

The insolvency of bodies¹

Self-ownership and the historical dynamics of the relation of capital

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The 'a priori' and society interpenetrate (...) The categorial captivity of individual consciousness repeats the real captivity of each individual. Even the view of consciousness that allows it to see through that captivity is determined by the forms it has implanted in the individual.

Adorno (1969), On subject and object

All over the world the number of people who advertise in classified pages or online their complete willingness to sell a kidney, a lung, part of a liver or an eye is increasing; and in principle, nothing prevents that same person from selling it all. The fact that the organ trade is now illegal in almost every country does not seem to disturb the functioning of the global "red market", the corresponding mafia organizations, and "transplant tourism". Given the global demand and the problems related to the trafficking of organs, there is no shortage of apologists for the liberalization of the trade. "Why not? Are modern subjects not owners of themselves? What is the point of owning something if we cannot sell it?" Basically, this ideologically neo-liberal argument only cynically takes one of the fundamental presuppositions of capitalism to its logical conclusion, about which there is a broad consensus: "self-ownership". We cannot let the anger and disgust that we feel for these arguments prevent us from recognizing its core of truth. Self-ownership is far from being a transparent and static social form that can be reflected while disguising the fetishistic character and historical dynamic of capitalist social totality. And now that capitalism is beginning to collide with its own "absolute internal limit" (Robert Kurz), self-ownership also reveals itself as the fetishistic capitalist category that it has always been, which demands a radically critical retrospective of its history of suffering.

Self-ownership was one of the outcomes of the long and bloody historical process called the "original accumulation of capital", after which it became a presupposition of capitalist production. This original accumulation of capital was not simply the increase and concentration of capital as a previously existing "thing", but rather the very process of its constitution as something historically new, through which money lost all of its

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religious traits and became autonomous as a fetish and the purpose and aim of all social production, i.e., capital, "value that valorizes itself" (Marx).

It was through this dissolving process of pre-modern forms of social reproduction that "private property", "labor" as a social abstraction of human energy channeled into commodity production, and the "State" as the foreman of the organizing of human material and the transformation of society into a giant labor machine was also truly born. In this absolutist historical phase, millions of human beings were forcibly separated from their livelihoods and reduced to mere physical existences and compelled into a huge variety of forced labor situations, as exemplified not only by state manufacturing enterprises, prisons, workhouses and mental institutions – as documented by Foucault (1995) – but also, on a much larger scale, the slave plantations of the American colonies.

But this "positing of the individual as a *worker*, in this nakedness"(Marx 1973: 472), did not immediately make the individual self-owned. If state-organized direct coercion was sufficient for the introduction of the social system of "abstract labor" (Marx), it could only be generalized according to the universal claim of the commodity form from the very moment that its producers also assumed the commodity form, thus the coercion of immediate violence gradually gave way to a market-mediated coercion. This functional requirement of the "valorization of value" had its ideological counterpart in the simultaneous rise of liberalism and the first definition of "self-ownership", as established by Locke in the seventeenth century: "every man has a *property* in his own *person*. This no body has any right to but himself. The *labour* of his body, and the *work* of his hands, we may say, are properly his." (Locke 1980: 19). Against the dysfunctions of absolutist despotism, market civility, self-ownership as "natural law" and the legitimacy of property through labor began to be valued. As a bourgeois form, self-ownership was the ideological expression of an extension of the commodity form to individuals.

In this context, it is important to state that workers themselves are not a commodity (as a slave is), but rather owners of one single and new abstract commodity, which is also the one that creates new value (surplus value), i.e. "labor power". This is a concept that we today immediately associate with Marx but, in fact, was originally advanced during his time by the theory of thermodynamics with the aim of studying the conservation of energy in all material bodies. This origin is not accidental. From the point of view of the

relation of capital, the commodity sold by a worker is neither his body nor the product of his labor, but what Marx called "abstract labor", the pure "expenditure of human brains, nerves, and muscles" (Marx, 1976). This is also the presupposition and "social substance" of value, a form of "abstract wealth" whose magnitude is measured in time. Capitalism does not directly devour the body of human beings but instead its energy and is therefore a social system based on fatigue (Rabinbach 1992), the pure expenditure of human energy in commodity production. Therefore, it is not the human body itself which takes the commodity form, but only the combustion of abstract energy contained therein. Nevertheless, given that the expenditure of human energy can only happen through a concrete body, the corresponding paradoxical character of the commodity "labor power" proved to be a continual source of ambiguities and misunderstandings, and in no lesser extent regarding the status of the body in the form of self-ownership (e.g. ∴ does the wage earner sell or "rent" the body? etc.).

These problems did not prevent, within a liberal self-understanding, the market appearing as a "very Eden of the innate rights of man" (Marx), where owners of commodity-money and "owners of labour power" interact as free and legally equal subjects of law. This gave rise to the modern metaphysics of contractual freedom and a whole ideology based upon equality and the consensus of commodities exchange. And if self-ownership emerged as a specific requirement of the constitution of the labor power commodity, it was soon presented as a natural condition of human beings. It was not, therefore, difficult to derive an ideological equivalence between self-ownership and supposed individual autonomy and self-determination. What the Enlightenment did was turn a specific functional need of capitalism into an eternal human virtue. In the late eighteenth century, the French Enlightenment thinker, Denis Diderot, was already claiming smoothly that "freedom is owning oneself" (Diderot, d'Alembert, et al 1788: 419). ["La liberté, est la propriété de soi].

But if freedom is now equal to one of the presuppositions of the market, it is therefore clearly seen that it is nothing more than the competitive freedom of all self-owners and their equal self-submission to the "invisible hand" of the "valorization of value" social machine. Competition is not only a fundamental presupposition of the actual development of capitalism, which coerces both capitalists and workers as mere "personifications" and "character masks" (Marx) of their own functional social relations. In this historical process it becomes an all-embracing, trans-classist socialization

principle, crossing modern society from one end to the other. Accordingly, all human beings are free and rational only while acting within the form of value, i.e. as competitive and monetary working subjects. The legal and political citizenship – which during capitalism's rise was still marked by the bourgeois ownership of the means of production, thereby showing itself to still be attached to feudal notions of the privileges of land ownership – becomes a universalist demand tacitly based upon self-ownership and "abstract labor."

It is therefore unsurprising that the universalism of natural rights is, from the very beginning, marked by a gap between the physical existence of a human being and its recognition as such, a gap that in the juridical form is disputed in terms of the concept of a "person". Well, it was not by chance that "person" (*persona*) originally meant "mask" (cf. Mauss 1985), which shows that the recognition of a human being is still dependent upon a metaphysical form superimposed onto its corporeality and under which he has to act. Here, Marx's expression "character mask", in reference to the social function of modern individuals, gains an even more relevant negative meaning. This is also why Locke defines individual self-ownership as "property in his own person" and not in his body. The problem is also visible in the effort that German idealist philosophy made to deduct each individual body from a prior transcendental subject, a body that, after all, still has to give systematic evidence of a capacity for conservation and valorization. During this era, nothing summed this up better than Fichte's "right to life": "the ability to live is conditioned by labor, and there is no right to be able to live if this condition is not fulfilled" (Fichte 2000: 186). A human being is not immediately recognized as a "person" due to his body but rather because of the "abstract labor" exerted by the body.

But universalism based on self-ownership is not merely conditional but also false. Supposedly self-ownership applies to all humans, but in reality it is shown to be a "male, white and Western" structural principle (Kurz 2002). At the same time that capitalism imposed itself, women were excluded from self-ownership (Pateman 1988) and made responsible for activities incompatible with the "valorization of value" but still necessary for the tacit presupposition of social reproduction (child caring, home management, meal preparation, etc.), without which capitalism could not have developed at all (Scholz 1992). In a lower status were placed all non-white men, especially blacks, who were classified as "sub-humans" by the majority of

Enlightenment thinkers (especially Kant) and marketed worldwide as commodities (slaves). It is no coincidence that nineteenth century feminism and abolitionism have both based their claims on the demand for a "true" universality of self-ownership (see e.g. Stanley 2007). Even though this victorious struggle undeniably improved the living conditions of women and the non-whites of most so-called developed countries, it is also true that these improvements took place according to the needs of the "valorization of value" and to the same extent that they themselves could also assume the capitalist categories and show "character masks" worthy of recognition, as stated in another context by Agamben (2010: 46): "the struggle for recognition is (...) the struggle for a mask". But this recognition of women's and non-whites' self-ownership is far from guaranteeing them their recognition once and for all, not only because the legal form is permanently threatened by capitalism's patriarchal and racist character, but also because it is submitted to the dynamics of an economic form that is actually presupposed to it. Self-ownership is a prerequisite for entering into the market of universal competition as a subject, but not a guarantee for survival once inside it.

For a self-owner to stay in the market he must be solvent and, by the sale of his labor power, produce more value than the value that he consumes. But the value of labor power is variable and relative to the global consolidation of capitalist social reproduction, tending to historically fall in line with the development of productive forces and the corresponding devaluation of the means of livelihood. This devaluation of the labor force also implies a diminishing production of new value (surplus value) in the whole of society, which can only be compensated by the absorption of an increasing number of workers. This only works while the development of machinery creates more jobs than those that it suppresses. In the context of the Third Industrial Revolution of microelectronics, this compensatory mechanism exhausts itself and hopelessly enlarges the mass of superfluous self-owners, objectively unable to sell their labor power. However, the fact that they are unable to sell the energy of their bodies does not mean that the physical and chemical elements of those same bodies cannot take the commodity form.

This is not entirely new. Human hair was already being sold long before capitalism; the sale of human milk was common in ancient Rome and this was even a source of income for many women during the Industrial Revolution. But the first example was not an exchange of commodities in the modern sense, nor in the latter was there any

recognition of women as true self-owners. The sale of blood, permitted during most of the twentieth century, was perhaps one of the first generalized ways in which self-ownership left the abstract “straitjacket” of labour power and extended to a physical element of the body, albeit renewable, thus allowing for an additional or last resort income for the most vulnerable self-owners. However, the application of the development of productive forces in the medical sciences (genetics, transplant surgery, IVF, etc.) has been enabling an ever-widening field of domain of the commodity form, a widening that is also taking place inside a framework of the true globalization of self-ownership. In the 1990s, some villages in India become famous due to the fact that most of the population had sold a kidney. In Bangladesh today, some people do the same to pay off the microcredit debt that was designed to end their life of poverty. In Spain, dozens of people try to sell non-vital organs online to pay their mortgage. We are able to sell eggs to pay the rent or submit our body to experimental clinical trials to pay university fees. And although all over the world blood collection is based on donation, the sale of plasma, which is one of its components with faster regeneration, remains legal (see Carney 2011) and is a complementary source of income everywhere.

Thus, the fetishistic logic of self-ownership finally becomes evident as a competitive, patriarchal and racist form of social recognition, whose effects are to some extent empirically summarized by Nancy Scheper-Hughes regarding the global trafficking of kidneys: " In general, the circulation of kidneys follows the established routes of capital from South to North, from poorer to more affluent bodies, from black and brown bodies to white ones, and from females to males, or from poor males to more affluent males" (Scheper-Hughes 2008: 22).

Within this devastating global context, highly mixed reactions arise, without, however, as much as a glimpse of a critique of self-ownership. At least three major ideological groups stand out, organized according to the type of relationship assumed between self-ownership and body. Firstly, the radical liberals of all kinds (nozickians and the like) and ideologues of "human capital" and "self-entrepreneurship", with Gary S. Becker – winner of the Nobel Prize for economics – positioned in the front line. According to them, self-ownership necessarily includes ownership of the body and to that extent there can be no impediment to the free and rational will of an individual selling any of his or her organs. This is the position that takes the original stand of liberalism to its logical conclusion and that better exposes the atrocities of the logic of self-ownership.

Secondly, are the various authors who more or less explicitly rely on Foucault's biopolitics paradigm. With critical intent, they direct themselves against the new forms of domination and commodification of the body, talking of "biocapital", "biovalue" and "biologically produced surplus value". Here, however, the little or non-existent serious mediation with the critique of political economy categories is evident and, in that regard, there is no relationship to self-ownership (e.g. Cooper 2008). This is a double reductive approach: on the one hand, it does not deepen Foucault's original intent of "studying liberalism as the general framework of biopolitics"(Foucault 2008: 22), nor respects his focus on how modern competitive subjects internalize modern categories of socialization and act in accordance with them (as is the case of self-ownership). On the other hand, it forgets that only the commodity of labor power produces surplus value, and that Marx's concept of "abstract labor", as the combustion of human energy, was extremely fruitful for a critique of what came to be known as "biopolitics".

Thirdly, we can delimit a broad and diverse set of positions, often difficult to isolate, but which have the explicit or implicit assumption of self-ownership in common while totally or partially rejecting ownership of the body. This is a well-intentioned group in general but one far from realizing the reasons for the current existence of many insolvent self-owners. Instead they engage in disputes around the ambiguity of the body status in a self-ownership uncritically presupposed and, in a good postmodern way, rely on the spoils of Enlightenment thought to feed endless discussions about ethics, morality and human rights. Here self-ownership is never the issue; the fundamental issue is whether the body is or is not, or whether or not it can be and under what conditions, a commodity.

Whether or not the body is or is not a commodity is, in fact, a false issue. Nothing is or is not in itself a commodity. The commodity is a fetishistic social form; in this sense, everything that takes the commodity form is in fact a commodity. And to take this form it also does not require that human labor energy has been expended on it. A completely different issue is the ability of a commodity to create new value, which is an exclusive capacity of labor power. If a kidney is exchanged for money, then the kidney is a commodity; but the world has not become a cent richer due to it. Meanwhile, whoever assumes self-ownership while totally refusing body commodification is in fact admitting the commodity form for everything that exists and for the living corporeality of the self-owner, except for corporeality itself. The body appears to be in the

paradoxical situation of being a kind of inalienable property, whose elements can only be donated in a global context dominated by the commodity. But this is an ethical criterion, as neo-liberals well understand, that can only stand through legal coercion and police surveillance. Finally, whoever seeks to define the social conditions of admission of the body or of some of its elements as a commodity needs to do it through the categories of the "valorization of value" and abstract labor, thus giving rise to larger aberrations. The most paradigmatic case is that of Donna Dickenson (2007), which, while generally denying ownership of the body, seeks to combine a feminist perspective with the Lockean principle of property legitimacy through labor and the labor metaphysics of Traditional Marxism that inherited it. The result is a definition of eggs, placenta and umbilical cord blood as "valuable products", undeniable fruits of a feminine "hard" and real "productive labor", which are exploited by the biotechnology industry and of whose surplus value women are being unfairly deprived.

Whoever starts the critique of capitalism with a definition of what may or may not be a legitimate commodity is surely destined to fail. The radical critique of capitalism can only be a radical critique of the commodity form itself, and in this sense, also a critique of self-ownership. If this critique proves to be socially effective and humanity can really emancipate itself from capitalism and all fetishistic social forms, the human body will then show itself to be as strange and destructive a commodity as the dress or coat that covers it.

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