

Chapter 8

Afterword from the
Working Party Chair

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- 8.1 There are all kinds of ways in which people become involved in the health of others. But there has to be something quite special about that involvement when it draws on other people's own bodily material. In its preparations for this report, the Working Party has tried to keep that sense of 'something special'. Whatever the source, whether from someone known or unknown, from a living body or a deceased one, and whatever the body part in question, from a whole organ to a drop of blood contributing to a research project, we have been mindful that such material has come from the body of a person.
- 8.2 However the body is regarded or treated as an entity, ultimately it cannot be detached from one crucial apprehension of reality, that persons are embodied beings. Indeed this is a premise that, up to a point, informs legal thinking. So what about 'parts' that appear detachable? Without getting into how people think about wholes and parts and whether a part might stand for a whole, one may note that, in the medical arena with which this report is concerned, detachment is not just a matter of physical separation; it is also a matter of re-classifying one person's bodily material as of interest to others. It is absolutely right that the legitimacy of that interest should go on being debated: rendering bodily material usable by others inevitably involves weighing up different interests. With the aim of being true to the world views of many of those with whom we have consulted, and those many more who will be affected by medical developments in the UK, the Working Party has tried to strike its own balance between being neither over-sentimental about the body nor, on the other hand, indifferent to its fate. To think about the persons involved has been crucial here, and our principal focus has been the donor. Keeping in mind the fact that material has come from someone is an ethical premise that informs this report.
- 8.3 We have used the term 'person' as an anthropologist might, to keep in mind another inescapable fact: that people are always found in specific social circumstances. These circumstances include all kinds of factors that affect their lives, as well as the different forms and destinies of donation itself. One example has been the importance of not sidelining gametes: if on a scale that includes the life-saving capacity of blood or organs we find that gametes rank low, we have to ask if that does not simply mean they are out of place on such a scale.
- 8.4 Now in considering gametes we have paid more attention to eggs than to sperm, not just because of their different value for treatment and research but because of the particular demands placed on women; these demands make this form of donation highly gender specific. This in turn impinges on the diverse expectations people have of one another, and thus on their social relations. The Working Party largely addressed the social dimension of donation through the immediate transactions that encourage or facilitate it. However, from time to time it has pointed to larger social issues. Thus it has deliberately kept on the horizon of its vision the practices of both trafficking and profiting, even when they seem to take place elsewhere, for they also form a horizon to what is allowed by regulation in the UK. Within the UK we have taken a general perspective on public interests, but of course the 'public' is not homogeneous. Among other things, the report touches on – although not in detail – some of the particular issues affecting BME communities in Britain, and the special situation of donation among family members. These must stand for all those instances where equitable treatment has to start with recognising the specificity of circumstances.
- 8.5 Among the consultation responses were suggestions that 'social justice', 'empowerment' or straight 'equality' should be among the ethical values we name. But we trust that none of these concepts has been absent from the report. Together they reiterate the point that the circumstances under which donation occurs affect ethical judgment. Indeed, and we hope it is evident throughout the report, the Working Party insisted on considering 'context' and the difference that all manner of 'differences' make. To take one example, people are very aware of the degree of tenacity or conviction or belief with which views are held, so there are

circumstances where they may argue with other people's views or try to influence or educate them; there are also circumstances where conviction – whether or not with a religious base – itself becomes a stance that has to be recognised as such. We hope that we have allowed for this contrast, and that chapters 6 and 7 will have indicated something of our concern with equitable outcomes.

- 8.6 Above all, we have tried to keep in consort with the language that has grown up around 'donation' over the last 40 or 50 years. Language invariably conceals as much as it reveals. The intention of staying with this particular language – donation, altruism and consent, the gift – is not to be uncritical but, rather, to extend conversations that are already going on.