perceptions of our bodies, shape us (both actually and figuratively). To say that the body is constitutive of the self is not to attribute value to all and every body part, but rather to recognize how the body influences who we are and how we can be in the world. For example, women live in a world in which the idealized woman’s body is not even anatomically possible. This fact of the world informs our and others’ perceptions of our actual bodies, which in turn shape how we see ourselves and how we act, as well as how others see and act toward us. Since these self- and other perceptions of ourselves determine whether we feel right in our bodies, they are a matter of bodily integrity. For feminists, such integrity depends not only on being able to control who has access to our bodies or whether our bodies can be left more or less intact (or whether there is a need to reshape them), but also whether we get to *see* our bodies authentically (Mackenzie 1992).

On this feminist understanding of persons as relational embodied beings, what is inalienable to persons, and what therefore should not be commodified, are autonomy and bodily integrity, along with the socio-cultural-political relations that support these states of being. To be sure, this short list of inalienable features of persons is incomplete; however, it is sufficient for the purposes of this essay. Having described some of what is inalienable to persons, we now turn to the specific task of determining whether human embryos are inalienable in this regard, and whether, for this reason, they should not be commodified.

HUMAN EMBRYOS AS INALIENABLE TO PERSONS

Suzanne Holland and Cynthia Cohen are among those who have recently argued that human reproductive tissues (including gametes and embryos) are inalienable to persons, and therefore should not be commodified. Cohen, unlike Holland, only discusses gametes; but since Cohen's argument applies equally well to embryos, we count it as one that supports the inalienability of embryos.

In "Contested Commodities at Both Ends of Life," Holland claims that we, as persons, have inherent moral worth that is incompatible with us being treated as commodities, and that our bodies and their parts, including gametes and embryos, have a special connection to our personhood (2001, 265). As she puts it, our bodies and body parts are "intimately connected to our sense of who we are" (273). They are constitutive of us and therefore should not be commodified. Holland concludes that "downstream commodification" (266) of gametes and embryos—the selling of them, or of stem cell lines created from them, downstream from their original sale or donation—is morally wrong.

Holland spends considerable time discussing the facts surrounding the downstream commodification of gametes, embryos, and other body tissues; however, in our view, her stance against this practice is poorly developed. For example, she says little about why bodies and body parts are an aspect of personhood; and she also fails to distinguish body parts that may be essential to, or constitutive of, persons from those that normally are not (including hair and spit; see Cohen 1999, 291). In our view, body parts are inalienable to us only insofar as they instantiate the self, facilitate autonomous action, or promote bodily integrity, namely, they are "integral to the functioning of human beings" (Cohen, 1999, 291). We assume that this status is never true for all body bits (although some bits may be integral to the functioning of some, but not all, persons) and specifically that this status may not be true for gametes and embryos. A crucial difference therefore must exist between the claim that persons are embodied selves and the idea that all parts of the body are constitutive of the self. Holland fails to name and explore this difference and so, not surprisingly, fails to provide an argument for why gametes and embryos are intimately connected to our personhood through their connection to our bodies.

A good argument about the inalienability of gametes and embryos might be hidden within Holland's paper. Approvingly, she cites Margaret Radin's work on commodification, which cautions against the extension of market rhetoric to areas of our lives that contribute fundamentally to our flourishing (1996, chapter 6). But note that here the criterion of assessment is *flourishing*, not personhood. In principle, what is essential to our flourishing may not be needed for personhood. Since Radin follows Martha Nussbaum in defining flourishing, however (1996, 66–68; Nussbaum 1992), and underlying Nussbaum's definition of flourishing is an evaluative conception of humanity (which is also a conception of human persons),⁷ we can presume that both Radin and Holland would interpret human personhood using this conception. And, perhaps, in Holland's defense, it carries the seed of a theory about human embryos being inalienable to human persons.

Holland invokes Radin to justify the claim that embryos are inalienable to persons. But we doubt that Radin would (or at least should) approve. Radin endorses Nussbaum, whose long list of the limits and capabilities that together define human persons⁸ would not, in any straightforward way, support Holland's claim that embryos are inalienable to persons. For example, to have a *human body* that gets at least minimal food, drink, shelter, and also sexual satisfaction does not require "an intimate connection" with embryos. Neither does having some *affiliation* with, or love for, other human beings. Perhaps our *early infant development*, or the fact that we began "as hungry babies, perceiving [our] own helplessness, [our] alternating closeness and distance from those on whom [we] depend" is relevant? It could suggest that we have an intimate connection with our past incarnation not only as babies, but also as embryos. Yet the *sort* of connection that Nussbaum alludes to between human adults and babies is not one that a human adult could have with embryos. With her criterion of early infant development, Nussbaum emphasizes that human beings are aware that they are dependent on one another, which is something they never lose (hence, the need for affiliation). Adults are connected with their past as babies *because* even back then, they felt their dependence on others. Adults could not be connected with their past as embryos in the same way. Holland therefore needs to go beyond Radin to show that embryos are inalienable to persons.

Perhaps Holland could draw on Cohen's argument, which is similar to her own in that it too begins with our embodiment. Cohen says that since our bodies are the "medium[s] through which [we] act" or "express ourselves," they have special moral worth (Cohen 1999, 295, 291).⁹ This worth does not extend to all body parts, however, but only to those that are "integral to the functioning of human beings," or of human persons (291).¹⁰ These parts are noncommodifiable, according to Cohen. In her words, "To sell . . . those bits and pieces integral to [human persons] as embodied selves is to violate that which is essential to [human persons]" (294).

For Cohen, gametes are not essential body parts, integral to the functioning of whole persons. *Nonetheless*, in her view, they have special moral worth—what she calls “derivative dignity”—because of “five interrelated features that they bear”:

1. They are derived from human beings—beings with a special dignity and worth.
2. They are “*life-giving* bodily parts . . . integral to a function of special import to human beings, reproduction.”
3. They convey the distinctiveness of their progenitors, which itself has moral worth.
4. They are “the medium through which unique human beings are created.”
5. They are integral to the formation of special biological, ethical, and social relations among human beings. (Cohen 1999, 296–98)

To buttress her argument that embryos are inalienable to persons, Holland could appeal specifically to features 2, 3, and 5 to argue that embryos express what is distinctive about us and allow us to fulfill important ends in terms of reproduction and having biological relations with others.

The problem with any argument that human embryos are inalienable to persons, however, will be that it violates basic tenets of feminism. Such a view of embryos is incompatible not only with the commitment to women’s reproductive autonomy, which involves allowing women to view their bodies and reproductive potential as they see fit, but also with robust feminist understandings of persons. Having stated these objections, on which we elaborate below, we are nonetheless sensitive to some of the possible reasons why feminists might view human embryos as inalienable to persons.

FEMINIST PERSPECTIVES ON THE INALIENABILITY OF HUMAN EMBRYOS

From a feminist perspective, the claim that human embryos are inalienable to persons may be appealing for one or more of the following reasons: (1) the view seems to suggest that embryos do not have the same moral status as persons; (2) narrowing the view somewhat to human embryos’ being inalienable to *female* persons, it would appear to acknowledge that embryos are “of women”; (3) the view as it stands seems to cohere with feminist views about the relational nature of persons.

First, if embryos are inalienable to persons, then they may not be persons in their own right. This view is attractive to feminists who do not grant human embryos the moral or legal status of full-fledged persons because doing so could be incompatible with women’s freedom to access abortions and certain forms of contraception.

Second, most feminists would agree that embryos, like fetuses, are not isolated, free-floating entities, but are normally parts of women's bodies; and, even when they are not in vivo, they always originate in part from within women's bodies. Feminists doing reproductive ethics have taken great pains to point out the bodily connection between embryos or fetuses and women (Donchin 1996, 477). They have done so in response to mainstream theories that ignore this connection and focus on embryos or fetuses, almost to the utter exclusion of women, when discussing the morality of reproductive practices such as abortion and contraception (see, for example, Marquis 1989; Tooley 1972). Asserting that human embryos are inalienable *specifically* to women because they are "of women" is therefore compatible with resistance within feminism to a complete separation between embryos or fetuses and women.

Third, the claim that embryos are inalienable to persons is consistent with feminist views about the relational nature of persons. Feminists contend that persons learn who they are and what they are capable of in part through their relationships with others. On this view, a relationship with an embryo of one's own could make an important contribution to one's personhood, not unlike other relationships. For example, having an in vitro embryo about which one must make decisions (for example, decisions to transfer, donate for therapy, donate for research, or discard) can make questions about whether to embrace motherhood both real and immediate. And the same may be true about having an in vivo embryo about which one must make decisions (for example, to continue or terminate the pregnancy). If an embryo of one's own were crucial to obtaining self-knowledge about one's maternal interests, which themselves were important for making autonomous reproductive decisions, then it would be appealing to see human embryos as inalienable to the self, in the sense that they could not be alienated from it without potentially causing harm in terms of loss of autonomy or integrity.

In discussing the connection between embryos used in human embryo research and the relational self, it is important to note that often the embryos available for research use were originally created for reproductive purposes. Not surprisingly, therefore, the people for whom the embryos were created are likely to have strong connections to "their" embryos, which for them represent potential "much sought after" offspring. When reproductive plans are complete and remaining embryos are no longer wanted for infertility treatment, their procreators may elect to discard them, to donate them to prospective parents, or to donate them for research use. If the decision is to donate the embryos for therapy or research, the embryo providers may, despite that decision, retain a connection to their embryos. That is, they may not completely alienate their embryos from their selves upon donation. In the case of research, this phenomenon of continued attachment could explain why some embryo providers would fervently object to the downstream commodification of their embryos.

While many infertile people, including those who provide embryos for research, may perceive their embryos as fully or partially inalienable to themselves, one cannot extrapolate from this experience to that of all persons. More generally, while the arguments briefly outlined above in favor of viewing human embryos as inalienable may be compelling to some feminists, at most they establish that *some persons* (for example, infertile persons) may *perceive* their embryos as fully or partially inalienable to them. As arguments, they fail to prove that embryos *are* inalienable to *all persons*, or even to all female persons, given a feminist conception of persons as relational embodied beings.

Indeed, the claim that human embryos are inalienable to us should be deeply problematic for feminists because of: (1) the pronatalist streak that runs through this view; (2) the threat that this view represents to women's reproductive autonomy; (3) the lack of respect it shows for different understandings of bodily integrity among women; and (4) the biological reductionism that it reinforces. Each of these negative components conflicts with the way feminists typically acknowledge and normatively assess the sociopolitical dimensions of persons.

First, if embryos are inalienable to persons, and for this reason persons cannot detach themselves from them, then persons can never escape their fertility; they cannot be free to lead a life in which reproduction does not occur, or is a nonissue. On the view that embryos are inalienable beings, people discover part of who they are as persons by actualizing their reproductive potential. Such pronatalism is inimical, however, to the reproductive autonomy of both women and men. Pronatalist views permeate Cohen's theory and are particularly evident in her claims that reproduction is a "function of special import to human beings" (1999, 296) and that the "most significant" relationships are "those affected by conception and birth" (297). The first statement may be true of human beings as a species, but is certainly not true of every individual human being. But Cohen uses the point to justify a moral constraint on any individual selling her gametes.

Since pronatalism is already rampant in most women's lives, in particular, feminists should be concerned as feminists about the pronatalism involved in saying that embryos are inalienable to persons. While many women may see their gametes, embryos, or fetuses as inseparable parts of their selves, they may not choose to do so in a meaningful sense; yet even if they did choose to do so, it would not follow, of course, that women as a class hold this view, or should hold it.

Second, while it is true that claims about the inalienability of human embryos do not confer upon embryos the status of persons, these claims do suggest that killing embryos is morally wrong. Killing off any inalienable (that is, constitutive) part of ourselves would degrade us as persons and therefore be wrong. As such, the view that embryos are inalienable to us constitutes a clear threat to women's reproductive freedom.

Third, the narrower view that embryos are inseparable from women is incompatible with respect for women's bodily integrity, which is crucial to their autonomy and which again, includes their ability to perceive their bodies authentically. Some women do not see, and do not wish to see, their gametes, embryos, or fetuses as constitutive parts of themselves, and it is not obvious that they should, anymore than they should see other non-life-sustaining bits as constitutive of themselves. When feminists emphasize, in response to mainstream theories about abortion, that embryos and fetuses normally reside in women's bodies, they are not saying that embryos and fetuses are inalienable parts of women's bodies. Whether such a position is even consistent with the pro-choice stance on abortion that many feminists take is, again, questionable.

Fourth, feminists would be perturbed as feminists by the biological reductionism that may be inherent to the view we are criticizing and that is certainly present in Cohen's theory.¹¹ She cherishes some relationships because of mere biology, and also implies that embryos are inalienable to persons because "they . . . convey the distinctiveness of the human being[s] who produce . . . them" (1999, 296). The "they" here are not so much embryos, but the bundle of genes found within them, which suggests a form of gene worshipping that is problematic from the perspective of most philosophers of biology, and that is politically threatening to women from a feminist perspective. If women's distinctiveness as women were purely biological, then they might be locked forever into social roles in which they serve men and children.

For these and possibly other reasons, arguments against the commodification of human embryos in embryo research that are grounded in claims about the inalienability of human embryos are deeply flawed, particularly from a feminist perspective. Feminists should approach the issue of the commodification of human embryos from a direction other than their putative inalienability from persons (as a class), especially from female persons. To do otherwise is theoretically problematic and may also be politically dangerous. The theoretical problem stems from an incompatibility between this view of embryos and a feminist conception of persons as relational embodied beings. The political concern lies in the apparent lack of support for women's reproductive autonomy.

In closing, at the outset of this essay we identified three categories of arguments against the commodification of human embryos: (1) arguments according to which human embryos are persons, and like all persons ought not be treated as property in the marketplace; (2) arguments that arrive at the same conclusion, but on the basis of more modest claims about the moral status of embryos as *potential* persons or "important symbols of human life"; and (3) arguments to the effect that embryos are inalienable to persons and so cannot rightly be considered as objects outside of us that can be traded for a price. We have critically examined the last of these arguments and shown that embryos are not by definition inalienable to persons (though they may be inalienable

to specific persons, for specific personal reasons), given a feminist understanding of persons. Hence, from a feminist perspective, embryos are not *de facto* noncommodifiable by virtue of being inalienable. Whether feminists should condemn or accept the commodification of embryos is still at issue, however. The answer will depend in part on the value (intrinsic or instrumental) that feminists attribute to these tissues and whether this valuing would allow for these tissues to be fully or partially commodified—that is, treated as property in the marketplace.

If feminists deem embryos to have intrinsic moral value as potential persons, then very likely they will not consider them fully commodifiable. If, in the alternative, feminists simply characterize embryos as body tissues that are not intimately connected to our personhood, then they may decide that embryos are fully commodifiable. Since the commodification of embryos is an option in either scenario, feminists will also have to pay careful attention to the *consequences* of commodification, and try to constrain and direct this process so that it does not cause social harms, in particular the exploitation and oppression of women.

NOTES

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1. For example, there could be restrictions on the “downstream commodification” of embryos (that is, commodification downstream from an initial sale or donation; Holland 2001, 266) by embryo providers who retain an intimate connection to their embryos despite the act of sale or donation. (We discuss this possibility below.)

2. Margaret Radin (1996) emphasizes that the process of commodification can be complete or incomplete, meaning that a product may be fully or only partially commodified. With the former, no restrictions exist on the trading of the item; it is available for exchange on an *open* market. With the latter—that is, incomplete or partial commodification—the relevant market is closed in certain respects.

3. On inalienability and alienability, see Radin (1996, 16–18) and Sandra Lee Bartky (1990, 33–37).

4. For simplicity’s sake, from here on in this essay and in its title, we drop the “normatively” from “normatively inalienable” and “normatively alienable” and use the terms “inalienability” and “alienability” in purely normative senses, to mean respectively that which should not be forfeited or traded and that which can, permissibly, be forfeited or traded.

5. For feminist perspectives on the selves of human persons, see Diana Meyers's edited collection *Feminists Rethink the Self* (1997), and, in particular, Susan Brison's article therein (1997, 13–31).

6. Only minimal autonomy would be necessary for personhood, while medial or maximal autonomy would be necessary for a good life. On minimal, medial, and maximal autonomy, see Meyers (1989).

7. It defines a human as a being that faces certain limits and has certain capabilities (see note 4), the latter of which are central to most philosophical accounts of persons, including feminist accounts. In fact, *affiliation*, as well as *practical reason*, play “special role[s]” in defining human beings, according to Nussbaum (1992, 221), which makes her account similar indeed to feminist theories of personhood. Hence, we take Nussbaum to be giving an account of human *persons*, rather than merely an account of humanity.

8. Here is the list (as cited in Radin 1996, 67, quoting Nussbaum 1992, 216–20):

Mortality: the fact of death “shapes more or less every other element of human life.”

The human body: at minimum, we all need food, drink, and shelter; we all experience sexual desire and the need to move about.

Pleasure and pain: aversion to bodily pain is “surely primitive and universal, rather than learned and optional.”

Cognitive capability: sense perception, imagination, reasoning, and thinking.

Practical reason: “all human beings participate (or try to) in the planning and managing of their own lives.”

Early infant development: “all human beings begin as hungry babies, perceiving their own helplessness, their alternating closeness to and distance from those on whom they depend, and so forth.”

Affiliation: we are social animals and feel some sense of affiliation and concern for other human beings.

Relatedness to other species and to nature: “human beings recognize . . . that they are animals living alongside other animals and also alongside plants in a universe that, as a complex interlocking order, both supports and limits them.”

Humor and play: no aspect of human life is more culturally varied, yet laughter seems common to all cultures.

Separateness: however absent individualism is in some societies, “when we count the number of human beings in a room, we have no difficulty figuring out where one begins and the other ends.”

9. Here Cohen follows Kant, whom she interprets as saying, “any body part that is necessary for the functioning of the whole person . . . is endowed with the dignity of that person” (292).

10. Throughout, Cohen uses *human being* and *person* interchangeably.

11. It would be inherent to it if among the only somewhat plausible reasons for thinking that embryos are inalienable to persons is that they bear the distinctiveness of persons.

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