

The Metaphysical Basis of a More Liberal Organ Procurement Policy

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Abstract There remains a need to properly analyze the metaphysical assumptions underlying two alternative organ procurement policies: presumed consent and organ sales. Our contention is that if one correctly understands the metaphysics of both the human body and material property, then it will turn out that while organ sales are illiberal, presumed consent is not. What we mean by *illiberal* includes violating rights of bodily integrity, property, or autonomy, as well as arguing for or against a policy in a manner that runs afoul of Rawlsian public reason.

Key words Presumed Consent, Bodily Integrity, Public Reason

Introduction

The persistent shortage of organs available for transplant has resulted in an increased discussion of alternative organ procurement policies. Our concern here will be with two: presumed consent and the purchasing of organs. Our contention is that if we get clear about the relevant metaphysics, organ sales are likely to be more objectionable than previously thought, presumed consent less so.

We'll argue that there's nothing illiberal about those occasions in which organs will be taken from the deceased regardless of their ante-mortem wishes in a presumed consent system. What might seem here to be "illiberal" is the infringement of such principles as autonomy and bodily integrity, as well as appeals to metaphysical interpretations of those principles that are incompatible with Rawlsian public reason [19]. We'll defend our account of bodily persistence conditions and its implications for a right of bodily integrity as compatible with all the leading metaphysical conceptions of the person, thus allowing a Rawlsian-style overlapping consensus between otherwise competing accounts.

We'll then provide a metaphysical argument for why neither one's whole body nor any of its parts can be considered alienable property. Although here we will make claims about personal identity that are not amenable to an overlapping consensus, we will argue that a Rawlsian conception of public reason might still allow us to put forth the *implications* of our metaphysical position for policy proposals about the ownership of bodies and their parts. Moreover, all but one of our metaphysical rivals will provide the metaphysical basis for the illiberal commodification of thinking and feeling human animals. The one theory that doesn't, dualism, might still run afoul of a conception of public reason that objects to the alienation of property that is constitutive of personhood [18].

Presumed Consent and the Persistence of the Body

Advocates of presumed consent predict that organ procurements will increase if a change is made from an *opting in*, or *expressed consent* approach, to their favored *opting out* approach. Instead of the default position being that the deceased will take their organs with them to the grave unless they have opted in and completed the form required for donation, a presumed consent policy removes organs from the deceased unless they have opted out and registered a wish to retain their organs. Opponents of presumed consent, such as Veatch and Pitt [25], claim that the policy is misnamed, for it really isn't entitled to assume consent. When implemented, a presumed consent policy collapses into what has been called *routine salvage*. The reason for this is that some people opposed to organ donation will fail to take the appropriate measures to opt out. They claim that institutionalizing a presumed consent policy will transform our society from one that "gives central place to the individual, holding his or her *person* can be used by that state only with some form of consent" into "another form of society (which) gives more central

authority to the state, authorizing it to use the individual for important society purposes without individual consent.” [25, p. 1889].

We will argue that this is not true. The *person* does not survive death, at least not embodied, so taking organs from the dead will not *authorize the state to use the person* without their consent. However, Veatch and Pitt also write that if such a person’s organs are then taken this “will violate...the right of the individual not to have his or her body invaded.” [25, p.1889]. Our response is that if the metaphysics of the body is properly understood, not only will autonomy not be violated, but no right of bodily integrity will be infringed by organ procurement.

If you are a wholly material being and pass from being alive to dead but still exist, then you would be identical to your corpse. So it would be YOU that is being invaded and cut open by the organ procurement team. Assuming you are opposed to the transplantation of your organs, it would perhaps be your right to control your own body that is infringed when your body is “dismantled and salvaged.” You didn’t want that done to *yourself*. You still exist and thus are a subject of interests and harm, assuming there are non-experiential interests and harms. So it could perhaps be said that your bodily integrity and autonomy would be violated by organ conscription.

However, we do not think there are any good metaphysical or biological reasons for believing either that any of us will ever become a corpse, or even that our body, assuming we are not identical to it, will continue to exist after death [3, 4, 11, 13]. People are just misled by the striking similarity between the living body and the “freshly” dead. It is better to say a body ceases to exist when the microscopic activities of the cells and chemicals cease to participate in a life than to hold out that the body persists until some vague period of decay when there is

remaining more dust than flesh and bone [11]. It is not helpful to claim that the animal's body persists as long as the arrangement of its particles is caused in an appropriate way by the activities of its life. As Olson points out, such a principle would mean that if every part of a body but a finger was burned to ashes, the body would still exist as the finger. It is little help to put a minimal amount of the original matter must remain since bodies can survive the loss of nearly all of their matter through metabolic exchanges or radical amputations [13]. We agree with Olson that there really is no composite object *the corpse*, what exists posthumously are merely the non-unified remains of an earlier living body. If organisms cease to exist when their lives are extinguished, then one isn't forced into a dilemma of choosing between our persisting as a dead body and having a corpse implausibly popping into existence at our death (1, 2, 21].

Another reason to be skeptical that a later corpse is identical to the earlier living body is that if dead bodies exist, they would have different part/whole relationships from living bodies. Such bodies would acquire and retain parts in different ways. We should be suspicious of objects whose parts are governed by one compositional relation at Time₁ and then a different compositional principle later at Time₂. Rather than assert there are different criteria for what makes something a part of a living body than part of a dead body, we think it is better to deny that the living body is identical to anything that remains after its death.

Some philosophers may disagree and maintain there is not an asymmetry in part/whole relationships. They claim there is one symmetrical principle that explains the differences between live and dead bodies and this gives us no reason to deny their identity. To become a part of the body something must be assimilated i.e., caught up in the life processes of the organism as a whole. LaPorte offers the general restriction on part replacement that "For a body before death or after, incorporation of new matter is possible just on condition of assimilation"[8]. Dead

bodies do not assimilate, so LaPorte concludes that “naturally there can be no part replacement after death even though there can be part replacement before death” [8]. He suggests that there is nothing counterintuitive or philosophically problematic about something getting parts at one time and not at a later time. He argues that a body persists as long as there remains sufficient structures composed of parts that were earlier assimilated via life processes.

LaPorte’s reliance on the above symmetry principle to show that live bodies persist later as dead bodies seems to be assuming that those who believe in the existence of corpses should deny that they can get new parts and thus avoid any troubling asymmetry. But most people think dead bodies acquire new parts posthumously through bloat, decay, isolated cellular activity and postmortem procedures. Bloating, for example, involves the production of gases that were not parts of the body prior to death. Bacteria in the digestive system create new gases and parts of the deceased body. Putrefaction transforms the body, giving it new parts, not just destroying the old. Putrescine and cacaverine are both produced by the breakdown of amino acids in dead organisms and the two compounds are largely responsible for the foul odor of putrefying flesh. If the corpse stinks it is in virtue of *its* changing chemistry as some new chemical compounds come to be parts of *it*, and not due to some other compounds which are not parts of the corpse but constituents of something else that stinks. Much the same could be said about the adipocere (grave wax) which the corpse’s fats sometimes produce in a process called saponification which slows putrefaction. Descriptions of corpses undergoing bodily saponification, embalment, mummification, and even fossilization implies people might believe such processes involve the addition of body parts rather than the corpses remaining within newer and larger saponified, embalmed, mummified or (partially) fossilized entities. Furthermore, parts of the body removed in autopsies and then replaced before the body is sewed shut are generally considered to be

restored to the body but obviously not by being assimilated, i.e., caught up in life processes. Likewise for the pieces of skin that are cut by the coroner into two parts and then sewed back together. Moreover, if blood, water or some other liquid or gas exits the corpse during a postmortem procedure but then flows back into the body later in the procedure, they would generally be considered to be parts of the body gained after death but not assimilated. So while the living body could only acquire parts through assimilation, the dead body can only acquire parts in a different manner.

There is also the well known growth of nails and hair after death that are considered new parts of the corpse but which cannot be considered assimilated in virtue of the life processes of a living organism since there is no longer a *living* organism. Also, for a brief period after the animal's death, some isolated cells cannibalize adjacent tissues in order to continue producing their cellular products. They thus produce what are considered by most to be new parts of the corpse, but they are not assimilated into a living organism. Moreover, cells in the muscle tissues of the deceased produce new parts in the form of lactic acid that causes rigor mortis. Furthermore, assuming that brain death is the correct criterion for death, then the corpse would acquire all sorts of new parts as some brain dead bodies fight infection, heal wounds, produce scar tissue, manufacture hormones that prevent diabetes insipidus etc. Thus readers cannot appeal to a single symmetrical principle of part assimilation, like that recommended by LaPorte, to avoid the changing part/whole relations that seem so counterintuitive.

Another reason to deny the identity of the living and dead bodies is grounded in how they maintain and remove parts. For example, what makes a liquid like blood a part of the living body is different than what makes it part of the dead body. It may just belong to the dead body because it pools in some cavity. But it was part of the living body because it was caught up in life

processes. So it is not just the assimilation but also those relations that maintain and “disown” parts that are different in corpses and live bodies.

We believe it is wrong for philosophers to claim that the living body survives as a corpse as long as “sufficient structure” remains [8, 10]. Our contention is that once “sufficient structure” is separated from biological functioning, the concept becomes hopelessly inapplicable. There remains only some physical resemblance of the corpse to the living body and trying to capture that rough similarity by appeals to “sufficient structure” amounts to “perceptual intuition mongering.”

Structure may be ambiguous, though we are not aware of any sense that can help our opponents. We are interpreting it as the form (arrangement, organization etc.) of the organism. So to say sufficient structure remains is to claim the matter of the deceased is configured in a similar manner to the matter of the earlier living organism. The animal has just likely become smaller, its structure rather similar to what it had before. If the animal exists posthumously as long as it has a certain structure when it is smaller and dead, then such structure earlier belonged to what was a proper part of the living animal. This is evident if we imagine some of the different bodily structures that fresh corpses may possibly have. For example, death may have occurred by an explosion pulverizing the lower half of the torso. So the structure of the fresh corpse would earlier have been the structure of just a proper part of the living organism. And if there was such a structure, then that would include the neurology and anatomy sufficient for thought and thus would have earlier posed a problem of embedded thinkers. This is why Olson denies the existence of anything like an undetached brain or any other alleged body part that would be sufficient to realize thought [12, 14]. Of course, living organisms can become smaller if life processes come to involve less matter. But such an explanation of a change in size can't be used

by those who believe animals still exist without being alive. They will need to appeal to the existence of the same structure before and after death and that raises the problem of an additional thinker. Since it is very difficult to believe that there are numerous thinking things where the animal is, many capable of changing their size and becoming spatially coincident with other thinkers, we think it is better to deny any such “sufficient structures” exist both before and after death.

An Overlapping Consensus

So if we are correct that our body will never become a corpse, a fortiori, we will never be identical to a dead body, then our bodily integrity and autonomy cannot be violated by taking organs from the corpse. The view of dead bodies that we have been defending is held by some advocates of an animalist metaphysics who maintain each human person is identical to a living animal [11]. However we don’t think our views about the body not existing posthumously will seem reasonable only to those sharing that comprehensive doctrine. We think that other metaphysical conceptions of the person’s relationship to the body can allow that the body goes out of existence at death. While animalism could support our claims of the body’s persistence, the view can be put forth independently of animalism. Our claims about the body’s persistence and organ takings not violating a right to bodily integrity can be defended in a way that meets Rawls’s criterion that acceptable content of “various comprehensive doctrines... can be presented without saying, or knowing, or hazarding a conjecture about, what such doctrine it may belong to, or be supported by.” [19, p. 12]. What we said about the body going out of existence at death and a right of bodily integrity not being violated drew upon non-contentious biological claims about organism parts which would seem to meet Rawls’s demands that in “making justifications we are to appeal only to presently accepted general beliefs and forms of

reasoning found in common sense and the methods and conclusions of science when these are not controversial.” [19, p. 224].

We are not claiming that our position is purely science and there is nothing metaphysical about it. Drawing the science/metaphysics border is not easy, in part because the disciplines likely overlap. We are only insisting that our assumptions are not those of a contentious metaphysics at odds with other metaphysics. The type of claims we made on behalf of our view of bodily persistence and integrity is comparable to what Rawls elsewhere said about his own view: “No particular metaphysical doctrine about the nature of the person, distinctive and opposed to other metaphysical doctrines, appears amongst its premises, or seems required by its argument. If metaphysical presuppositions are involved, perhaps they are so general that they would not distinguish between metaphysics views – Cartesian, Leibnizian or Kantian...with which philosophy has traditionally been concerned.” [19, p. 29].

To see this metaphysical neutrality of our view, consider what rival metaphysics might claim. The hylomorphic view espoused by Aristotle and Aquinas would share our belief that bodies cease to exist at death. While no constitution theorist believes they will ever be identical to a corpse for they are constituted rather than identical to the body, some might claim that the same body persists through the death event [1, 21]. However, there is nothing essential or significant within constitution theory that demands such a position. The same is true for theories that maintain persons are three-dimensional [9] or four-dimensional [6] parts of animals. Psychological continuity theorist could also agree with everything we say about bodily persistence [15]. Likewise for pure dualism which claims we don’t share any parts of the body [16, 23, 24]. The soul might survive death, but nothing in dualism commits its followers to claim that corpses exist.

So given the plausibility of an overlapping consensus about the body's persistence, it is permissible to defend presumed consent on the basis that it is not *you* or *your* body that will be posthumously mutilated.¹ None of us can protest that organ conscription does something to our body against our will. So no one can appeal to fundamental tenets of liberalism and therefore claim that the possibility of cases of postmortem organ conscription deprives them of their rights of bodily integrity or autonomous control over their dead (bodily) selves.

Body Ownership and Organ Sales

Some readers might claim that while we are correct that the body as a whole goes out of existence at death, its remains still should be considered property to be disposed of as the deceased wish. If they can write wills to dispose of their estate, should they not have the right to dispose of their remains? The dying could be paid for their organs which will not be taken until their death, or they can transfer their bodily property to their relatives who then sell the deceased's organs. We're unconvinced by such claims. We share the *moral* intuition of many others that living bodies and their parts can't be sold or inherited. In Kant's language, it would be degrading to treat someone with dignity as if their value merely had a price. If bodies were property, then not only could their owner transfer or sell them, but such property could be taxed or confiscated to pay debts.² But even if we were to accept a libertarian position that bodies are

¹ Most lay people will not share our belief that bodies fail to persist as corpses. But beginning the public discussion about organ policy without that sort of consensus isn't problematic from a Rawlsian perspective. Our claim that presumed consent doesn't infringe the right to bodily integrity does not involve persuading lay people to abandon their metaphysics for ours, or if they don't have a metaphysics, to acquire ours. We are putting forth reasons to hold such a position in language that doesn't entail that they must accept a particular comprehensive doctrine.

² Readers will soon see that it won't matter if the control over bodily property is qualified - no bodily confiscations for debts or taxes, and transfer of ownership occurring only upon death.

property and can be bought and sold, our earlier reflections have established that the *remains* are not the same entity that was once alive. So there is no bodily property that persists across the death event that can become the *same* property of the relatives or designated heir. This distinguishes bodies and corpses from houses and jewelry.

Someone might protest that if one's jewelry was destroyed, one would still have a property right to its valuable parts. So why can't one have a property right to what was earlier a part of the body, even if the body no longer exists? It might be claimed that since atoms in someone at the moment of their death persist across the death event, then the organs and tissues that they compose can be considered a person's property. Our response involves assuming we are identical to our animal body and showing that the body of the living can't be considered their property. Then we will show in the last section of the paper how the conclusion that bodies can't be bought or sold can still be defended in a liberal manner even if you are not identical to your body but constituted by it, or a spatial or temporal part of it, or linked to it through some dualistic interaction.

Material property has traditionally been conceived of as alienable (separable) and thus external from its owner. Radin writes: "We have an intuition that property necessarily refers to something in the outside world, separate from oneself... the idea of property seems to require some perceptible boundary, at least insofar as property requires the notion of thing, and the notion of thing requires separation from self. This intuition makes it seem appropriate to call parts of the body property only after they have been removed from the body" [18, p. 957]. The idea that property must be external can be found in Kant and Hegel as well. Hegel argues that since property "becomes mine in so far as I put my will into it...hence I may abandon...anything that I have or yield it to the will of another, provided that the thing in question is a thing external

by nature” [5]. Hegel’s idea is that since one can’t withdraw one’s will from oneself, property must be external to the person if it is something alienable. Kant also stresses that property must be external to the person “for in so far as he is a person he is a subject in whom ownership of things can be vested, and if he were his own property he would be a thing over which he could have ownership...but it is impossible to be both person and a thing” [7].

The externality condition for alienable property is obviously met with a piece of jewelry. Our contention is that it is only because one can own the entire item, such as a necklace, that one owns its parts, such as the diamonds. It is ownership of the whole that enables and entitles one to also retain ownership of valuable parts of the necklace after the whole piece is destroyed. It would be absurd to claim ownership of the diamonds and chain of a just destroyed necklace but not to have a claim a moment earlier to the intact necklace. Thus if one is to own body parts, one must be able to own the whole they compose. It would be incoherent to own all the parts of your body but not the whole. The whole body is not separable from its current parts. What could it mean to own all the parts but not the whole? What bit of matter doesn’t one own and control in such a scenario?

So, unlike the case of jewelry, where the parts and the whole are alienable, the parts of the body are not alienable property because the whole body is not alienable property. You cannot be separated from yourself. So while all of the body’s parts might appear to be your alienable property because they can individually be removed and separated from your still living body, they couldn’t actually all be your property since they would add up to the whole of your body. It

would be absurd for you to own each of your parts separately, but not all of them jointly.³ And it would be arbitrary to own some but not all of the parts that could be removed from your body. Therefore, we conclude that you can't own your body parts and thus ownership of them cannot be transferred at your death upon the destruction of your body as a whole.

Public Reason and Metaphysical Conceptions of Property

We have put forth some claims that draw upon metaphysical claims associated with animalism, the view that you are identical to a body. If you are identical to your (animal) body and property must be something external and alienable, then your body cannot be property. Now it might be thought that basing property rights on such a metaphysics would run afoul of Rawlsian claims that public policies can't be based on claims of a comprehensive metaphysics that other citizens, holding different comprehensive doctrines, cannot be reasonably expected to accept. Reasonable citizens must recognize what Rawls calls the *burdens of judgment*. [19, 54-58]. Citizens of free societies will inevitably disagree about comprehensive accounts of their nature, value, telos etc. without being unreasonable in doing so. It would be disrespectful of their fellow citizens to impose one's metaphysics upon them. For example, even if one's co-religionists are in the majority, respect and civility prevent them from passing laws about say the status of the embryo in abortion and embryonic stem cell research on the basis of a metaphysical belief such as ensoulment occurs at fertilization [20]. Public policy must be based on what Rawls calls *public reason*. The reason of the church or university or family is quite different from that of the liberal political sphere. Rawls believes the idea of public reason is implicit in our legal and

³ A reader might wonder if our argument is not ruling out organ donation as well as owning and selling organs since donated parts can aggregate. This can be resisted because the concept "donation" doesn't entail alienability as does the concept of property.

political practices. For instance, it underlines the separation of Church and State. Rawls is fond of suggesting that a good test of whether a claim is in accordance with the tenets of public reason is to imagine if it could be put forth in the language that an idealized supreme court would use in their arguments. The judges would have to leave behind their own comprehensive doctrines (religious or secular) about the truth of a matter. The judges can only draw upon the content of those metaphysical doctrines if the idea can be put forth in a way that doesn't make reference to the doctrine but has independent standing and thus could be recognized as reasonable by devotees of other comprehensive doctrines.

Therefore it might seem that a liberal regime should eschew making a policy based on the contentious metaphysical doctrine that insists we cannot own our bodies or their parts because we are identical to our bodies. If we are just four-dimensional or three-dimensional parts of animals as Hudson [6] and McMahan [9] respectively claim, then there would be parts of the body that weren't parts of ourselves, thus satisfying the externality condition for alienable property. Likewise for dualist accounts that claim the body is not a part of a person who is a compound of two substances, but external to the purely immaterial person. And constitution or psychological continuity accounts of identity claim that we are hypothetically separable from our body which might be thought to provide reasons for treating the body as alienable and thus property.

While we admit such rival metaphysics would render some parts of the body external and thus alienable, we believe that there are *liberal moral* objections to such implications of those theories which would prevent the body from being considered property. For example, the constitution theorist claims the animal body can think some thoughts derivatively and others nonderivatively, and thus is a person derivatively. Given that owning one's body to which one is

non-identical would mean owning the human animal, then Liberalism's moral objection to owning another person-like thinking being would provide reasons why the person couldn't own his own body. Other theories that render us essentially thinkers on the basis of psychological continuity might not claim that animals spatially coincident with animals can think [15]. But Olson has shown they probably can't avoid doing so since the animal has possesses the same brain [11]. So if such persons owned their bodies then they would own a rational thinking being, an animal. Likewise for McMahan's view that the animal thinks derivatively because it has a person as a part. In fact, animals might think nonderivatively, pace McMahan. He must allow that three-dimensional objects like animals can get smaller and so they might become brainsize and identical in matter to the person. If the person can think nonderivatively, so could the animal, at least when they were spatially coincident.

A four-dimensionalist worm theorist will have problems denying that thinking stages refer to the person rather than the animal [6]. One can even imagine a scenario where an animal and person come into and go out of existence at a same time, the latter not being a temporal part of the former. The animal would thus be a thinker since it shares every spatial and temporal part with the person. This gives us reason to maintain in the more common case where the temporally extended animal has a person as a proper part, the animal is capable of thinking. And four-dimensional *stage* theorists will identify the material person and animal stages, distinguishing only their temporal counterparts [22]. So if a person stage can think, and that stage is both a person and an animal, then animals can think.

Thus even if persons are smaller, temporally or spatially than animals, ownership of the parts of the body external to them would involve ownership of another thinking being which

would be obviously illiberal.⁴ Dualism appears to be the only prominent metaphysics that avoids positing the animal thinking since cognitive capacities belong just to the immortal soul. So if the immaterial person owns his body then he neither owns himself nor a thinking animal. Our response is three-fold.

First, dualism, unlike animalism, provides the metaphysics for commodification of the body that will be *morally* objectionable to many (even some dualists). Readers will likely admit that our animalism-based claim that bodies can't be owned is more compatible with liberal principles and practices than the dualism-allowed claim that bodies are property which can be bought and sold. Moreover, dead bodies have traditionally been considered quasi-property rather than genuine property by the law. The Court in *State v. Powell* expressed the view that the next of kin has no property right but merely a limited right to possess the body for burial processes. Prosser's *The Law of Torts* was quoted there as an authority: "A number of decisions have involved the handling of dead bodies...In these cases the courts have talked of a somewhat dubious 'property right' to the body, usually in the next of kin, which did not exist while the decedent was living, cannot be conveyed, can be used only for the one purpose of burial, and not only has no pecuniary value but is a source of liability for funeral expenses. It seems reasonably obvious that such "property" is something evolved out of thin air to meet the occasion, and that it is in reality the personal feelings of the survivors which are being protected, under a fiction likely to deceive no one but a lawyer." [17, p. 43-44].

⁴ We suppose someone could claim that the body is co-owned by the person and the animal and this is not problematic because their interests are always the same. But it seems to us that they could have different interests since they die or go out of existence at different times.

Secondly, sophisticated dualists [16, 23, 24] usually envision thought to be dependent upon its body. Plantinga claims that the dependency of minds on brains no more reduces mental states to physical states than the dependency of digestion and walking on the brain renders them brain states [16]. This makes the body constitutive for the person in Radin's sense of property being constitutive of personhood [18]. The body might be the type of property that a person couldn't function as a person without even if the body is not literally a part of the person. Radin argues that property constitutive of personhood should be nonalienable even though it is external and separable. She claims that distinguishing nonalienable from fungible types of property makes sense of many court decisions by our modern liberal judicial system [16]. So we could perhaps rely upon Radin's account, its fit with legal history suggesting compatibility with public reason, to prevent organ parts which aren't parts of an immaterial (or material) person from being considered alienable property. This account of inalienable person constituting property is compatible with our animalism for being identical to the body trivially entails the animal's personhood being dependent upon the body.

Our third response tries a quite different tact. Even if we are wrong that organ sales runs afoul of liberal reason, it may be that our animalist-grounded view still can legitimately triumph in legislative policy debates over dualist-inspired views that allow the body's commodification. This is because Rawls claims "a political conception of justice covers the constitutional essentials and matters of basic justice...even if it has little to say about many economic and social issues that legislative bodies most regularly consider. To resolve these more particular and detailed issues, it is often more reasonable to go beyond the political conception and the values its principles express." [19, p. 230]. Thus if organ ownership is not an issue falling within the

domain of public reason, then it may be compatible with liberalism to argue and vote for a position on the basis of one's comprehensive doctrine.

So if what we have argued in this paper about the metaphysics of the body and property is correct, then it is not illiberal to ban the sale of organs. Nor is it illiberal if an organ is taken in a presumed consent system without the deceased having given his ante-mortem approval.

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