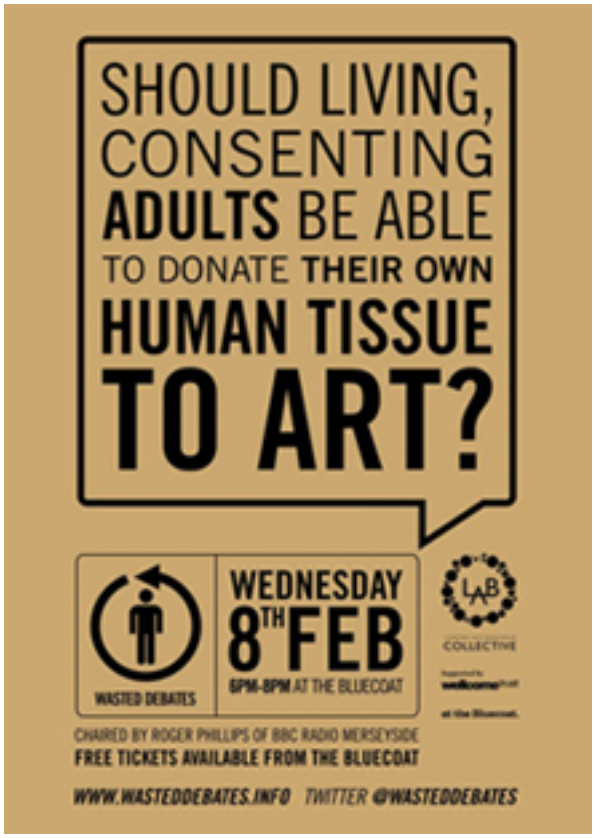

Debate on Donating Human Tissue to Art

at the Bluecoat , Liverpool
Reviewed by Denis Joe February 2012

Should living people be able to donate their own human tissue to art? Now there's a question that's straight forward and clear, but the answers show that society has a big discussion on its hands in answering it. The **Panel introducing this discussion were:**

Andy Miah, Academic and specialist in cultural ethics,
Dominic Hughes, BBC Health Correspondent
Canon Jules Gomes, Artistic Director of Liverpool Anglican Cathedral
Rt Hon Jane Kennedy, Former MP for Liverpool Wavertree and Minister of State for Health.

Chaired by *Roger Phillips* of BBC Radio Merseyside

At present, there are strict ethical rules relating to the use of human tissue from living people. Doctors and medical researchers must follow codes of conduct and get ethics approval (from the Human Tissue Authority) and consent from individuals to obtain tissue from living donors, for example to use tumour biopsy samples for scientific research. However, there is no ethical committee that has the authority to decide whether anyone else, an artist or museum curator for example, can obtain tissue from living consenting donors, for the purpose of making art and displaying it.
[Andy Miah]

The use of human tissue is a contentious subject, but as Professor Miah points out, the only sectors that are regulated in Britain, for use of human tissue, are those in the medical

profession.

There has been much controversy over *bio-art*: Andres Serrano's *Piss Christ*, a 1987 photograph of a crucifix submerged in urine, which was vandalised by a Christian demonstrator in April 2011; Marc Quinn's
Self
; Hermann Nitsch and Das Orgien Mysterien Theatre, who use urine, feces, blood and more in their ritual performances and Gunther von Hagens'
Body Worlds
exhibition and live televised autopsy. In 1998 Anthony-Noel Kelly was jailed for paying a laboratory assistant to steal body parts. Kelly later held an exhibition of the work, which he managed to get back from the police who had confiscated it.

Bio-art is not a recent phenomenon in the art world. Back in 1961 Piero Manzoni's *Artist's Shit* - ninety 30 gram tins of the artist's own excrement – is one famous example. Marcel Duchamp's *Paysage fautif*
(1946) was composed using semen on black silk.

The most recent art event, of works utilising human tissue can be found in Gina Czarnecki's acclaimed retrospective exhibition at The Bluecoat in Liverpool. And this discussion serves as part of the project, encompassing those works.

Introductions

Professor Miah began by saying that people should have the right to donate their body tissue to art. He then went on to suggest that there was a feeling of squeamishness about body parts in general and pointed to the recent furore over breast implants. He felt that the use of human tissue in art needed a greater dialogue and pointed out that the role of art in society presented a different understanding and appreciation of the human body than medical use. He felt it was justifiable for the artist to use human tissue and that the artist should face the same regulatory measures as the medical profession.

Dominic Hughes told how he reported on the *Today* programme about Gina Czarnecki's and Sara-Jayne Parsons' (Bluecoat curator of the exhibition) project, and how his pitching of the idea for the programme to BBC commissioning editors was met with a response that the subject sounded weird, but were happy to go along with it. The piece did get a response from friends and colleagues. He said that the issue was always controversial and went on to list some headlines from the BBC website. Mainly it was around the issue of organ donations and the opt-in/opt-out debate. He went on to talk about the squeamishness around the issue of the use of body parts in art and mentioned the initial controversy around Damien Hirst's work and mentioned the work of cybernetic artists in Western Australia and how, using flesh from a pig and a mouse cell to grow a tiny jacket (see here for a fascinating article by Orron Catts). He spoke about how this sort of thing grabs headlines in the media and how the finer points of the artwork is often overlooked.

Canon Jules Gomes admitted that he, initially, didn't know how to address the question and asked what you would say to a painter who used rotting body parts to shock the viewer. He was referring to the French, Romantic painter, Théodore Géricault who used severed limbs from the mortuary to study and sketch in order to give his work, *Le Radeau de la Méduse*, greater detail. He also talked about how there are equally 'gruesome' events that happen in the Bible. And the Christian preoccupation with the body of Christ, especially in the Holy Communion ritual, where the host is eaten as a metaphor for Christ's body, suggest that this use and view of

the body has a far greater history than we might think.

He talked about how these views create a vision of an alternative reality and said that this is what good art does. If Christians, for example, are squeamish about the use of body parts in art they need to consider their own appreciation of the body of Christ, depicted in its most gruesome situation, as crucified on the Cross – one of the most widely depicted symbols in Western art history. He saw no problem with the use of body parts in art and felt that the question was whether the art was respectful of the "sacredness" of the human body.

Jane Kennedy spoke about Alder Hey hospital which, whilst she was an MP, was in her constituency. The outrage over the use and retention of body parts for medical research, without the permission of parents, led to the *Redfern* report, the findings of which, formed the basis for -
The Human Tissue Act.
She then spoke about her personal view of the question of the debate. Yes,
informed
adults should be able to donate their body parts to art. The problem is whether the permission was
proper
consent. She spoke about her reaction to da Vinci's works and how a friend dismissed them. She felt that it was not about 'squeamishness' as such, but about taste.

Summing up she said that "if you get regulation of this wrong, then artists will struggle with it". This was a concern when drafting legislation in the post-*Redfern* report period. She went on to say that it would be far better for artists to accept ethical standards of how they use body parts.

Discussion

There was some concern over what should form the basis for regulation of the use of body parts in art. Professor Miah responded that this was quite a novel issue and that the implications for use of body parts for artistic purposes has wider connotation for society, than it would for medical use and that this would inform what regulation was required. One question brought up the issue of knowledge and how artistic knowledge was different from scientific knowledge. The speaker suggested that there was not much benefit from medical research and that it was like "building a highway that no-one is going to travel on."

There was some support for the idea of the artist being free to choose the materials they worked with. One member of the audience felt that it was essential that artists are ***given licence*** and ***en abled*** to ***take risks***. Canon Gomes responded by saying that he was in agreement that artists should be allowed to take risk. He emphasised the need for art to be prophetic and beautiful, saying that there was a lot of rubbish that purported to be art. He further went on to say that if there is regulation that artists will have to adhere. Though he acknowledged that there was a difference between art and science, but felt that any regulatory body should be ***artist-led***.

Jane Kennedy stated that she agreed with the idea of an artist-led authority, but took issue with the ealier idea that medical research had little value. Acknowledging that doctors at Alder Hey were carrying out valuable and cutting-edge research, but that the parents had been kept in the dark. She went on to say that if artists felt that they could get away with behaving in the same manner there was a danger that, even one case, where consent was in doubt, it could damage all artists. She felt that society should be aware of the potential for something to go wrong and disagreed that artists should be allowed to take risks, but should ***manage*** the risks: "You should avoid the potential of hurting someone who is already hurting".

There was some suggestion that the limits on artists should be the same as on anyone. If they break the law then they should face the consequences. Professor Miah responded by reminding us of the case of Anthony-Noel Kelly.

One contribution disagreed with the idea of a regulatory body, even one that was *artist–led*, as it was still a decision made by someone else, taking away the responsibility of the artist and the donor. Professor Miah responded by saying that consent is a regulatory principle. He went on to say that there is no guarantee that the consent that is given will lead to the desired outcomes and that it was unreasonable to expect that the consent "can, with any degree of certainty, prescribe the conditions in which the artwork is assumed. He used the example of those people who had donated their bodies to Gunther von Hagens and how they could never have envisaged the outcry that his work brought about. Dominic Hughes, however, suggested that people who donate their bodies to art "don't give a monkey's" what happens after they die.

Canon Gomes responded on the issue of bereavement of the family of the donors, saying that there was a need for the artist (or scientist) to be sensitive to the wishes of family members. Professor Miah, however, felt that the wishes of the donor are paramount. There followed some audience discussion on the morality of people leaving their body parts to art when those parts would be needed in the medical field as transplants. Also a women told of how a friend had died after an accident and how, the victim was an organ donor. Later the family received a letter from the NHS detailing where her organs went.

Gina Czarnecki's and Sara-Jayne Parsons were in the audience and spoke about the difficulty of obtaining human tissue even though they had been given consent by the individual donor. The medical establishment seem reluctant to accede even though it is requested by the individual. The fear is one of litigation and bad press, and the need for 'ethical approval' from within the establishment. Gina spoke of the need for a cultural debate on an issue where the medical establishment are gate-keepers.

Video of the speaker and audience comments

Video of the debate provided by Wasted Debates at Livestream Video (starts after 80 seconds or so)

Conclusion

Thinking back to my younger days of going to political meetings, body parts were not the topic of discussion but were, sometimes, on display. No etiquette existed and people would be shouted down or physically abused. Perhaps today think that sort of behaviour might be seen as Neanderthal, but I think it was a symptom of how passionately people felt about an issue and also it hinted at a real division, not just in society, but a philosophical division: one that was less likely to seek compromise and where beliefs were argued for to conclusion.

This event was particularly illuminating. Though the discussion hardly touched on the question of individual sovereignty, bit it showed there is an awful lot about the manner in which the human body, and ultimately, the individual, is viewed these days. The first thing that struck me was that, whilst there was a level of agreement that people do (or should) have the right to donate their body tissue to the arts, there was a general presumption of the need for regulation. It was not that the panel, or audience, could not see that regulation of an individual's decision deprives the individual of autonomy, it simply illustrated how entrenched the view is that others (usually *professionals*) must take some responsibility for another's decision.

The subject of this debate is, perhaps, one of the most difficult, because it encompasses the whole of existence, whether public, social or individual. It determines both how we see ourselves and how the rest of the world see us. At the heart of the matter is the question of trust. Traditionally that question was one-sided: it dealt with institutions. Regulations existed with

that set limits on what doctors, researchers, police and, of current interest with the Leveson inquiry , the Press: those whose work required a level of intimacy with individuals in their professions; could do.

Today that lack of trust has been extended to the individual. We encounter many examples of it in our daily lives, whether it is proving our age in order to buy alcohol and tobacco or the existence of censorship of our entertainment. But it is also encountered in our ability to make choices. And so Jane Kennedy spoke of 'informed' choice. The assumption seems to be that if we do not have every little detail about risks, effects, etc. then we are not equipped to make a decision.

Aside from criminal law, any statement which says: "you can't say/do/watch/hear that" is one proscription too many. One of the things that define us as human beings is our ability to independently, make choices and it is through those choices that we experiment and learn. Some of those choices may be good for us and some harmful, but there should be an understanding that we take responsibility for the decisions we make. In the world of science and other professions, that very human trait is being whittled away and more often, experts and laypersons are deciding just how far we can take our decisions and imaginations. For groups of people such as artists there is now an assumption that what they do needs regulating. But it doesn't make any difference whether the regulators is made up of MPs, fellow artists or even kids from the local school, once there is a group or even an individual with the power to decide what another can and cannot do then the principles of experimentation and responsibility are lost. That loss is not just felt by the individual but by all of society.

There is another aspect of this lack of trust which was also apparent in this debate. I spoke to some of those involved with organising the debate and they shared the same frustration that there was a consensus on the panel, and how difficult it was to find a voice of dissent in that

particular field. Whilst this is quite tragic it is, sadly, not surprising. The fear of saying the “wrong” thing and the consequences for a person’s livelihood, or even participating in an event that could, later be deemed to be controversial, is not a risk many would be prepared to take. If the voice of dissent cannot be heard then that is a tragedy not just for artists, MPs or scientist, but for all of us.

Kate Rodenhurst, who organised this debate, should be congratulated. For one thing the topic is one that had the potential to be quite explosive, considering that it was held in Liverpool, home of Alder Hey hospital. That there were no demonstrations or even displays of passion during the debate, should not detract from the fact that it was a stimulating and worthy event.

This was the final event around Gina Czarnecki’s exhibition. If you have not been to the exhibition, get along to it. You have until 18th February