Blood: The Great Forgotten Element of Care Ethics

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Abstract: In France, blood transfusion gives rise to debates only when a scandal bursts out, as we have known in the 1980's and 1990's with the « affaire du sang contaminé ». Otherwise, once a number of administrative and prophylactic precautions have been taken, transfusion is not further discussed in ethical terms, as if questions related to transfusion were solved better than in any other domain of care ethics. The speeches take on a seemingly axiomatic character: it is well understood that the donation of blood must be anonymous; that it must be gratuitous; that selling one's blood is contrary -or would be contrary- to ethics; and so is and would be knowing the person to whom it is given while the recipient knows his donor. What is surprising is that these axioms seem self-evident; and what is even more surprising is that those who are supposed exceeding the level of common opinion hold fewer seminars on issues related to blood transfusion than on other issues of medical ethics, yet strongly related to them such as, for example, ethical questions of organ transplants. Is not the blood similar to a tissue and assimilable to an organ?

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In France, blood transfusion gives rise to debates only when a scandal bursts out, as we have known in the 1980's and 1990's with the « affaire du sang contaminé ».¹ Otherwise, once a number of administrative and prophylactic precautions have been taken, transfusion is not further discussed in ethical terms, as if questions related to transfusion were solved better than in any other domain of care ethics. The speeches take on a seemingly axiomatic character: it is well understood that the donation of blood must be anonymous; that it must be gratuitous; that selling one's blood is contrary -or would be contrary- to ethics; and so is and would be knowing the person to whom it is given while the recipient knows his donor. What is surprising is that these axioms seem self-evident; and what is even more surprising is that those who are supposed exceeding the level of common opinion hold fewer seminars on issues related to blood transfusion than on other issues of medical ethics, yet strongly related to them such as, for example, ethical questions of organ transplants. Is not the blood similar to a tissue and assimilable to an organ?

There is another clue that draws our attention: when we look, in the file of the Bibliothèque Nationale de France (BNF) at Paris, the publications that concern the transfusion, we find mainly French publications, very few foreign documents, even Anglo-saxon; and these publications share almost all the same vulgate about anonymity and gratuity, as if they were sacrosanct dogma; and as if any position that deviated from those dogmas did not have the same ethical value -assuming they have ethical value.

We would like to revisit some reasons put forward to support these dogmas or this supposed knowledge, whenever such reasons have ever been given; to verify whether they support an argument; in other words, to test whether the relative mutism related to blood donation issues is related to a refusal or a fear of arguing; to wonder if beliefs have not replaced the argumentation which, however, ordinarily characterizes ethics compared to morals and religious positions. If we attempt this reevaluation and this test, it is obviously to ask us if an argument could not resume its rights in these sectors where it seems more easily excluded than in others. But this is not necessarily to ruin the « dogmatic » character sported in certain areas of ethics, and particularly in this one. It is quite possible that in some areas of ethics it is difficult to avoid attitudes that only rationalize, formalize, feelings, affects that are, as such, not fundamentally rational. It may be that, despite our taste for a rational ethic, an ethic of discussion, it is hardly possible to install it in all areas

¹ Thousands of hemophiliacs were given blood transfusions from stocks of blood that were known to have been HIV-infected, ultimately causing the death of around 4,000 people. Having been found responsible for these transfusions, four doctors received prison sentences.

where care is concerned, and that some of these areas, at least, can be thought of only through myths, beliefs, metaphors that have survived since archaic epochs of which it is difficult to have a precise memory. It is not impossible that, in very large numbers, our attitudes towards the blood-related should only be based on these archaic ways of feeling, thinking and acting; even if the goal of ethics is to rationalize them as much as possible. We must become aware of these archaisms, question our attitudes in view to change them possibly.

I. Even trivialized, secularized, and universalized by care and by the particular preparation it must undergo before being transfusable, blood is not a liquid like others; even if we discuss rationally of medical ethics, there always remains something of what E. Poe said, in *The Narrative of Arthur Gordon Pym*, of « blood », « that word of all words - so rife at all times with mystery, and suffering, and terror », those « vague syllables » fallen « chillily and heavily [...] into the innermost recesses of [our] soul ».² It is not only by its content or by its matter that « blood » is so particular: it owes its particularity to its localisation at the crossing of a bundle of acts the outlines of which we intend to sketch out.

However, I start from the content. Even located at the core of the medical act of transfusion, blood is not the equal of a drug. In a drug, a molecule has been finalized in order to solve a problem. The solution found by the drug to the problem posed by the illness rose through the intellectual and technical way of developing this molecule; of course, it is impossible from the outset to foresee all the effects that a drug may have on an organism, but the cause that determines these effects is mostly known. On the contrary, blood given in a transfusion, even if it has been particularly analyzed, and dealt with in such a way that only products of blood are inoculated, consists of so many constituent elements that their sum could not be supervised by a thorough intellectual synthesis, as it is the case for most of drugs. Or if the blood of transfusion may be compared to a sort of drug, it is because there are some drugs of which we do not know exactly how they operate. However its singularity and complexity do not arise from the great number of parameters it implies; they also arise from the supply of blood to all the tissues of another body; it has flowed through all the organs, through all the parts of another's body, being loaded with countless components that an other body already appropriated as its own; a body with another story, of a person that perhaps does not come from the same country, that is not necessarily of the same sex

² *The Narrative of Arthur Gordon Pym*, in: E.A. Poe, *Poetry and Tales*, Library of America, New York, 1984, 1035. One may say the same thing of *Blut* in German, *sang* in French, *dam* in Hebrew.

and whose age I cannot know. This remark leads to very different considerations. The particular qualities of blood arise from this: to have been a tissue of another body before becoming a part of mine, when it has been given to me. Certainly this tissue is not quite like an organ being transplanted either; it has not been given in the same conditions as a part of the liver, a kidney, a heart, a cornea, but it is clear that transfusion has something in common with transplantation ; and takes us down a road which is not taken by drug.

So -and in that respect it can be distinguished from an ordinary drug- blood creates a direct and intimate link with the other, though one may aim at lightening it, or it may be concealed by the alterations it undergoes to be injectable. There remains something « from the other » in this strange detached thing administered to a sick person; it retains otherness under the appearance of a « thing ». Just as, despite what is said by many practitioners of French CECOS³ and their efforts to eliminate it, there is an irreducible sexual « remainder » in the medical acts of PMA⁴, GPA⁵, so there remains something « from the other » in the blood bags. Just as, antequely, archaically, any link - among humans and between humans and God- is a blood link, blood, even in a transfusion, creates alliance and society according to means different from those of any other product. Even if there are drugs that are frightening by the might of their effects, direct and indirect, none of them brings the same degree of awe.

Even preserved in bags, blood cannot be seen easily as a mere thing that could be stripped of all its values, which, besides, are more negative than positive⁶, even if the happiness of a recovered health may be associated with them. The curative characteristics of blood are unavoidably linked with the imaginary properties ascribed to it and of the same style as those depicted by Diderot through the famous thinking experiment of the *Letter on the Blind*. A scene that seems unendurable to view, when blood comes on stage, is perfectly bearable to hear. The blind man of Diderot is, in this respect, more insensitive than the sighted person;⁷ he is indifferent towards the blood economy as it is

³ CECOS : Centre d'étude et de conservation des oeufs et du sperme humains. (Center for study and conservation of human eggs and sperm).

⁴ Procréation médicalement assistée.

⁵ Gestation pour autrui.

⁶ Bachelard noticed it when he sketches a poetics of blood in the wake of Poe; he does not deny this poetics to be possible, but he denies it happiness: « It is a poetics of tragedy and suffering, for blood is never happy » (*L'eau et les rêves, Essai sur l'imagination de la matière*, Paris, Corti, 1973, p. 84).

⁷ « Since of all the external signs that evoke ideas of sympathy and pain in us, the blind are only affected by the sound of suffering, I suspect them , in general, of being inhumane. What difference can there be for a blind man between a man urinating and a man shedding blood

organized by any sighted persons's ethics. Or, if nevertheless he cannot escape assuming such an economy, it is very different from the economy of those who are very likely to let themselves be affected by the sight of blood.⁸

So as it is detachable from the human being or from the living being it comes from while keeping a link to their life, blood cannot be seized as a thing without being provided with symbolic functions. Blood speaks a language that only blood can speak. What it is talking about is made possible only by the signifying reality that is its own. « To speak with one's blood », « to write with one's blood » are common phrases in very different authors, even when they know how to use concepts;⁹ we resort to its invocation -not without a grandiloquence that is apt to turn quickly into pomposity- at times when rational proof risks to be missing.¹⁰ It is so that the proof by blood may pretend to authenticate a testimony that is always a delicate moment for rationality.¹¹ The experience of this singular liquid, associating view and affect, the memory of this experience, the naming of the former and of the latter, are the components of the signifier of a discourse we deliver and that speaks to us; but this signifier as such is obscure. Even though the discourse it makes possible is a little less obscure, and allows us to decide whether the thing or of its metaphor is spoken of, it is nevertheless contradictory.

Life and death meet in what is called *blood*. What gives life¹² is also a waste of life, as the blood of wounds and of menstruation. The woman or man who bleeds triggers immediately empathy, a sort of pity, but at the same time,

without a whimper? » (*Letter on the Blind for the Use of Those Who Can See*, In: K.E. Tunstall, *Blindness and Enlightenment. An Essay. With a new translation of Diderot's Letter on the Blind and La Mothe Le Vayer's 'Of a Man Born Blind'*, Continuum International Publishing Group, New York, 2011, 179).

⁸ The imaginary nature of behaviors towards blood might be proved by what is highlighted by Bentham in *Not Paul but Jesus* : « By this imaginary abstinence from blood -(for, after all, by no exertion of Mosaic ingenuity could the flesh ever be completely divested of the blood that had circulated in it)- of this perfect useless prohibition, what would be the effect? » (Bentham J., under the fictitious name of Gamaliel Smith, Esq., *Not Paul, but Jesus*, Hunt, London, 1823, 169).

⁹ Does one not find the phrase in Nietzsche? *Zarathustra's* chapter 'On Reading and Writing' begins with these lines : « Of all that is written I love only that which one writes with his blood. Write with blood, and you, and you will experience tat blood is spirit » (*Thus spoke Zarathustra*, ed. A. del Caro & R. Pippin, Cambridge University Press, 2006, 27).

¹⁰ It would be difficult to tell that a mathematician writes his demonstrations with his blood, though he may be killed in a duel as Evariste Galois, on the morning that followed the night of one of his finest discoveries; or as Jean Cavaillès who was shot because of his involvement in the (French) Resistance against the Nazis, just after having written in his jail *La logique de la science*.

¹¹ Pascal twrites in frag. 663 (Sellier) : « I believe only the histories, whose witnesses got themselves killed ». Paradoxically, nobody would risk his blood for something he knows how to demonstrate or to prove it.

¹² « The soul of the flesh is in the blood » (Lev., XVII, 11).

she or he arouses loathing: she or he gives the impression to be situated between life and death. Blood tears and gathers what is pure and what is impure, perdition and salvation. It is, by turns, what ruins and what elevates and increases. Kosher meat, which is esteemed purified by some people among us becomes pure only by triggering a terrifying bleeding. Blood may be the detestable blood of crime and vengeance [*Revelation of Saint Jones the Divine*, VI, 9-10]¹³, but it is also a sort of symbolic antidote that washes them away, and then it may be also the blood that brings men together [Eph., II, 13].¹⁴ This is how Paul says that « flesh and blood cannot inherit the kingdom of God » [*I Cor.*, 15, 50], but also that if this blood is Christ's one, it « justifies » [*Romans*, V, 9].¹⁵ Bleeding may be the sign of malediction, but also of salvation and purification, as it is said in I, *John*, 1, 7.¹⁶ This is a leitmotiv of neotestamental scriptures. It is even the core of them through Eucharist, when the matter is drinking blood: what is disgusting -who would drink a cup of blood? And who would think of a cup of blood when he is drinking wine?- rises up to a high value symbol, for it is in this way that Christus may be imitated and identified with.¹⁷ Nothing is closer to the sacred than what is loathsome. It seems that the sacred never can work without neighboring with what is repulsive and without intertwining with it. It would even be necessary to scrutinize the spatiality of this intersecting because blood does not cease to allow crossings from the inside to the outside. Bleeding dangerously exposes outside what is intimate; but it may also flood my own body if I drink it or if I am inoculated with it, at the risk of being disgusted and a stranger to myself. It may be conceived that this contradictory bundle of affects and feelings may be assumed by all kinds of acts, as giving and receiving, that change their sense and direction.

If we have taken all our examples from Judeo-Christian tradition, in order to illustrate this metaphoric and symbolic hub which is blood, it is not to suggest that this tradition is alone in having claimed that; Greeks had the same

¹³ « And when he had open ed the fifth seal, I saw under the altar the souls of them that were slain for the word of God, and for the testimony which they held: and they cried with a loud voice, saying, How long, O Lord, holy and true, dost you not judge and avenge our blood on them that dwell on the earth? ».

¹⁴ « But now in Christ Jesus ye who sometimes were far off are made nigh by the blood of Christ ».

¹⁵ « Much more then, being now justified by his blood, we shall be saved by his life ».

¹⁶ « The blood of Jesus Christ his Son cleanseth us from all sin ».

¹⁷ Jean, VI, 53-56: « He that eateth my flesh, and drinketh my blood, dwelleth in me, and I in him ».

visual fascination for blood they both held to be the occasion of a fall¹⁸ and the occasion of sacrificial redemption. In all cultures, blood has the ambiguous and contradictory function to make segregations, when, for example, we marry in the same social class or in the same cast, but also to weave threads which break limitations by those casts and classes and so realize their fusion.

II. What we have dealt with as a sentimental and affective bundle, often inscrutable, nevertheless obeys a logic, even though this logic may not be fundamentally conceptual. And conversely, although blood may be transfusion's blood, performed in a context of a care, consequently in conditions intended to be and being really, for the most part, rational, its treatment does not fall under the same conceptual logic as most of cares. I have already said that I do not receive blood as an antibiotic or an antiviral, even if it were nearly the same conditions of drip. Transfused blood is shared blood. Now we must enter into enough detail about the ethical aspect of the problem.

Transfusion is not a mere ritual of reinstatement into the world of healthy people from which I had been temporarily excluded; by giving to me her / his blood, an other has a part in my recovering health and reentering the group, not only through symbols and speeches, even if they cover all the operation, but really, sharing directly -though in a very partial and postponed way¹⁹- his strength. The way in which it unites somebody with the other -we might say: with something other- bypasses and avoids the « person », tapping beyond it into something deeper.

The notion of « person » is not necessarily the centre of the matter of transfusion. Usually, in blood donation, the two protagonists do not know each other; if the recipient wanted to thank his donor for the gift he has received, there would be nobody to receive his thanks: and perhaps it is better that way, for these thanks might be indefinite, shapeless. If one attempted to take advantage of that remark to claim that anonymity preserves persons from too heavy a link, or, on the contrary, from a link which would cause suffering

¹⁸ Here, we recall the passage of *Republic*, Book IV, in which Socrates portrays Leontius, Aglaion's son, that « was coming up from Piraeus along the foot of the northern wall and (...) noticed some corpses lying besides the executioner. For a time he struggled and covered his face; then, overcome by his desire he opened his eyes wide and ran toward the corpses. 'Look for yourselves, you wretches,' he shouted, « and fill yourselves with an image of the beautiful. » (439e-440a). In Plato, *Republic*, Books 1-5, ed. & transl. by C. Emlyn-Jones & W. Preddy, Harvard University Massachussets, Cambridge, Massachusetts, London, England, 2013, 421.

¹⁹ The moment and the place of the taking of a blood sample are separated from the moment and the place of transfusing by a long time.

in case of ingratitude, we could retort that, although the remark may be right, it is not the reason why anonymity had been installed, for many decades. This ideology covers a reality that has already been set up for a long time: the blood storage establishes distance between the donor and the recipient. Feelings through which and in which we live this anonymity are not only those of a disguising of the «person»; they have also their positivity. If anonymity ensures protection -as we will see- from the hybris and uncontrolled illimitations of gift, it is dreaded for its arbitrariness that is less felt -perhaps wrongly so- when it comes to administering drugs. Anonymity, which fills the recipient with fear, gives free rein to questions: is the donor sound? Am I not going to catch, because of this donation, an illness of which he would have been affected, without knowing it or, knowing it without declaring it? Shall I be relieved from an illness at the cost of being affected by an other illness, unknown for the moment, but as dangerous as the former one or more dangerous than it?

One could -as we have already begun to do so- make every act, every feeling we have depicted, coincide with sentences from the Bible, whether issued from the Old Testament, or from the New Testament, which does not display, toward blood, a logic which is different from the Old Testament's logic. The analogy is particularly striking between the rules enacted to solve the difficulties met with transfusion and Biblical interdicts. There are interdictions which have been enforced, these last decades, by the authorities, after serious accidents of transfusion or, more generally of contamination, that look like the interdicts Ancient Hebrews could have written in the Bible. Oddly enough, rules, that usually, in modern legislations, are no more written in the imperative mode and that deviate from the tune and mode of Biblical interdicts, become much more abrupt when the matter is to protect transfused people from donors suspected of being infected than when the matter is to protect citizens from murders and criminals²⁰. The dry exclusion contained in legal rules concerning transfusions has often been noticed by commentators: so, the woman/man who has been transfused is not allowed to give her/his blood, following a logic of contamination that allows no degree of probability. In 1997, French legislation went as far as to exclude from donation all people that stayed in Great Britain during more than one year even intermittently (between 1980 and 1996) because those people were suspected of being vectors for bovine spongiform encephalopathy (BSE).

²⁰ J-L. Gardies, in *L'erreur de Hume*, has rightly highlighted that modern legislation is distinguished from archaic laws by using very few imperatives and even by using only a minimum of interdicts.

I believe it seems clear enough that the logic that governs blood transfers is not basically a *logic of persons*; were it because it chooses to protect a group from another, which is no less composed of persons than the former. In reality, blood gives rise to rules of ethics whose logic, that has scarcely to do with a governance of *persons* -as in the logic of Kantian ethics- is extremely resistant, in spite of its archaism and though ethics has evolved for many centuries toward more abstract notions than *person*. The change pictured by Ricoeur who, in *La symbolique du mal*²¹, makes the guilt and scruple pass from the ethics of the pure and the impure, through the ethics of sin and stain, to the notion of *person*, is never radical enough not to keep, inside its more recent figures, something of archaic references. The right mainspring of the person lies often in ethical categories beyond which who forward it thought they had gone²². Really, the ethics of person only *seem* to have more rationality than others; they only appear to take up all the rationality; being contradictory, unspecified by themselves, they keep on being mainly animated by forces that have nothing to do with reason itself²³.

III. The logic of acts concerning blood, whether it be the blood of murder, of vengeance, of punishment, of sacrifice, of transfusion, is in keeping with the logic of sentiments or passions. Passions do not perform as concepts and it is impossible to link them as reason would link concepts. This does not

²¹ which constitutes the first part of Book II of *La philosophie de la volonté*.

²² Certainly, in Kantian morals, blood plays no role. But blood may arise at any time; for instance, on the occasion of capital punishment, that has not its logic in the notion of person, because this penalty might be more surely proscribed in the name of the person, than it be allowed following the odd argument that the person of condemned man is respected by this punishment.

²³ We have proved this in many papers, nearly all written in French. *Personne et anonymat. Du mauvais usage de la notion de personne*, Les cahiers du Comité consultatif national d'éthique pour les sciences de la vie et de la santé, n° 27, avril 2001 (35-38) ; « Réflexions critiques sur l'usage de la notion de personne en éthique médicale », in : *Deux siècles d'utilitarisme*, sous la direction de M. Bozzo-Rey et d'E. Dardenne, Presses Universitaires de Rennes, 2^e semestre 2011, p. 211-231 ; « La solidarité peut-elle se substituer à la valeur d'autonomie ? », PURH, 2013 ; « Personne et altérité dans l'utilitarisme », in : *Ethics, Medicine and Public Health* (janvier-mars 2015), p. 82-90, Sffem, Elsevier Masson, <http://dx.doi.org/10.1016/j.jemep.2014.09.001> ; « Qu'est-ce que soigner ? » ; « Le soin est-il une aide ? » ; « Qu'est-ce que l'autonomie ? » ; in : Texte sur le conseil PURH, 2017, en collaboration avec Annie Hourcade ; « Has the Care in Psychiatry Other Characteristics than those it has in the Other Fields of Medicine? », in *Revista Românească pentru Educatie Multidimensională*, 2016, vol. 8, Issue 2, December, pp. 45-56. Doi: <http://dx.doi.org/10.18662/rrem/2016.0802.04> ; « Y a-t-il, chez Stuart Mill, une spécificité de l'éthique entre les morales et le droit ? », in : *Philosophical Enquiries, revue des philosophies anglophones*, décembre 2016, n° 7 ; « Une pensée de l'existence à l'épreuve de l'éthique des soins. Les contradictions de l'éthique médicale », in: revue *Cités*, Collectif Jankélévitch, n° 70, juin 2017.

prevent us from seizing the functioning of passions, in a way that has some analogy with the way in which, in physics we grasp by means of reason rules of functioning of beings or events that are neither thinking beings nor events of thinking; yet with the difference that passions, which are not reason's events, are nevertheless events of intelligence or of thought.²⁴

Hume explained, in the second Book of *Treatise on Human Nature*, that deals with passions, how what is called a «logic of passions» functions, showing how the mental system constituted by any of them is associated with other systems following an order that has its necessity and proceeds by diffusion, transfusion, contagion, contamination, transfer, more or less perfect -though always imaginary- identification. Moreover, he showed how authority and sympathy composed the two poles of passional phenomena of which he described the rules of association.²⁵ One will have recognized, through the words we have used, terms that all make sense when referred to blood circulation, strictly speaking, and to affects particularly connected to it: sympathy toward the man whose blood pours out, or who makes his blood pour out, or who consent to bleeding; fear of being infected by blood; right or imaginary dangers when blood is transferred from an individual to another; play of strengths that are communicated in one sense but not in another or that counterbalance each other. There is no time for describing in detail the functioning of feelings linked to blood transfusion. We shall content ourselves only with one part of the discourse on passions because we think that it underlies the logic of collection and donation of blood: the religious discourse. Matters referring to blood donation are thought through many characters of religious discourse and feelings, rather than of a more rational and person-centered ethical discourse.

Before settling that assertion, we must highlight a last analogy of which we shall see that it leads far enough to pose some problems of ethics as the free donation or paid collection of blood: we mean the analogy that seems to exist between blood's circulation and money currency. In his *Éléments de physiologie*, through which we want to understand the physiological imaginary that is our single great interest here, Diderot, who thinks that function creates

²⁴ That is what Descartes meant when he calls them «passions of the soul».

²⁵ I have devoted several works to this double association of passions and their rules: *La philosophie des passions* (Klincksieck, Paris, 1985); *Hume. Une philosophie des contradictions* (Vrin, Paris, 1998), IId Part., chapter II; the Preface of our translation of the second Book to *A Treatise of Human Nature* (GF-Flammarion, Paris, 1991) and some other articles.

the organ²⁶ and, consequently, who believes in a certain polyvalence of organs, when a function must absolutely be performed and yet cannot be fulfilled by the usual organ, suggested that every organ plays its part in an organism. In those conditions, he would have seen in blood a sort of smuggler, of transmitter, of universal intercessor, guaranteeing the necessary communication between all the organs, in its function of tissue of tissues; this function is closely akin to the role of crossing we gave it at the beginning of our article. We emphasize that it is precisely the role that classical economists assign to money in economy: if money is a commodity, its use is to allow the other goods to be related one to the other, counted and exchanged one with the other. It is not uncommon to see economists -Marx was not the last of all- adopting the metaphors of blood and of its circulation to speak of money and of its own circulation.²⁷ So, they meet a similar problem located respectively at the same point; there are similarities between the financial question of usury and the problem of free or paid blood collecting: that we may make money with our blood might have seemed outrageous and sometimes seems scandalous yet to-day, as, in bygone days, making money with money. It took a long time before economists -generally in utilitarian circles- proposed to lift the ban that had for two thousand years old weighed heavily against usury, under the linked influence of Aristotelianism and Christianity. Making money with money was considered a perverted exchange to make money with money, as giving one's blood against money may be perceived a corruption. As one had fancied to be forbidden to make money with what permitted the payments, one must neither make pay for a vital solidarity that is at the foundation of our humanity. Having one's blood bought after having been collected is as sacrilegious as using money to deprive work and goods of their pretended « right » meaning and utility. This argument is perhaps the very ground of the sacralisation and sanctuarisation of the body by the law: they lead to interdicts

²⁶ *Éléments de physiologie*, Paris, Honoré Champion, 2004, 335 : « Tous [les organes] ont leur vie particulière. [...] Si l'organe vit, il a donc une vie propre et séparée du reste du système ».

²⁷ « As exchange-values, all commodities are merely definite quantities of *congealed labour-time* » (Marx K., *Capital*, vol. I, Penguin Books, London, New York, 1976, 130). Marx quotes here a sentence he had already written in *A Contribution to the Critique of Political Economy*, trad. Lawrence & Wishart, London, 1971, 30. Previous thinkers had compared money to blood. M. Shabas writes: « Hume was unprecedented in his command of monetary fluctuations, the rapid flow of money from one region to another, and the return to a state of equilibrium both locally and globally. [...] It is my belief that Hume was influenced by the widespread contemporary effort to that common but mysterious substances as if they were fluids and that this in turn accounts for his ideas of the behavior of money. » (*The Natural Origins of Economics*, University of Chicago Press, Chicago, 2006, 73)

directly opposed to *habeas corpus*. In order to understand it, and begin perhaps to refuse credence to it, it is necessary to take up the question much earlier and seize the similarity of discourses on blood to religious discourses which we cannot escape if, as Hume contended, religions are necessary knotting of passions. And if we wondered that economic considerations on blood are so tinged with religious considerations, it might be highlighted that religious discourses are basically economic discourses. So, combining both approaches, we want to show that if discourses on blood have so much difficulty freeing themselves from religious discourses, it is because the blood economy is at work in the religious discourse.

IV. Religious discourses that we know in our cultures are discourses of blood and about blood; a great number of books of the Old Testament and of the New Testament may be interpreted as variations on the theme of blood. Indeed, blood and acts concerning it are always presented as governed by a sort of economy that has its own laws which, even if they have not their principle in reason and, consequently, if they escape it partially, may nevertheless be grasped by reason, formalizing -though letting themselves be formalized, from another point of view- up to a point. The logic of punishment, the logic of recompense, the logic of honor, all include, at a certain point, blood as a sort of « master signifier », and they bring into play a logic of the sacred that is always a logic of exchange which perplexes reason though it may find in it reasons that are not its own and treat them in a way axiomatically, renouncing to understand them thoroughly. It is not because reason cannot grasp a value as blood that it cannot use it as a signifier in a certain number of discourses. Anyway, are there values that reason may thoroughly understand and of which it can do better than grasp scraps of functioning?

« I shed these drops of blood for you » has no rational meaning, but that strange proposition put in the mouth of Christ²⁸ by Pascal may make sense following other postulates, according to a certain thinking of the other. It is necessary, to understand it, to enter the thought of a certain market which contains a play of scales. What is always striking in the expressions of the sacred is their incredible utilitarianism, were it an imaginary utilitarianism, because one could not disentangle, in this imaginary, what is real from what is

²⁸ *The Mystery of Jesus*, in: *Pensées*, Penguin Books, 1995, frag. 919. This text contains also in the same fragment the sentence we quote: « Do you want it always to cost me the blood of my humanity while you do not even shed a tear? ».

fictitious. It is told in *Acts*, XX, 28, that « the Church of God (...) has (been) purchased with his own blood ». Christ's blood allowed a redemption (Eph. I, 7).²⁹ He is a bargaining counter in *The Revelation of Saint John the Divine*.³⁰ Whatever those who wanted to « personalize » Christianity may say, it is difficult to place it, as it appears penned by the authors of the Gospels, in an ethics of the person; religions we know, even to day, refer to a more archaic ethics. The overbiddings of Paul that allowed *a fortiori* arguments -if the sacrifice of some animals allows purifying some faults or impurities, how would the sacrifice of a man that has never sinned not have superior properties of redemption?- are very far from the thematic of person.

Many people of our time are still affected by that could be called « arguments » of this sort. It seems even that, for some of them, such speculations and weighing about purity and impurity might have looked reinforced by certain facts that have marked, in the last decades, the history of transfusion. This history has thought itself through very dangerous myths that could have given a real foundation to mere chimeras. So it is that, lying on the support of a pretended reality, one may have thought -absolutely falsely besides- that given blood had higher qualities than sold blood; that the blood of certain categories of people was more impure and had more chances to kill than the blood of other categories. In this way, foreigner's blood could be regarded -wrongly but with the awkward support of the authorities- more dangerous than the blood of natives; and, among these natives, homosexuals have a more dangerous blood than heterosexuals. So the necessary caution that has consisted in excluding some individuals from blood collection, seemed to legitimate, directly and clumsily, racist, xenophobic and homophobic discourses, in offering them a sort of unexpected unity. Unfortunately, from our point of view, these divisions (strangers / prostitutes / homosexuals) coincided with the categories of narrations championed by the hard right. So, in those terrifying discourses, archaic cutouts that equated prostitution, blood and foreigners in the Bible appear again.³¹ What was a phantasm of blood infection in the *Revelation* (XVI, 3, 4, 6) might have looked like the very reality and confirmation by things themselves. Then, to cap it all, certain illnesses are caught by blood as by sperm, with the effect of making some

²⁹ « In (Christ) we have redemption through his blood, the forgiveness of sins, according to the riches of his grace ».

³⁰ « And they sang a new song, saying, Thou art worthy to take the book, and to open the seals thereof: for thou wast slain, and hast redeemed us to God by thy blood out of every kindred, and tongue, and people, and nation ».

³¹ As we can see in *Acts* XV, 20, 29 ; XXI, 25.

people revive the most hackneyed superstitions: was it not falsely believed, in Middle Ages, that sperm arises directly from blood? So, in the years 1980-1990, because of the AIDS, sperm and blood becoming once closer to each other. Moreover, blood opportunely provided populist slogans with the semblance of reality they needed to reduce to a common denominator behaviors which have nothing to do with one another: male homosexuals, female homosexuals, prostitutes, male prostitutes, addicts, immigrants. The history of immigration has sometimes contributed to giving « good reasons » in order to bring closer, with all the scientific appearances on one's side, what the opinion and intuition already brought closer « instinctively ». In this play of swings from pro to con, as Pascal would have called them,³² the utmost of foolishness and irrationality could have seemed echo science and prudent behavior to cover ostracism and rejection.

V. It is clear that debates about the free donation of blood, that one sometimes wants to conclude before having opened them, refer, at least for one part, to the mixed discourse of religion and commerce we spoke of. What makes the selling of one's blood scandalous except for the fact that we set a sacred value on blood?

Indeed, the arguments usually selected in favor of free donation, supposedly derived from the *person*, are not convincing and it is too easy to discover other reasons that speak as much against them, i. e. in favor of the payment of the person whose blood was collected. Here as everywhere, the notion of *person* brings about all sorts of contradictions and, consequently, is unable to solve ethical problems; or, if it seems to do this, it is only rhetorically, in using secretly other notions than the notion of person.

A woman or a man would not respect her / his person if she / he sold a part of her / his body,³³ be this part easy to reconstitute. But there is a competing view, that can be legitimately forwarded if we change of point of view and of fulcrum to support argument: why would it be more respectful for a person not to pay for a service that she / he renders to me or to the collectivity, rather than to pay for it? It is even possible to give a scandalous turn to the argument of the free donation of blood: is it ethical to refuse to give compensation to a woman or man that provides a great favor to others, and still more, an irreplaceable favor? Certainly one understands why the

³² Pensées, 93.

³³ Lawyers speak sometimes of non-patrimoniaity <non ownership> or of non-commercialization of human body, when, in other times, one would have spoken of inalienability of this body.

respect of the recipient's person imposes that she / he does not know her / his donor whereas the respect of the donor's person imposes that she / he ignores her / his recipient's identity who, in case they know each other, would owe her / his donor an infinite debt of gratitude. But the use of Kantian morals to solve the question of free collected blood is quite fallacious. Of course, we do not deny that Kant distinguished moral value from sentimental value and from price that makes commodities alienable. But have we realized that, among the duties that Kant puts forward and, in any case, that he does not forget, in the instances chosen in *Groundwork of Metaphysics of Morals*, though it is not one of the four famous examples, the scrupulous respect of contracts of which purchase and sale on the market are eminently parts is well placed?³⁴ I cannot see why it would not be ethical to pay for a service at the right price. The matter may be to fix a price instead of turning down the request of payment bluntly. Otherwise, we may think that there is something in blood that makes it unsaleable, whatever its price may be.

Let it be said that blood must not be sold because the biological production of blood is not, properly speaking, for an organism, a work in the way the chemical preparation of this blood up to its presentation in usable pockets indisputably is one? But do we never sell but congealed labour-time in commodities, following the expression Marx uses in an interesting way for our subject?

So, what is « unsaleable » in blood? There are many services I pay for and that which are rendered with greatly varying degrees of sentiment and morality. When care is lavished to me by the doctor with the greatest moral attentions and the most exquisite delicacy, I pay him for it all the same. Whatever be the embarrassment I may feel when the time comes to pay fees, the idea does not cross my mind not to pay the doctor who showed the moral attentions and the exquisite delicacy toward me, precisely because of his attention and delicacy, or to deduct the value of attention and delicacy from the price of the consultation to the extent that it cancels it; which might be done if the values of attention and delicacy had no price or jeopardized the

³⁴ It is right that the example of the shopkeeper is chosen to illustrate the difference between actions done in conformity with duty and actions done from duty. Of course, the fact that a child can buy from the shopkeeper as well as everyone else is not enough to believe that the merchant acts in this way from duty, because its advantage requires it. But that does not obstruct the existence of « basic principles of honesty ». The example of the merchant is in *Practical Philosophy*, Cambridge University Press, Cambridge, New York, Melbourne, 1996, 53.

existence of any price.³⁵ Such a behavior, generalized beyond what regards strictly the free collection of blood, would lead to a radical reversal of values, even if, indeed, one is always perplexed by a too well rendered service; but doesn't one adopt an amazing behavior when the donor is not paid for what he gave? Of course there are seemingly excellent reasons not to pay for it. Everything is going as if there were no « right payment » and as if a gift, being good in itself, were not to be paid; that is absolutely false and looks like the Socratic insincerity toward Sophists, disputed because they were paid for their lessons of rhetoric. Is it necessary that the service of solidarity -if the obligation to give one's blood must be considered in this way- be as free as the service of truth following Socrates? It can be asked to Socrates why truth would lose its value (or a part of its value) for being expressed in well-paid courses or being written in paid articles published in books or reviews; why should it be given? Following a similar questioning, we suspect of disguise the will not to pay at its right price of the collection of blood. Although we could acknowledge blood to be sacred, it is not priceless, from an economic point of view. Doesn't the market end up pricing rightly the collection of blood?

Above all, by a dangerous all-or-nothing logic, or by a complete switch from pro to con, is it necessary that certain « things » must be given freely, for want of price? The mark of a taboo often consists, in morals and ethics, in a rule applied abruptly, whereas the situation needs using nuance and degrees of probability. Is it right, besides, that the sacred should be priceless? Even though food, lodging and education may be sacred -in the sense that a man could not be stripped of them without his humanity being denied-, isn't there a price for food, housing and education? If health is priceless, as it is so often carelessly repeated, why should what directly produces it have a price? Gifts are often to be necessarily good; that is not true. Even though the authors who speak about the act of giving have a tendency to set a moral value on it, gift may nevertheless constitute some aspects of society on questionable foundations that cannot always counterbalance the clear defined situations and relations made by money. If it is true that, in a certain number of actions, whether purchases or sales, money, whether one has a lot or only a little of it, may put pressure on the seller or on the purchaser, is it possible to believe for a minute that a gift does not have the same effect? Gifts may establish for a

³⁵ That is one of the usual tricks of morals, when it strays from the ordinary opinion. Kant got nabbed by Schiller in his famous epigram about the odd scruples of conscience of morals: « Scruples of conscience. Gladly I serve my friends, but, alas, I do so with pleasure and so, I often grieve that I lack virtue indeed. Decision. There is no better advice; you must try to despise them and with disgust you must do strictly as duty commands ».

more or less long time, sometimes for life, an inequality between giver and recipient. If I can pay, whether I am rich or poor -except utterly destitute -, I can break away from the woman or the man to whom I have bought something; it is more difficult to turn one's back on the individual that has given something to me and to whom I cannot give back the equivalent, without being accused of ingratitude.

Besides its price, a gift may be ambiguous for other reasons. There is no pure gift. It is completely indifferent to the independence of partners and exceeds it from all sides. Whether a gift is laid down to those who receive it and are in the impossibility of not receiving it; or it is imposed to the donor: doesn't the law, imposing the free collection of blood, impose a gift? That is not without contradiction. Anonymity is, in this sense, a protection against the inexhaustible debt of gratitude that gift would cause if things were different.

So, without necessarily willing the collection of blood to be other than a gift, because, after having gone through several crisis and in spite of them, the system has stood the test of time and seems having enough following not to be deeply amended on this point, I should want only hold myself aloof from justifications laid on the notion of *person* or on a moral law of « personalist » style.³⁶ For, if it is right that we can infer an argument from such a law in favor of anonymity, it is wrong that we can infer from it any duty of non-payment. In order for the argument of the founding on the « person » of a pretended duty of free collection of blood to be convincing, it is not only necessary that we owe to ourselves not to sell a part of our body, but, moreover, we must think that the duties toward ourselves override the duties toward the others; in other words, we must suppose that, when an individual does not apply with duties he is supposed to have toward himself, one may contest his act, although I should not have to suffer from it, because I am not himself and I am not dependent on him. The « personalist » morals is possible only if it is founded on indemonstrable and improbable axioms, that can define a morals, but not an ethics.

The evidence of a taboo always comes up, when blood is the matter. There is a taboo of blood as there is a taboo of sex. In order not to pay collected blood to transfuse it, payment will be called venality, as prostitution was put forward to condemn surrogate mothers³⁷. One will rely on the shame

³⁶ As it is the case of Kantian morals, at least in the *Groundwork of the Metaphysics of Morals*: « So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means » (I. Kant, *Practical Philosophy*, Cambridge University Press, Cambridge, New York, Melbourne, 1996, 80).

³⁷ What we call in France grossesse pour autrui (GPA): Pregnancy for others.

heaped on them to discredit the payment of the donor. But this analogy is not clear and does not take us any further, because it presupposes that the recipient of the argument thinks that the payment of sex between consenting people is in itself a bad thing; which is neither more nor less open to discussion than the payment of collected blood.

Behind the argument of gratuitousness in which is found, by magic, all sorts of virtues, and that would be in praise of the donor who, alone, would have a sane and sure blood, and would be perfectly generous and disinterested, it is necessary to be aware of what everybody gives away to the state that, not only refuses to pay, but refuses that payments may happen between citizens. What happens, in these conditions, of *habeas corpus*? Doesn't the state present itself consequently as the real possessor of bodies of which nobody can dispose, although her / his body be her or his first possession? The hymn to gratuitousness is not so innocent as it looks, not only because it is indecent enough that it be the one who refuses to pay that starts singing it, but because state poses as an absolute master of what I have the right to do with my body, as if it knew it better than anybody and certainly better than myself. The state may defend my body against my using of it, although I harm nobody but myself, if doing harm to oneself may be regarded as a harm from an ethical point of view. Why prevent those who want to give their blood from receiving a payment for it? One knows the generous arguments whose aim is to defend poor people against themselves, depriving them of rights they have as anybody on themselves. Are there any means to prevent abuses³⁸ rather than proscribing blood donation for money? Like the heartbeat of the « beautiful soul » for humanity (that Hegel denounced), the heart beating for poverty has no more chance to convince when it is produced by somebody who does not want to pay. Do we not destroy the citizenship and, perhaps, the humanity of a poor man that we defend against himself when we deprive him of some money or of the means to earn it, and moreover when we pose ourselves as knowing better than himself what he must do and not do with his own body?

Of course, it would not be advisable to be innocent and to ignore too easily that, behind poor people selling their blood, are multinational companies

³⁸ We have an idea of the very roundabout ways taken by abused people and their abusers. François Pilet, an economic journalist in Switzerland, a member of International Consortium of investigative journalists, who earned the Jean Dumur prize in 2013 for his book *Krach Machine*, explained, a short time ago -on February 8, 2018, at the Conference of the University Paris-Descartes about « The sale of blood products, precocity and vulnerability », how people addicted to drugs used the donor's card of their dealer in order to give their own blood and so receive the money they need for their drugs.

that buy their blood and grow rich with a sale that poor people cannot do and organize by themselves. The point is of course not to let trafficking proliferate but it is necessary to find the means to prevent it; though not forcibly by interdicting all payment of the donors. We cannot ignore that migrants sell their blood and sometimes organs to get the money claimed by smugglers to be transported to Europe. But if the law cannot remain in abstraction and cut all ties with social realities, neither it may not abolish all difference between fact and right and compel the poor man, because of his misery, to give up some use he wants to do of himself. To be more specific, what is being suggested to make up for that interdiction to use oneself as one sees fit? If we said that state does this constantly, the argument would be disastrous, because it would lead to *habeas corpus* shrinking away. And then is it not necessary to be wary of the hypocrisy of feigning that states are isolated from one another and that a law laid down in each of them has no consequence on the law of the others, and cannot be circumvented, contradicted? «In France, 70% of immunoglobulines come from paid blood collected in United States. If to morrow Donald Trump stopped the exportation of American plasmas, no more coagulation's factors would be available in Europa ».³⁹

Gratuitousness -if one is sincere in defending it- has its reasons of which reason knows nothing; anyway it derives from another matter than from the notion of person, that looks too rational, more rational. These « reasons », so to speak, are on the side of the just man's blood that, when flowing, could redeem the other men's sins; which may be understood only in an other logic. Reason understands better the idea that everybody must protect themselves from fault. «To love is to give one's blood »⁴⁰ makes no more sense in that logic than Saint Paul's logic does in the *a fortiori* arguments quoted above.⁴¹ But despite the irrationality we identified in blood's ethics, it nevertheless overrides the other ethics and particularly person's ethics, which is too contradictory to found the former. And yet the recipient of the blood of another in a transfusion cannot avoid thinking, even if by a motion he wants to repress the fault or if the conditions of the administration of blood's products push him to repress it, that another has poured blood for him as he could have poured it for somebody else. *Mutatis mutandis*, transfusion, even if there is no danger for the donor, even if many sanitary and commercial filters are

³⁹ Michel Monsellier, President of Fédération Française du don du sang bénévole, said this during the Conference quoted above.

⁴⁰ *The Revelation*, I, 5. « Unto him that loved us, and washed us from our sins his own blood ».

⁴¹ See above, IVth Part, 2^d paragraph.

interposed between the recipient and the donor, has something that is similar to transplant; something that intelligence must not reject on pretense that it cannot penetrate this logic.

VI. I Conclude with five remarks.

1. The first is that we do not oppose radically the word of *commodities* and the word of *gift*. The matter is not to suppose into money, through I do not know what fetishism, an intrinsic characteristic able to destroy morality, cooperation and social links. Merchandization and gratuitousness are not necessarily irreconcilable. In an economy, one which is complex enough, there is always room for the existence, not of pure and antithetical forms of gift and market, but of a reality made of parallel economies where the spheres of gift and of market intersect and constitute sundry hybrid configurations. The collection of blood is typical of this kind of intersection. The authors who think blood donation from an economic point of view, like point of view, as Frey or Zelizer, try to discover a sort of middle way between the logics of the state, those of the market and those of gifts; they have not necessarily relations of antinomies.

2. This first way for searching middle ways for accepting the compromise of blood collecting by organizations independent from states (up to a point) may be linked to the two logics we have constantly met with, that are opposed (up to a certain level), but also that permit some conciliation at an other level. It is clear that the ethics of person is not able, alone, to think the question of blood donation; it is no less clear that the former is meant to be more rational than the archaic exchanges we have recognized in surrounding religions, but also that it is absolutely impotent, whatever those who pretend to derive from it ethical positions that prove to be contradictory claim. As a result, on this matter, the only consistent ethical position that takes into account the swings pros and cons tends to be a rationalization that goes against fundamentally irrational positions that have all the characteristics of taboos. It is not impossible that a part of the ethics could not do without a Hebraic, Greek, Christian mythic to which the apparent rationalizations of the « person » give a more respectable look to the eyes of people that are fancying an idea of reason, though it could not be enough to constitute the mover of ethics if it were alone.

The immense strength -we do not speak of truth, because this force may be laid down on absolutely false foundations- of mythical resources, compared with a notion like « person », is that they are narrative and seem to tell stories in which can be inscribed events and elements of our own life and

of others's lives; what makes them more credible. And which also makes their force dangerous.

3. It could be asked whether the insistence on the « person » the frailty of which we have tried to establish is not precisely linked with the direct threat of transfusion hanging, at least symbolically, over the limits of persons' individualities. If I can receive another's blood, another's tissues, isn't my body likely to be completely invaded and flooded in its intimacy by the other? Then, the only way of resisting to this disagreeable feeling is to claim a « personal » foundation for what is coming to blur all the biological and real limits. The person is decidedly a frail mask.

4. I have given my blood in the past and never did it even occur to me that I should be paid for that; then, one may ask, what is the point of this speech for the defense of the possibility to be paid? Now is the time to tell the difference between a personal moral option and an ethical rule; without confusing the one with the other. It is bad ethics to want to universalize a personal decision; it is enough for it to be moral that it be *possible* to universalize it, without fancying it will be really universalized. An ethical rule has a real application; it makes the greatest space for others' decisions, not to mine nor to the decision I should have made in their situation; and if one tries to universalize the maxim of the action that the ethical rule forwards, it is in the sense, on the one hand, that this maxim be compatible with the decisions that others would have made in similar situations and which could have been very different and sundry; and, on the other hand, that it be not contradictory, except in imagination, with my own existence.

5. Lastly, at no time did I want to shock the reader. Our position is critical in an ordinary way. As the morals that Kant pretended to defend was not a pure fabrication, but was the morals he considered as the most common -which may besides create many problems-, I did not want to advocate the necessity to substitute at once the gratuitousness of the donation for the payment of the blood's collection. My feeling being rather in favor of gratuitousness, I only wanted to consider the arguments used to establish one prescription or the other, one proscription or the other, this or that rule. In that way, I was led, neither to stray from the common evaluations, nor to assume skeptical positions, indefensible in practical questions, but to dispute pretended arguments that only falsified by false reasons intuitions that could have been right (though ill-founded).

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