

## SELLING YOURSELF SHORT? SELF-OWNERSHIP AND COMMODIFICATION

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The so-called “commodification argument” maintains that a direct causal relationship exists between certain legal institutions (self-ownership) and attitudes (instrumentalism), and that the undesirability of instrumentalism justifies restrictions on self-ownership. I will critically examine Margaret Jane Radin’s book *Contested Commodities*, which presents a compelling version of the commodification argument. I will advance three central points: first, that the purported causal connection between self-ownership and instrumentalism is either weak or nonexistent; second, that the commodification argument tends to be parasitic on arguments against economic, racial, and gender inequality; and third, that the independent moral work it *does* do seems directed at liberal neutrality instead of self-ownership. I will then show that the weaknesses of Radin’s defenses of the commodification argument cast doubt upon the entire anti-commodificationist enterprise.

Keywords: Self-ownership, commodification,  
instrumentalism, objectification, markets

One powerful argument against self-ownership is that it degrades personhood by leading individuals to view themselves and others as mere instrumental goods, alienable commodities to be exchanged in markets like other products and services. To quote one critic of self-ownership: “Self-ownership encourages people to ask about the best deal they can get for the sale of their powers and persons, rather than to ask whether one’s body and powers ought to be considered marketable goods at all.”<sup>1</sup> In general terms, this line of criticism (which I will refer to as the “commodification argument”) maintains that a direct and causal relationship exists between certain legal institutions (self-ownership) and certain

attitudes (instrumentalism) and that the undesirability of the latter justifies restrictions on the former.

In this article, I will critically examine Margaret Jane Radin's book *Contested Commodities*, which presents a well-developed, compelling version of the commodification argument. I will focus nearly exclusively on Radin for three reasons: first, her work in this area is well-regarded and widely cited; second, her book engages a whole host of canonical and contemporary thinkers who have also written on this subject;<sup>2</sup> and finally, her arguments are general in nature, covering a wide range of issues relevant to the larger literature on self-ownership (e.g., prostitution, organ sales, alienated labor, etc.).<sup>3</sup> I will develop three central points over the course of this article: first, the purported causal connection between self-ownership and instrumentalism is either weak or nonexistent; second, the commodification argument does little independent moral work, tending instead to be parasitic on arguments against economic, racial, and gender inequality; and third, what independent moral work it *does* do seems to be directed not so much at self-ownership as at liberal neutrality.

Before doing so, however, I should define my article's two key terms, both of which have contested meanings. "Self-ownership" is a concept with many different associated conceptions, and I will focus on the most prominent and defensible of them. Like all varieties of ownership, *self*-ownership consists of a bundle of rights and liberties, powers and immunities, and so forth. The relatively narrow conception of self-ownership referred to as *control* self-ownership (hereafter CSO) in the literature is composed of the rights of use and exclusion, the power of transfer, and an immunity from expropriation.<sup>4</sup> These four incidents of self-ownership pertain to one's body and labor power and are exercised by self-owners *in rem* (i.e., against the world) as opposed to *in personam* (i.e., against particular persons in it). *Control* self-ownership is a highly cohesive conception of self-ownership, as its incidents all focus on managerial control over the object in question (viz., the self) and therefore circle about the right of exclusion; it leaves out the right to income, which is usually included in wider, libertarian conceptions of self-ownership. Various moral defenses of CSO have been offered, including ones based on personal autonomy and Kantian moral autonomy, respectively.<sup>5</sup> One thing that these defenses have in common is a failure to support the more extensive conception of self-ownership proffered by libertarians, who endorse a near absolute right to labor income and thus condemn most forms of redistributive labor taxation.<sup>6</sup> Libertarians try to link the control rights constituting CSO, which protect individual sovereignty and are strongly supported by our moral intuitions, with an untrammelled right to income, but their efforts to do so have been controversial, so in what follows, I will sidestep these debates by focusing on the least contentious and most fundamental conception, CSO.<sup>7</sup>

As for the meaning of the term “commodification,” Radin offers us two distinct definitions:

1. **Commodification**<sub>Institutional</sub> (hereafter  $C_I$ ), which Radin calls “narrow” or “literal” commodification. This form of commodification is characterized by
  - a. exchanges of things in the world
  - b. for money
  - c. in the social context of markets.
2. **Commodification**<sub>Conceptual</sub> (hereafter  $C_C$ ), which Radin calls “broad,” “conceptual,” or “rhetorical” commodification. This form of commodification is characterized by four cumulative “indicia,” each building upon and refining the previous one:
  - a. Objectification,
  - b. fungibility,
  - c. commensurability, and
  - d. money equivalence.<sup>8</sup>

Radin defines the latter terms as follows:

Objectification relates to ontological commitment. By objectification, I mean ascription of status as a thing in the Kantian sense of something that is manipulable at the will of persons. Fungibility relates to exchange. By fungibility, I mean at least that things are fully interchangeable with no effect on value to the holder. Fungibility may also mean that the things can be equated with a sum of money. If fungibility has this meaning then it collapses into commensurability. Commensurability relates to the nature of value. By commensurability, I mean that values of things can be arrayed as a function of one continuous variable, or can be linearly ranked. By money equivalence, I mean that the continuous variable in terms of which things can be ranked is dollar value.<sup>9</sup>

Two comments about the role and meaning of *objectification* in the definition of  $C_C$  are in order. First, objectification is the root characteristic of, and a necessary condition for,  $C_C$ : *all* of the other characteristics (fungibility, commensurability, and money equivalence) depend on objectification, which can itself occur independently of them. Second, objectification is given a distinctly Kantian interpretation. As Radin later asserts, “objectification is improper treatment of persons because it makes them means, not ends.”<sup>10</sup> Her reference here is to Kant’s second (major) formulation of the Categorical Imperative: “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.”<sup>11</sup> Hence, objectification is *not* the treatment of persons as means but rather the treatment of persons as *mere* means, that is, not also “at the same time as an end.” Put another way: *to objectify is to treat purely instrumentally*. The consequence of these two comments is that the primary concern of  $C_C$  is *instrumentalism*, that is, the treatment of people as mere means.<sup>12</sup>

Now that I have Radin’s two definitions of commodification in hand, I can reconstruct the commodification argument against self-ownership as follows:

1.  $C_C$  (treatment of self and others as mere means) is a moral evil that should be prevented.

2.  $C_1$ (self-ownership)  $\left\{ \begin{array}{l} a \bullet \text{entails} \\ b \bullet \text{encourages} \\ c \bullet \text{allows} \end{array} \right\} C_C$

3. Therefore,  $C_1$  should be eliminated or at least restricted.

This commodification argument has three versions, each weaker than the next, depending on which verb—*entails*, *encourages*, or *allows*—is used in Premise 2. Let us examine each in turn.

$C_1$  ENTAILS  $C_C$

In this version,  $C_1$  is a *sufficient* condition for  $C_C$ . Even Radin rejects this version when she acknowledges that the two types of commodification “need not be coextensive in practice.”<sup>13</sup> For example, one can conceive of markets for a product (e.g., the Bible or the American flag) or a resource (e.g., human labor) in which few participants, whether producers or consumers, view the product or resource as a mere means.<sup>14</sup> Therefore,  $C_1$  is not a sufficient condition for  $C_C$ : that is, the former does not necessarily imply the latter. Is  $C_1$  perhaps a *necessary* condition for  $C_C$ ? Not at all: a society devoid of markets (e.g., a communist totalitarian society or even an ashram) may still be characterized by pervasive instrumentalism, the root characteristic of  $C_C$ . (Radin herself does not appear to recognize this possibility.) Therefore,  $C_1$  is neither a necessary nor a sufficient condition for  $C_C$ .

Going even further, we should note that the same values that lead one to support  $C_1$  may lead one to condemn  $C_C$  and even (a bit paradoxically) to condemn the *exercise* of  $C_1$ -options. For example, a Kantian respect for humanity as an end-in-itself may simultaneously lead one to support control self-ownership (CSO) and to condemn its exercise under a variety of circumstances (e.g., prostitution, organ sales).<sup>15</sup> Accordingly, Stephen Munzer, in the course of making his Kantian argument against organ sales, is careful to point out the following: “That an action or institution is morally objectionable does not entail that one lacks a moral right to do it or participate in it, or that the state or others have a moral right to interfere with the action or institution.”<sup>16</sup>

Before moving on to the next version of Premise 2, we should take a look at an additional objection to self-ownership that is loosely related to the Kantian one just sketched. Radin refers to this argument as the “prophylactic argument,” which she describes as follows:

If something is close to the self . . . sometimes the circumstances under which the holder places it on the market . . . might arouse suspicion that her act is coerced. Given that we cannot know whether anyone really intends to cut herself off from something “inside” herself by commodifying it, our suspicions might sometimes justify banning sales. The risk of harm to the seller’s personhood in cases in which coerced transactions are permitted (especially if the thing sought to be commodified is normally very important to personhood), and the great difficulties involved in trying to scrutinize every transaction closely, may sometimes outweigh the harm that a ban would impose on would-be sellers who are in fact uncoerced.<sup>17</sup>

Here, “coercion” is defined broadly enough so that poverty or, say, gender subordination would be included; Radin approvingly cites Walzer’s proposed ban on “desperate exchanges.”<sup>18</sup> Thus, the possibility that a poor mother might sell one of her kidneys in order to feed her hungry children would, according to the prophylactic argument, militate in favor of a *general* prohibition on kidney sales. By implication, it would certainly justify a ban in *her* case, could she be identified.

The idea that poverty and gender subordination should be treated as forms of coercion for the purposes of the prophylactic argument is deeply problematic. The argument to include them might take something like the following form (I will continue with the kidney-sale example for the sake of concreteness):

1. [*Few people would sell their kidneys in an economically egalitarian world.*]
2. *In our world, some poor people would sell their kidneys if given the opportunity.*
3. *The (coerced) sale of kidneys is degrading to personhood.*
4. *Therefore, markets in kidneys should remain illegal.*

At first glance, Premise 1 seems superfluous (which is why it is bracketed): the argument appears to work without it. But does it? Suppose there is little hope for an economically egalitarian world, so that the poor will always be with us (per Matt. 26:11). This supposition places the argument in a harsher light: the poor who would like to alleviate their poverty by selling a kidney are denied the right to do so on the grounds that their personhood must be protected against their own actions, even if these actions are both voluntary and carefully considered. In other words, their personhood is judged by the state to be more important than the alleviation of their poverty, an assessment that overrides their own, contrary assessment. People’s opinions will differ, of course, but this form of paternalism seems to me to be rather callous *under the supposed circumstances*: individuals who are condemned to poverty are prevented from making the most of a bad situation due to the moral discomfort this would cause, not to the poor themselves (who are quite willing to put up with the moral discomfort under

the circumstances), but rather to relatively affluent government officials and, in democracies, the voters who elect them.<sup>19</sup>

This is where Premise 1 comes in, albeit covertly. An imagined egalitarian society of the future becomes the unstated standard against which our society is compared and criticized in two distinct but interrelated ways. First, a continuation of the ban on kidney sales might be justified as “justice through mimicry”: an economically egalitarian society would have few kidney sales, and we can achieve this outcome now, in our society, through a continuation of the ban. However, this mimicry of justice is a cruel parody of the real thing, because it does not address the underlying economic inequality—in fact, it makes it worse by depriving the poor of the income they could derive from kidney sales. Second, a continuation of the ban might be justified on the grounds that the imagined egalitarian society of the future is just around the corner, in which case, the sale of kidneys now by the poor would soon be regretted. Predictably, assessments of the probability of such a political transformation seem to vary widely—for example, they appear to be much higher among certain American academics than, say, among lower-caste Indians (e.g., Dalits).

This last function of the imagined egalitarian society raises the following vital question: Is it the sale of kidneys *per se* that is the target of criticism here or instead the economic inequality that appears to encourage it? To put the question more sharply: Would there be anything wrong, morally speaking, with selling your kidney in an economically egalitarian society? To her credit, Radin confronts this issue directly:

In a case in which effects on third parties (especially children) were not directly in issue, and in which concerns about subordination or maldistribution were not present, would anti-commodification regulation be an unwarranted curtailment of persons’ autonomy? Perhaps so. . . . At present, perhaps, we cannot deny that it is *possible* that commodification by itself, without these other factors of social concern, would not seriously undermine personhood, even though that is its tendency, because in our world no unmixed cases of commodification of personhood seem to have arisen to trouble us.<sup>20</sup>

Radin’s dismissal of such a possibility as a “professor’s hypothetical” is a little too quick, however, because the force of her admission is in another direction completely.<sup>21</sup> The question she ought to be answering here is this: What independent moral work is the commodification argument doing? In the hypothetical case of a perfectly just society, the answer appears to be: “Not much.” But her own discussion of the “double bind” suggests that it may not be doing much work in the unjust society either: under non-ideal conditions, the sale of kidneys might be justified as an (admittedly second-best) ameliorative. To quote Radin:

If people are so desperate for money that they are trying to sell things we think cannot be separated from them without significant injury to personhood,

we do not cure the desperation by banning sales. Nor do we avoid the injury to personhood. *Perhaps the desperation is the social problem we should be looking at, rather than the market ban.* Perhaps worse injury to personhood is suffered from the desperation that caused the attempt to sell a kidney or cornea than would be suffered from actually selling it. The would-be sellers apparently think so. Then justice is not served by a ban on “desperate exchanges.”<sup>22</sup>

So Radin’s own admissions would seem to suggest that the commodification argument is, at best, a diverting sideshow to the main attraction, which is the argument (presented in numberless other works but not really in hers) against economic inequality and gender subordination. At worst, it is a fetishistic obsession with symptoms rather than diseases.<sup>23</sup>

By this point, we have journeyed pretty far from the original discussion (itself a tangent) of the prophylactic argument, but we have done so for a vital reason: the merit of the prophylactic argument cannot be fairly assessed until the meaning of coercion is narrowed to exclude poverty and gender subordination, for the reasons I have just discussed. Once this is done, the prophylactic argument looks weak: Why should a general ban on such sales be the solution when other kinds of safeguards would surely address the possibility of coercion, the meaning of which has now been properly narrowed? For example, the many regulations present in Oregon’s Death with Dignity Act, which legalized physician-assisted suicide for the terminally ill, could be required in cases of organ sales, indentured servitude, and so on: they include the requirements of mental competence, informed consent, a written request, a waiting period, expert consultation and screening, and so forth. Safeguards such as these would minimize if not eliminate the possibility of real coercion.

### $C_1$ ENCOURAGES $C_c$

If  $C_1$  does not *entail*  $C_c$ , then perhaps it *encourages* it in some way. A strong form of this claim would be what Radin terms the “domino theory”: if and when  $C_1$  is implemented, both  $C_c$  and non- $C_c$  conceptions may temporarily coexist, but  $C_c$  conceptions will inevitably drive out the non- $C_c$  conceptions.<sup>24</sup> In short, domino theory is a Gresham’s Law of conceptualization: bad conceptions drive out good ones. For example, if prostitution is legalized, sexual acts will come to have a price attached to them. This fact will lead to the conceptual commodification of sex in *all* relationships eventually, and lovers will think to themselves, post-coitally: “That just saved me \$300!” The psychological basis for the domino theory is unclear. Radin speculates that the domino theory implicitly relies on a belief in the “naturalness” of  $C_c$ ; that is, people must have an inherent tendency to commodify conceptually that  $C_1$  catalyzes.<sup>25</sup>

Domino theory as well as weaker versions of the “ $C_1$  encourages  $C_c$ ” premise are empirical claims and can presumably be tested against our experience. Do they seem to be true? Is it the case that in those parts of the world with legalized



prostitution (e.g., Nevada and Amsterdam), all sexual relationships tend to become conceptually commodified, tainted by the existence of a professional alternative? Part of the problem with assessing the domino theory and its feebler cousins is that no time frame is provided: we are given no clues as to the rate at which  $C_c$  will advance on its hapless competitor conceptions and to the date of its inevitable triumph. This silence immunizes the theory against the kinds of criticisms that Radin herself makes against it. For example, Radin points out that many—perhaps even most—people do not view their jobs purely instrumentally: they take pride in their work and think of it as being an integral part of who they are.<sup>26</sup> Radin clearly takes this to be a criticism of the domino theory: were the domino theory true, few people would think about their work this way—after all, labor markets have been present in the West for a long time. But the domino theory does not offer any predictions about rates of change or dates of triumph, so it is always safe from such challenges.<sup>27</sup> Unfortunately, such immunity to criticism is purchased at the price of unfalsifiability.

One other characteristic of the domino theory needs to be highlighted: namely, its implicit assumption that non- $C_c$  conceptions are fragile, which is just the flip side of the “naturalness” of  $C_c$  conceptions. All non- $C_c$  conceptions are apparently unstable and thus vulnerable achievements that can be and will be readily displaced by  $C_c$  conceptions if institutional reforms are made that encourage them, perhaps unwittingly. Interestingly, this assumption bears a striking similarity to the canonically conservative “jeopardy thesis” explored by A. O. Hirschman in his classic text *The Rhetoric of Reaction: Perversity, Futility, Jeopardy*. This thesis, utilized immemorably by conservative critics of reform, maintains that any proposed social or political change is too risky because it will endanger some venerable but vulnerable tradition, value, or convention, including especially one that embodies the accumulated wisdom of our ancestors. For example, a reformer might propose markets or quasi-markets in kidneys given the never-ending kidney shortage and the enormous but preventable suffering of those on dialysis, while critics of such reform will contend that such a change would place us on a slippery slope to viewing our fellow humans, who are ends-in-themselves, as mere sentient carriers of valuable organs.<sup>28</sup> The irony, of course, is that most of these critics (including Radin, as we shall see in the next section) self-identify as leftists and would never dream of applying the jeopardy thesis to political reforms that challenged liberty of contract, private-property rights, or traditional gender norms. Such selective usage of the jeopardy thesis is troubling, and at least raises questions about the internal consistency of the critics’ belief systems.

### $C_1$ ALLOWS $C_c$

Even if  $C_1$  does not *entail* or *encourage*  $C_c$ , it certainly *allows*  $C_c$  and even gives it a ready means of institutional expression. For example, those people who wish



to treat their sexual services as mere commodities are free to sell them on the market under  $C_1$ . On the other hand,  $C_1$  is just as accommodating to those who have (in part or in whole) non- $C_C$  conceptions of their sexuality. For example, many individuals will consider the sale of sex to be a sin; under  $C_1$ , they are free not to sell their sexual services. Some individuals might also have, to use Radin's term, an "incompletely commodified" conception of their sexuality: they may choose to sell their sexual services to make a living but may also be part of a loving relationship that involves non-commodified sex;  $C_1$  makes this mode of sexuality possible as well.

For Radin, however, incomplete commodification has not just conceptual but institutional facets as well:

The participant [conceptual] aspect of incomplete commodification draws attention to the meaning of an interaction for those who engage in it. The social [institutional] aspect draws attention instead to the way in which society as a whole recognizes that things have nonmonetizable participant significance. In legal culture this social recognition may be reflected in regulating (curtailing) the free market.<sup>29</sup>

She goes on to give concrete examples of this "social aspect of incomplete commodification" in a pair of economic spheres: *work* ("collective bargaining, minimum-wage requirements, maximum-hour limitations, health and safety requirements, unemployment insurance, retirement benefits, prohibition of child labor, and antidiscrimination requirements") as well as *housing* ("rent control, habitability requirements, restrictions on the termination of tenancies, and anti-discrimination requirements").<sup>30</sup>

Such a laundry list of regulations is striking in that such restrictions on contract are usually justified on either efficiency grounds (e.g., habitability requirements: asymmetric information) or equity grounds (e.g., minimum-wage laws and rent controls: third-best income redistribution). As before, we are led to wonder what, if any, independent moral work the commodification argument is doing. If society were just, in a liberal-egalitarian sense (e.g., if there were economic, racial, and gender equality), would there be any basis for restrictions on contract, apart from the usual efficiency justifications that are familiar to us all from the law-and-economics literature? I earlier characterized Radin's answer as a tentative "no," but let us now explore one other possibility: that Radin *would* endorse additional restrictions, even under the postulated conditions of equality, for the simple reason that some ways of life are unworthy of human beings and inherently degrading to their personhood.

Radin is highly critical of liberal neutrality and defends the use of state power to favor and disfavor certain ways of life:

[Radin's "pragmatic theory of the good"] does not suppose that it is possible for the polity to be neutral among alternative conceptions of the good life.

Quite the contrary, unless the polity structures institutions and resource use so as to bring as many people as possible across the threshold into capability for good human functioning (that is, unless it embraces a conception of the good for human beings), its citizens will not be enabled to choose their own conceptions of the good, and the good life for human beings cannot get off the ground.<sup>31</sup>

Immediately after this passage, she gives an example of the sort of restrictions that she has in mind: “The kind of labor that contradicts our humanity is impermissible no matter how lucrative it might be for society”; she later suggests that “grinding assembly-line jobs” are inhumane in this way.<sup>32</sup> But what if an individual in a just liberal-egalitarian society *wanted* to do such labor because it was highly productive and hence highly remunerative? (His reasons for wanting to do such well-paid but “grinding” labor may vary: maybe a high wage means he can work a little and enjoy a lot of leisure time, or maybe a high wage means he can work a lot and enjoy consumer goods galore.) According to the passages just cited, she would deny him the right to engage in such work because it is inconsistent with “good human functioning,” that is, with Marxist-perfectionist ideas of human flourishing.<sup>33</sup>

Radin might be correct to take particular liberals to task for making overly ambitious claims for the idea of neutrality: all societies must be united by some conception of the good, even if it is only a thin, Rawlsian one.<sup>34</sup> However, Marxist-perfectionist ideas of the good are much thicker than those that would be required to underwrite a liberal-egalitarian society: they appear to rule out numerous consensual acts involving the human body—even under conditions of racial, gender, and economic equality—on the basis of exceptionally contestable claims about the good life for man. Nonetheless, these broader issues need not detain us here. Even if we allow that Radin’s commodification argument is doing independent moral work, the sort of work it is doing has as its target not self-ownership *per se* but rather liberal neutrality itself, and a defense of liberal neutrality against Marxist-perfectionism is well beyond the scope of this article.

## CONCLUSION

Radin’s *Contested Commodities*, in three hundred tightly argued pages, surveys an eclectic range of considerations in favor of the commodification argument, but none of these considerations quite make the case, whether in isolation or in combination. First, as we have seen, the supposed causal link between self-ownership (and institutional commodification more generally) and instrumental attitudes among market participants is at best weak, because self-ownership is neither a necessary nor a sufficient condition for the existence of such attitudes. Second, the commodification argument does little independent moral work, tending instead to be parasitic on arguments against economic, racial, and gender

inequality: under ideal egalitarian conditions, the force of the commodification argument basically dissipates, and even under non-ideal conditions, the “double bind” involved in deciding whether to permit desperate exchanges—either choice seems to impose frightful burdens on the most vulnerable of the affected parties—casts commodificationist concerns in an especially harsh light. Finally, insofar as the commodification argument *does* do independent moral work, it appears to be directed not so much at self-ownership as at liberal neutrality: Radin’s hostility to certain kinds of “degrading” market exchanges—even in an ideal egalitarian society—seems to be driven by a contestable Marxist-perfectionist conception of the good life and an associated enmity toward liberal neutrality rather than toward self-ownership or institutional commodification more generally.

Given that Radin is only one contributor to this ongoing conversation, one advocate among many for the commodification argument, how much weight should we put on her failure to make a convincing case for it? Were Radin’s panoply of claims and theses idiosyncratic in some fashion, we might discount the failure and turn our attention to the cases put forward by her academic allies instead. But as we have seen over the course of this article, her arguments are anything but peculiar to her: from Liz Anderson to Michael Sandel to Debra Satz to Michael Walzer, we see the same claims and theses repeated, albeit with different language and distinct frameworks; furthermore, these authors are mutually citing and draw upon one another for support.<sup>35</sup> Given this strong (though admittedly incomplete) overlap in argumentation, an attack on one is an attack on all, and the weaknesses of Radin’s diverse defenses of the commodification argument cast doubt upon the anti-commodificationist enterprise as a whole.

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## NOTES

I thank Jason Brennan and an anonymous referee for their very helpful comments and suggestions.

1. Brenkert, “Self-Ownership,” 49.
2. Two peculiar oversights among those contemporary thinkers are Debra Satz and Stephen Munzer, both of whom cite Radin frequently. I will discuss their work on occasion during my analysis of Radin’s argument.

3. I should also add that the many and often persuasive critiques of the commodification argument (e.g., Brennan and Jaworski, “Markets”) focus on the work of Anderson (“Is Women’s Labor?”; *Value in Ethics*); Michael Sandel (*What Money*); and Debra Satz (“Markets in Women’s Reproductive Labor”; “Markets in Women’s Sexual Labor”; *Why Some Things*), giving Radin’s work short shrift or even no attention at all.

4. Christman, *Myth of Property*, 160.

5. Regarding “personal autonomy”: see Christman (“Self-Ownership”); regarding “Kantian moral autonomy”: see Taylor (“Kantian Defense”).

6. For example, Nozick (*Anarchy, State*, 169, 172).

7. For criticisms of such efforts, see Christman (*Myth of Property*); and Taylor (“Self-Ownership”).

8. Radin, *Contested Commodities*, 12–3, 118. These two varieties of commodification are not formally defined until halfway through the book and are frequently conflated during the first half of it (see, for example, her discussions of universal commodification at *Contested Commodities*, 2–3, 56). On this distinction, also see Anderson (*Value in Ethics*, 144–45).

9. Radin, *Contested Commodities*, 118.

10. Radin, *Contested Commodities*, 155–56.

11. Kant, *Groundwork*, 38.

12. In the following passage, Radin addresses the relative importance of the four indicia of  $C_c$ :

It may be useful to consider a discourse as involving commodification even if the rhetoric is incomplete in the sense that the discourse does not exhibit all four indicia. No doubt at some point the link to core instances of commodification becomes too attenuated and it becomes inapposite to think of commodification. Maybe, for example, where objectification is the only aspect of the discourse that suggests commodification, we are dealing with a problem of subordination, and it would be more appropriate to confront subordination directly. (*Contested Commodities*, 119–20)

Still, her discussion of the other indicia indicates that objectification is the core characteristic. For example, she notes that the “idea of fungibility . . . undermines the notion of individual uniqueness” (*Contested Commodities*, 120).

13. Radin, *Contested Commodities*, 118.

14. Brennan and Jaworski (“Markets,” 1059) offer two more examples: pets and fine art.

15. See Taylor (“Kantian Defense”) for a more thorough discussion.

16. Munzer, “Uneasy Case,” 260. As this paragraph and Taylor (“Kantian Defense”) make clear, CSO can be defended on a variety of grounds, including a Kantian commitment to autonomy. Radin presumes throughout her book that the transferability of personal assets in markets can only be defended on welfarist grounds. (For example, see her discussion of universal commodification at *Contested Commodities*, 2.)

17. Radin, *Contested Commodities*, 50.

18. Walzer, *Spheres of Justice*, 102.

19. Radin describes this situation as a “double bind”: “We sometimes cannot respect personhood either by permitting sales or by banning sales” (*Contested Commodities*, 124). She argues that policy choice in such a situation of non-ideal justice is complex. Still, in the case where poverty is *permanent*, the correct choice in such a bind seems relatively clear. Also see Debra Satz’s discussion of this “bind” in the contexts of surrogate motherhood (“Markets in Women’s Reproductive Labor,” 116) and prostitution (“Markets in Women’s Sexual Labor,” 67, 83).

20. Radin, *Contested Commodities*, 162. Debra Satz has much the same thing to say about surrogate motherhood and gender subordination: “a consequence of my argument is that under very different background conditions, in which men and women had equal power and had an equal range of choices, such [surrogate motherhood] contracts would be less objectionable” (“Markets in Women’s Reproductive Labor,” 128).

21. Radin, *Contested Commodities*, 161.

22. Radin, *Contested Commodities*, 125; emphasis added.

23. Brennan and Jaworski offer a related criticism of Radin’s attitude toward prostitution: as they argue there, “Radin’s complaint is not properly a complaint about commodification,” but rather about something else (“Markets,” 1073).

24. Radin, *Contested Commodities*, 95.

25. Radin, *Contested Commodities*, 97, 103–04. For a discussion of potential psychological mechanisms for the domino theory, see Gold (“Limits”), who argues that even the most plausible mechanism cannot sustain a commodification argument against the sale of sexual services.

26. Radin, *Contested Commodities*, 104–06. They might simultaneously view the job as an instrumental good. Radin calls the treatment of something as both an intrinsic good and an instrumental good “incomplete [conceptual] commodification” (*Contested Commodities*, 103).

27. Alternatively, the devotee of domino theory can present stories about our medieval past that suggest that once upon a time, everyone found their work deeply fulfilling, be they urban artisan, peasant, or scribe. Against such a standard, the present will, of course, appear to be a decayed, even fallen state, and the domino theory will be confirmed.

28. Critics of such markets include Scheper-Hughes (“Organ Trade”; “Global Traffic”); and Cohen (“Where It Hurts”), who both dabble with close cousins of the jeopardy thesis. (For a critique of these critics, see Tadd, “Market for Bodily Parts.”)

29. Radin, *Contested Commodities*, 107.

30. Radin, *Contested Commodities*, 108.

31. Radin, *Contested Commodities*, 73, 209–11.

32. Radin, *Contested Commodities*, 73, 106.

33. See Elster (“Self-Realization”) for further discussion of such ideas.

34. “Overly ambitious”: see, for example, Dworkin (“What Is Equality?”).

35. Anderson (“Is Women’s Labor?”; *Value in Ethics*); Sandel (*What Money*); Satz (“Markets in Women’s Reproductive Labor”; “Markets in Women’s Sexual Labor”; *Why Some Things*); Walzer (*Spheres of Justice*).

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