

“Being John Malkovich and Claims of Body Ownership” ***Joshua McDonald***

In *Being John Malkovich*, Craig Schwartz (played by John Cusack) and Max Lund (played by Catherine Keener) operate nighttime business that sells passes to “be someone else” (Jonze and Kaufman 1999), passes for entry through a magic doorway that transports people to John Malkovich’s subconscious. Understandably, John Malkovich (played by himself) is outraged when he stumbles upon their fly-by-night gig, and demands that they stop. His outrage increases as Craig tries desperately to explain – in that mumbling, awkward manner that is John Cusack – until he screams in disbelief, “It’s my HEAD!” We are drawn to Malkovich’s anguish, joining him in his refrain: “How could they do this?!? It’s his head – it’s his HEAD!” We are quick to credit Malkovich’s body as his own. In some way, the conflict in the movie depends on our realization that Craig is unfairly robbing Malkovich of his life and his body. Yet, why does this reaction seem so natural? What justifies our belief that Malkovich has such a claim to his own body? While these questions may seem outlandish, not all philosophers would agree. Jennifer Church, in “Ownership and the Body,” claims that bodily ownership is not as individualized as we commonly conceive it to be. Such a claim is startling, as bodily ownership has been used to justify property ownership (à la Locke) and selfhood. Church’s fresh claim poses a challenge to our traditional conceptions and discussions, both in philosophy and ‘the real world.’ But, for all its inventiveness of approach – a quality I admire immensely in Church’s work – her argument raises grave concerns. This paper will examine and evaluate Church’s claim and some objections to it.

Church enters the established debate over bodily ownership by objecting to the two competing traditions. In the first tradition, which has its roots in Descartes, Kant, Locke, and others, my use of my body is the foundation for my ownership of it. My self is separate from the (my) body (Church 1997, pp. 86-87). My body is something that I can control and own, a possession “with which I am very closely conjoined” (Descartes 1641, p. 165). Like many theories that rely on Descartes, the ownership-as-use argument must answer the problem of interaction between self and body. More importantly,

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however, ownership-as-use raises several disturbing questions. First, in Locke, the first owner of a thing is its rightful owner. But, a mother manipulates her child's body for several months after birth. Thus, if a mother uses her child's body first, does she then own the child's body? Second, in Locke and in Kant, property must be use continually to be owned; does this mean that someone who ceases to use her/his body (say, because of a coma) lose her/his claim to said body? In both cases, Church believes that we are not prepared to answer in the affirmative (Church 1997, p. 88). In the second tradition, bodily ownership is based on identity. Church credits contemporary French feminists and philosophers with the ownership-as-identity theory. For this theory, the body is a component of self-identity. This solves the problem of interactionism, but raises concerns of its own. In this tradition, Church believes that bodily ownership is defined too narrowly, making bodily ownership "too hard to gain or lose... because it is too hard to alter our physical identities" (Church 1997, pp. 88-90; the direct quote is from p. 89).

Church believes these two traditions are unacceptable. Church, like Goldilocks, is looking for an argument that's 'juuuuust right' – ownership-as-use is too cold and ownership-as-identity is too hot. Therefore, Church articulates an alternate position. Church begins by claiming that only selves (or persons, she is purposefully indiscriminate about the term) can own bodies. So, how does one claim selfhood? First, one must integrate one's psychological states into an interconnected system. The body is essential to selfhood, as psychological states arise from, and require, a body. But, selfhood also requires active reflection, as bats and cats and other mammals "seem to act on the basis of fairly well-coordinated and sustained beliefs and desires" (Church 1997, p. 90). Reflection involves planning for the future, self-appraisal, and assuming responsibility for urges, thoughts, and states. This process transmogrifies mere psychological states of a body into a system of interconnected psychological states of a self. Armed with this conception of selfhood, let's examine how a self owns a body. One has a claim to owning a body when, through reflection, one's self has integrated its psychological states and its self-concepts into the body – when reflection and care form an interconnected system "in such a way as to constitute a self" (Church 1997, p. 92). Church ties ownership of the body to self-conception, so that we must have a concept of our selves that incorporates our body (if we are to own it) and that allows for our motivations, desires, and concepts to become acknowledged as our (system's) intentions (Church 1997, pp. 90-93). Ownership of the body is neither inherent nor based on use, and is

instead based on the extent to which one has integrated the body into one's self-concept (Church 1997, p. 94). But, there are varying degrees of integration, which means that Church's conception of bodily ownership allows for degrees of ownership. Integration in degrees gives gradations to the concept of bodily ownership. Thus, Church's definition of bodily ownership can give multiple people a platform for claiming degrees of ownership to one body.

Church views her argument's flexibility of application as an advantage. This is particularly true when investigating the issue of abortion, a topic of great concern for many feminist thinkers. We can use Church to clarify some of our political commitments by lending philosophical credence to arguments about abortion. In the traditional conception of abortion, the debate hinges on the status and rights of the fetus. Such claims are typically advanced by the pregnant woman, the State, or the man whose sperm produced the fetus.¹ Though political theorists – especially Republicans – might entertain the State's claim, for now we will ignore it. Instead we will look at the arguments proffered by women and men. The man might use an argument of ownership-as-use. While the ownership-as-use theory would stipulate that the man has (a) claim to the fetus' fate because his sperm helped create the fetus; essentially, ownership-as-use equates a fetus with a tractor or an orchard or any other object we could own and use – language which is nothing if not crass. In contrast, a pregnant woman might advocate that she has claim over the fetus because the fetus is in her body – indeed, dependent on her body – which makes it a piece of her identity, at least until it is expelled. However, anti-abortion advocates can also use the ownership-as-identity argument by claiming that the fetus has an identity because it has a body and therefore deserves to be born. All in all, neither the ownership-as-use nor ownership-as-identity arguments can give a straightforward answer. In contrast, Church's account clarifies the argument tremendously. With it, we can immediately reject the man's claim because he has no claim to bodily ownership over the fetus; the man can give no account of the psychophysical connection to any psychological states which might be said to be influenced by the fetus beyond any claim any relative might offer. However, the fetus would be undeniably incorporated into the pregnant woman's psychological states, giving her the strongest claim to control over the fetus because the fetus would be interconnected in the pregnant woman's system of psychological states (Church 1997, pp. 95-96). Obviously, such a claim would be

1 This terminology is not preferred, but I hesitate to use the term 'father' (or 'mother') and 'baby-daddy' lacked a certain academic polish.

unfavorable for anti-abortionists, but Church's argument can clarify the debate.

Although I admire Church's theory – both for her ingenuity and her politics – I believe her account is untenable. Her theory encounters metaphysical and ethical objections. Further, the ownership-as-identity theory can better explain our perceptual existence. Let us now turn to the metaphysical concern.

We can illustrate the metaphysical problems with Church's account in two ways: first by using an example from bioethics, and second by examining Church's claim in the context of art. Art can be an invaluable resource for examining our beliefs by providing us with a staging ground for imagining the interplay of our values and ethical commitments, in addition to commenting profoundly on the human condition. Art's beauty is not solely aesthetic.

To begin with, let us pretend that I have myself cloned for prophylactic purposes. It's dangerous world out there, even for philosophers. Though I keep the clone in good physical condition – lest my clone get too flabby or flaccid – I also make sure the clone is highly drugged, so much so, in fact, that it is incapable of its own thoughts. As you might imagine, the clone's existence instills in me a greater confidence to take physical risks – after all, it's a prophylactic clone for a reason. In fact, I become so confident, I decide to dedicate myself to becoming the next Evel Knievel. The clone's body has become an important aspect of my own self-image, and has been incorporated as part of me through reflection and higher-order planning. One day, my clone wakes up from his drugged stupor and wants his freedom. This is a problem for me, so my clone and I turn to Church's account for our answer. Under Church's theory, I have a more legitimate claim to the clone's body – and thus should more rightfully determine said body's future – than the clone. The clone has been drugged, so he has not assimilated his states into his body image. Moreover, I have fully relied on the clone in creating my self-image – up to the point of using the clone's existence to justify my aspirations. The clone's states, future, and body have been more fully integrated into me than into him, and therefore, according to Church, I have a stronger claim to his body. I do not believe we are prepared to accept this outcome.

Secondly, we can turn to science fiction – a use Church anticipates – to evaluate Church's argument. In *Being John Malkovich*, we watch several people fight – all without Malkovich's consent – over the ability to determine the future of Malkovich's body.² In the

2 It is exceedingly difficult to discuss the body that we see as Malkovich without attributing it (as owned or existed) to him, a problem which may have, in part, spawned Church's

hands of Max and Lotte, Malkovich's body is a tool, an amusement ride for tired, scared, disappointed people seeking escapist thrills. But, in Craig's nimble hands, Malkovich's body becomes something more – it becomes a piece of him, an integrated system through which he can claim ownership. For most of the movie, Craig inhabits Malkovich's body, manipulating it – and the people around him – as skillfully as he manipulates his marionettes. Craig fully integrates his desires and psychological states with Malkovich's body and he begins to identify with Malkovich's body. Near the end of the movie, Craig-as-Malkovich watches an "Entertainment Tonight" special on his (Craig-as-Malkovich's) new career as a puppeteer, and exclaims, "Look how good I look on camera!" (Jonze and Kaufman 1999). In this moment, we see the extent to which Craig's self is integrated into Malkovich's body, for he refers to seeing Malkovich's body as seeing his own.

Furthermore, when Dr. Lester threatens Craig, demanding that he leave Malkovich's body or they will kill Max, Craig is visibly upset because he is faced with the possibility that part of him will be lost when he exits. This seems likely because Craig-as-Malkovich is able to pursue and fulfill his two biggest desires, the two desires that so drastically mark what it means to be Craig: puppeteering and Max (i.e. loving Max and finding that love returned). Craig-as-Craig was unable to find work as a puppeteer. However, Craig-as-Malkovich received international recognition of his puppeteering talents, and was given full license in the artistic community to pursue his craft, culminating in guest lectures at Julliard and performances with the New York Ballet in *Swan Lake*. These are opportunities that Craig-as-Craig was denied – consider the disparity between the previous opportunities and the reactions people gave him when he performed his puppet show "Abelard & Heloise" on the streets of New York City). Plus, Craig-as-Craig was wholeheartedly rebuffed when he propositioned Max – she even rejects him for his wife, Lotte. But, Craig-as-Malkovich had sexual and emotional access to Max, at first unknowingly and then with explicit consent, that Craig-as-Craig would never have had. Through the actualization of his two desires, Craig strongly binds his self with Malkovich's body – and, thus, his claim to ownership of Malkovich's body is strong. Craig's ability to capitalize on his desires, to successfully enact his intentions, while in Malkovich's body is key to his integration into Malkovich's body, and key to his claim of

article. Throughout this essay, I will refer to this body as Malkovich's in order to identify it as the body being discussed. The terminology is not meant to confer ownership, a distinction I hope will be apparent as I discuss Craig's claim to that body.

ownership. These desires would remain unrealized while Craig-as-Craig. Craig-as-Malkovich is able to transform his desires into reality, giving him stronger motivation to integrate with Malkovich's body. Stronger motivation quickly becomes stronger integration.

Again, we see how Church's argument makes conclusions about bodily ownership that we are not prepared to accept. Her concept is too loose – legitimate claims can be generated for people who should not have them. In this case, Craig's claim to ownership of Malkovich's body is valid under Church's conception of bodily ownership. Yet, we are not prepared to accept such a claim. When viewing the movie, we recognize the tragic nature of Malkovich's plight. His body becomes a toy and tool for exploitation, without concern for him.

Next, let us examine how Church's account of bodily ownership impacts our ethical commitments. Church's argument is ethically dubious. In Church's account, we amass some degree of ownership "whenever we integrate the beliefs and desires of other people" (Church 1997, p. 95) into our interconnected system of psychological states. Yet, is this true? When activists dedicate their lives to fixing the problems of "the wretched of the Earth" (Bartky 1997, p. 193) do they simultaneously lay claim to the bodies of the wretched? I do not believe so. More pertinently, if empathy is truly the basis of our ethical system – and there is strong scientific research (Vedantam 2007) that intimates that if it is not, it is a most necessary aspect of our moral system – than it is irresponsible to intimate that we might (must?) integrate the Other in order to connect with the Other's desires and fears. When we connect with the Other's pain, we do not integrate this pain into ourselves nor do we reconstruct the pain as our own. Such reactions are not true ethical commitments and have no moral value (Bartky 1997, p. 186). Bartky provides a partial answer by examining Scheler's "genuine fellow-feeling" (Bartky 1997, p. 181) – what the rest of us might call empathy. Empathy is an immediate and often intuited experience of the Other's pain. It is a grasping of the depth of the Other's pain without reclaiming such pain as one's own. Moreover, empathy provides us with an opportunity for ethical development. We learn to feel with and for the Other, to appreciate the depth of the Other's fears. From this understanding, we are compelled to make political commitments and to act (Bartky 1997, pp. 189-191). Church's account egotistically absorbs the Other into the self and robs our ethical commitments of this experience of love and empathy.

Clearly, Church's account is beset with some startling objections. And, not only does it have objections, but it also lacks the explanatory power that a competing theory has. Let us reexamine

the ownership-as-identity theory; it is a better conception of bodily ownership than Church's account. The ownership-as-identity theory is metaphysically and ethically less worrisome, and it is helpful in explaining the perceptual aspect of the human condition. Any description of a body ownership and selfhood must eventually discuss perception. The ownership-as-identity theory can accurately account for the basic structures of perception. By positing the body as the background from which we perceive the world (Merleau-Ponty 1945, pp. 112-130), the ownership-as-identity uses the body/self as the organizing entity that makes perception possible as the "means of communication with the world" (Merleau-Ponty 1945, p. 106). Thus, the body becomes the point of observation for our world. We experience the world as a flux of objects, as global flow in the optic array. And, through perception, we find the world intelligible (Merleau-Ponty 1945, pp. 148-157) as a forum for action. Our body provides us with the ability to act – the body is the 'I can' (à la Merleau-Ponty) or the "lived from..." (Levinas 1961, p. 134), or the background of perception orients our perceptions rendering them intelligible. By contrast, it is difficult to imagine how perception could be explained for a self with a claim to multiple bodies. Plus, Church's account must posit an extra-somatic force, a seat of the self outside the body. Such a claim is not new, but hard to prove. Extra-somatic entities must explain perception in terms of retinal imaging and mental processes, while the ownership-as-identity theory need only imagine the optic array, and describe how we move and experience the optic array.

Additionally, Church is wrong to assert that the body is not easily changed. Social norms, particularly the self-disciplinary forces of femininity or masculinity, act on the body, sculpting it to conform. Women submit themselves to cosmetic and dieting rituals that work to transform their physical images. They pluck, scrape, soak, lotion, paint, wax, and worse to alter their physical image. On a more permanent basis, women subject themselves to "spot-reducing" and plastic surgery to alter their appearance (Bartky 1990, pp. 66 & 68-70). Men too are not exempt from these norms, and also modify their physical images through weight-lifting and waxing. Men and women are also affected behaviorally by norms which seek to control how we spend our time, how we sit, and how we walk (Bartky 1990, pp. 64-66). In short, the body is alterable, and such alterations have an affect on our physical and psychological identities. This is neglected by Church's account.

In "Ownership and the Body," Church offers philosophy a new way of conceptualizing bodily ownership. Though Church raises good points, her account must be rejected. Church's account gives

too many people claim to a body. Bioethical issues of cloning and *Being John Malkovich* impart an insight into the disastrous consequences Church's account might wreak for our claims of bodily ownership. Also, Church's argument is ethically paternalistic. We should, instead, embrace the ownership-as-identity theory.

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