When Selling Your Soul Isn’t Enough


Georg Simmel warned in 1900 that capitalism creates not only a market *economy* but also a market *culture* in which “money becomes the central and absolute value.”\(^1\) Some cultural critics seem to take the “root of all evil” claim seriously, asserting with rhetorical flourishes filled with normative hyperbole that commodification is the primary cause of all social problems. Our anxieties about money, however, are often vague and tempered by our sense that it appears to be more or less the best way to organize life and measure value in such a complex and pluralistic world. Somewhere between demonization of the market and blind faith in it lies a clear analysis of precisely what is wrong with the commodification of life.

In his *Bodies for Sale: Ethics and Exploitation in the Human Body Trade*, Stephen Wilkinson attempts to parse the ethical criteria at work in critiques of commodification in order to apply them to contemporary debates regarding the commercialization of the human body. He devotes a chapter each to clarifying the relevance of exploitation, objectification, harm, consent, and coercion before putting them to work in the context of organ sales (where a piece of the body is sold as a physical object), paid surrogacy (where the body is “rented” or bought in its capacity to provide a service), and patenting human genetic material (where the body is sold as an abstract object). This is all immensely useful and should substantially advance these growing debates. We must note from the outset, however, that neither Marx nor his heirs appear at any point in the book. Wilkinson therefore ignores many of the deepest questions lurking beneath his analysis. Because his conceptions of terms such as exploitation and coercion stop at the boundaries of liberal presuppositions, his conclusion that markets in the human body can be justified are predictable. Likewise, he shifts between Kantian and Utilitarian perspectives when either threatens to test

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the limits of market logic. This is not to say that the book is not illuminat-
ing. The arguments are clear, novel at times, and engaging.

Wilkinson first claims that because exploitation can simply refer to us-
ing something, the term “need not thereby express moral disapproval” (10). While he is correct that the term is used too widely, we rarely use it in the non-moral context even when referring to inanimate objects. It is difficult to imagine how it might be used in a non-moral sense when refer-
ing to humans as the things being used exploitably. Exploiting human be-
ings, even if exploiting my wife’s editing talents or my friend’s knowl-
edge of music, typically connotes using them to my advantage at their ex-
 pense. Accordingly, the language of exploiting others is most at home in the competitive environments of sports, business, and war. Wilkinson then differentiates two types of immoral exploitation. “Wrongful use” exploita-
tion describes when a person is used in some inappropriate way regardless of how much she is paid. “Disparity of value” exploitation occurs when one is forced to overpay for or accept less than a fair value for something. If my partner has physically or emotionally abused me for her benefit, ac-
cording to Wilkinson’s categories I would have been exploited by being wrongfully used in part because I would not feel that payment would be an appropriate remedy. If my university exploits me by underpaying me for my work as a professor, I would likely suffer only disparity of value ex-
 ploitation in that more money would eliminate the harm. I would not be complaining that the university uses me inappropriately by having me teach classes to earn my pay. Wilkinson’s disambiguation of these varie-
ties of exploitation is useful, and he keeps both in play throughout the book. He also claims that exploiters need not use others to directly benefit themselves, but rather must use others to “foster the achievement of their own goals: goals which may or may not be selfish and which may or may not coincide with the furtherance of their real interests” (21). Exploitation can therefore serve self-promoting, self-destructive, or charitable aims, and because of this Wilkinson claims that both disparity of value and wrongful use exploitation can be justified “since there can be sound policy reasons for permitting the continuation of exploitation” (13). Utility considerations therefore appear to be determinative for Wilkinson even though wrongful use exploitation has a Kantian tenor.

Like exploitation, Wilkinson claims that objectification and commodi-
fication have moral and non-moral senses. Treating things as objects can-
ot be objectification, he argues, because things are objects. In order to objectify, you must treat something that is not a thing as a thing. The same goes for commodification: one cannot commodify something such as sugar that is “really” a commodity (46). This leads him to assert that moral claims of objectification and commodification can only refer to humans. This is baldly circular, however, because he claims that whatever we ordi-
narily objectify and commodify are objects and commodities. But whether
certain things should be classified as objects or commodities is precisely
what is being contested. This error allows Wilkinson to include within the
proper domain of the market all natural environments, non-human animals,
and most of the human body. He now conveniently shifts into a Kantian
mode. Because only humans are ends in themselves thanks to their status
as self-governing moral agents, any body parts inessential to those cogni-
tive capacities can be considered mere objects. It also follows that humans
without full rational powers, such as infants or the cognitively disabled,
should be relegated to mere objects in their entirety. He attempts to side-
step such an unsavory conclusion by asserting that “bodies are more than
mere objects insofar as they are intimately related to persons,” but he does
not explain what would constitute an “intimate” relation (53). Is intimacy
here meant in a physiological sense? This would be odd, as I seem to be
much more intimate with my dog than with my fingernails and could cer-
tainly commit a greater moral wrong to the animal. Nor does he justify
why this intimacy criterion should be the only means of triggering objecti-
faction worries.

Once he has narrowed the set of things that can be wrongfully objecti-
fied to Kantian rational agents, Wilkinson follows Martha Nussbaum and
considers objectification to be a “loose cluster concept” related to a range
of concerns: instrumentalizing, denying autonomy and agency, treating as
fungible, violating bodily integrity, owning as property, and disregarding
subjectivity and experiences (28). He ultimately collapses this set of norm-
ative concepts back into his definitions of exploitation previously set
forth. Objectification, he claims, is really shorthand for the practical im-
perative: never to treat humans as mere means. He finds that this particular
wrong of using someone merely as a tool is best captured by instrumen-
talization, and he understands instrumentalization to be identical to what
he named wrongful use exploitation in the previous chapter. He therefore
revises his terms, limiting exploitation to disparity of value exploitation
and its concerns regarding fairness of compensation, and renaming the
Kantian worries about wrongful use exploitation “instrumentalization.”
While these often appear together—for example, many arguments against
prostitution invoke both criticisms—they do indeed address different prob-
lems and should not be conflated.

With objectification now distilled down to wrongful use exploitation in
this sense of instrumentalization of humans only, Kant’s distinction in the
practical imperative between using someone as a means and using them as
a mere means must do a lot of work. As Wilkinson reminds us, we can use
someone while still treating her as an end-in-herself, and he points out that
it “would be bizarre to claim, surely, that in order to recognize and respect
such people as persons, we need to deny or ignore their usefulness” (38). I
can use a senior colleague, for example, as a means for improving this essay by discussing it with her while still treating her with dignity. But this can hollow out much of the force of the practical imperative, because it seems that I could harm you in a variety of ways and still not breach the maxim so long as I redeem myself during the engagement by treating you as an end in some manner. Slavery provides the classic example of objectification in that it treats a human worthy of respect as if she were merely worthy of use. But what if I allow my slave to rest, provide her with health care, grant her autonomy over various aspects of her life, care for her as my own child, educate her in preparation for some time in the future when I plan to free her, and have genuinely soul-searching conversations with her about the meaning of life? As my slavery becomes progressively more humane, it would appear that at some point I begin to treat her as more than merely a means. Does this incomplete instrumentalization or momentary lapse in objectification excuse the remainder of the ill-treatment? Inversely, we can imagine a “free” laborer being treated so poorly that she is afforded less dignity than a slave although she is allowed to quit her job while the slave is not. In order to address these questions we must explain what treating someone as an end requires of us. Based on his claims in the *Groundwork*, it seems that Kant set his standards for what satisfies treating someone as an end high enough for him to question the first principles of capitalism: “In the realm of ends, everything has either a *price* or a *dignity*. Whatever has a price can be replaced by something else as its equivalent; on the other hand, whatever is above all price, and therefore admits of no equivalent, has a dignity.”^2

Wilkinson is sensitive to the friction between capitalism and the practical imperative. In what he names the “displacement thesis,” he understands that “when we become focused on a person’s instrumental value ... we have a tendency to disregard the fact that she is an autonomous being who deserves respect.” Thinking of another according to her use actively “encourages us to overlook the fact that she’s not only for our use, but is also an end-in-herself” (37). Thus a causal relationship exists between his accounts of non-moral use and immoral instrumentalization, which now makes even non-moral use at least partially responsible for exploitation. This runs deep. From exchanges with restaurant servers to office administrators, we barely notice if a machine or a person serves us and in most cases we prefer the machine. Wilkinson also understands that people can be objectified when they are treated as *useless* and “viewed as an object in which the objectifier has no interest and to which she assigns not even instrumental value” (36). If we can omissively treat others as mere means by

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not actively treating them as ends, we wrongly objectify nearly all of the world’s population. He does not mention how modernity cultivates such instrumentalization as competitive markets pit individuals against each other and train us to treat people strictly in terms of their productivity. We have come to accept this as a necessity of commercial life, pardoning such objectification as “only business.”

Wilkinson considers the concept of harm primarily to justify what he calls mutually advantageous exploitation. People suffer harm, he explains, when they are made worse off. But worse off than they were before the interaction or worse off than they should be? He leaves this “messy” problem unanswered, and hedging here allows him to claim that exploitation can be acceptable if the exploited parties are left better off than they otherwise would be without the “help” of their exploiters (70). This is relevant in questions regarding legal prohibition because, Wilkinson argues, in most cases the exploited are “better off with it than without it” and thus would prefer that the exploitation not be banned (71). Thus pimping sex workers in a community in which they otherwise would not be able to make any money may be exploitative, but it would be “less morally objectionable” because it is mutually advantageous if it provides the worker with an opportunity for revenue that she otherwise would not have (71). Yet because Wilkinson refuses to accept a normative baseline to evaluate harm, the sex worker might still be better off by his account even if she fell into a downward spiral of mental or physical illness, because on any given day prostitution may be her best choice relative to her other immediate opportunities. Her long-term harm could thus be rendered irrelevant, and this mirrors the logic at work justifying paying international and domestic workers below a living wage. A small paycheck is better than no paycheck, and such arguments can be reasserted no matter how absurdly unfair and grim a situation becomes. We might consider mutually advantageous exploitation to be the most dangerous form of exploitation in that it enables macro-structural exploitation to persist as a tolerable policy and an acceptable lifestyle for a significant portion of humanity.

Wilkinson briefly discusses consent and coercion. He first notes that exploitation “takes place only where there is (at least) ‘minimal consent’ from the exploitee,” because “although the exploitee need not (and normally does not) provide valid consent … she does consciously choose the exploitative arrangement rather than some other (even worse) alternative” (74). Burglary therefore is not exploitative because the victim does not grant permission. Following the standard conception, for Wilkinson valid consent must satisfy three additional conditions: adequate information, competence, and voluntariness. Adequate information requires only that “one needs to know what X is and what the likely consequences of X are” (77). Competence refers to the inability of a child or relevantly impaired
person to evaluate the situation. He defines voluntariness simply as freedom from coercion. For Wilkinson, exploitation occurs if the exploitee chooses to participate in the exploitative practice in the most rudimentary sense, but this choice does not rise to the level of a valid consent. With voluntariness defined as freedom from coercion, Wilkinson claims that "we should reserve the word 'coercion' for a particular kind of threat: those cases in which (1) A proposes (threatens) to harm B if B doesn't comply with A's wishes, and (2) the proposed harm to B is harm relative to a relevant normative baseline" (97). According to this account, someone coerces me if they threaten to kill my dog unless I pay them $5000. But if a veterinarian refuses to treat my fatally injured dog unless I pay her $5000, she does not coerce me, because she does not threaten my dog but rather offers to help me for a fee. Wilkinson thus sets the "normative baseline" so low that the pimp "offering to help" a starving woman would also not be acting coercively.

With this constellation of concepts in place, Wilkinson first considers organ sales with an emphasis on kidneys, because they can be removed with minimal harm to the donor. Kidneys also serve as a favorable test case for Wilkinson because we typically praise and encourage someone who donates a kidney out of compassion. The harm to the donor is the same whether given for profit or out of altruism, the benefit to the recipient remains regardless of how the organ is procured, and the donor may still take satisfaction in saving a life even if she receives payment. More importantly, demand for kidneys far exceeds supply and people die because of this disparity. Payment for kidneys would in all likelihood provide sufficient incentive to cause the supply to increase, and therefore any argument to denounce or ban sales must overcome this fact. Considering that the ban drives the surgeries into a black market, prohibition may actually in-

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3 Studies conflict on this point. One found that there are no significant differences between siblings twenty years after one donated a kidney. John S. Majarian, Blanche M. Chavers, Lois E. McHugh, and Arthur Mata, "20 Years or More Follow-Up of Living Kidney Donors," *Lancet* 360 (2002): 807-9. Perhaps more telling is the fact that insurance companies do not raise premiums for kidney donors. If the remaining kidney should fail, however, dialysis would be required. A recent survey of members of the Organ Procurement and Transplantation Network, however, found that at least two kidney donors had died and one was left in a persistent vegetative state because of complications associated with the surgeries removing the organ between January 1, 1999, and June 30, 2001. Arthur Matas, Stephen Bartlett, Alan Leichtman, and Francis Delmonico, "A Survey of Kidney Donor Morbidity and Mortality," *American Journal of Transplantation* 3 (2003): 830-34.

4 According to Wilkinson, in the U.S. alone 76,000 people were waiting for organ transplants in the year 2000 but only 6,000 donations became available from both cadavers and live donors (116).

5 Only China and Iran do not currently ban human organ sales.
crease harm. Although there are other means of increasing supply, such as the Belgian legislation that presumes that all citizens wish to donate their organs upon death unless they register as non-donors, this does not address why a market in organs should be discouraged given the benefits an open market in organs would likely have. Therefore, we must either isolate precisely how payment sullies the exchange, or ban or decriminalize both altruistic and paid donations if we cannot materially distinguish between them.

Wilkinson dismisses arguments claiming that organ sale would decrease altruism and that organ transfer must remain a gift. Because altruism does not yield adequate supply, choosing to foster an abstract moral good at the expense of thousands of concrete human lives is unjustifiable. He misses the opportunity to translate concerns regarding a decline in altruism into properly deontological language. If one sells a kidney in order to make money, from a Kantian perspective this is clearly less moral than acting out of a duty to save a life. This difference in intentions is lost in Wilkinson’s limited consequentialist discussion of altruism. And as noted above, losing a kidney does not impair one’s ability to be a self-governing agent, so this Kantian line of argument will not protect it, according to Wilkinson.

Consent, with its constitutive elements of adequate information, competence, and voluntariness, presents other concerns. The current black market in organ sales provides obvious examples of non-consensual cases in which the kidney is forcefully removed, stolen, or acquired by deceit. In these cases the moral offense is not commodification itself but rather assault, theft, or extortion. While the crimes are forced on their victims, Wilkinson believes the same cannot be said of open organ sales. He challenges the World Medical Association’s rationale for prohibiting organ sales: money “compromises the voluntariness of the choice,” encourages people to do things they would not do otherwise, can be coercive, and can make people less free even if its force does not amount to coercion (117-18). But, he points out, this cannot be relevant, because capitalism is built on the belief that money will entice people to perform labor they otherwise would not. If this were a legitimate worry, “consent problems would be

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6For a compelling fictional account of a black market in human organs, see Dirty Pretty Things (Miramax Films, 2002).
7We could imagine a range of methods for increasing supply and recognizing donors, including ceremonies or medals of public appreciation, reimbursement for funeral expenses or burial rites, or paid medical leaves. See Francis Delmonico, Robert Arnold, Nancy Schepers-Hughes, Laura A. Siminoff, Jeffrey Kahn, and Stuart J. Youngner, “Ethical Incentives—Not Payment—for Organ Donation,” The New England Journal of Medicine 346 (2002): 2002-5.
8Selling your heart, on the other hand, would under most circumstances be suicidal and therefore in violation of the attendant Kantian principles.
endemic and would occur every time someone was ‘encouraged’ by payment to go to work for wages or to hand over property for a fair price” (117). Further, we commonly pay people money to undertake a risky occupation, and therefore he argues that the objection that selling a kidney is particularly dangerous should be irrelevant even if it is found to be true.

In addition, Wilkinson believes that even if the donor is faced with life-threatening desperation, she can still voluntarily consent to an offer. Just as I can consent to life-saving medical treatment when the only alternative is death, I can choose the best among bad options. He writes: “a person may autonomously consent to something, even in the absence of tolerable alternatives, provided she has the capacity to reason and reflect, the capacity to make many of her desires ‘line up’ with the outcomes of her reflections, and freedom from distorting or controlling influences” (118). So although I may not be free to decline an offer because I have no practicable alternative, according to Wilkinson I may still autonomously choose to accept it. Indeed, if you are impoverished enough, “sell[ing] one of your kidneys for $2000 seems very sensible” (124). If one is driven to sell an organ to support a drug addiction, however, Wilkinson admits that this would raise a “serious autonomy worry,” because it bears on the competence requirement (123). He does not address the information condition of valid consents, which is worrisome given that in a recent poll more than 70% of the general public supported kidney sales while less than 30% of health care professionals would decriminalize it (104). We should wonder what the doctors know that the public does not. Likewise, a study of 305 Indian kidney donors found that they received an average of $1070 for the organ and, six years after the procedure, suffered an average income decline of one-third. Eighty-six percent reported a decline in health and 79% indicated that they would not recommend that others sell a kidney.9 Given the disagreement among even the medical research community regarding the harmfulness of kidney removal, we should worry if the commercialization of the practice would give rise to more or less informed donors.

The argument becomes more tenuous in his discussion of whether kidney sales can be coercive. Because coercion requires a threat, only agents can coerce. Poverty, as a condition, cannot exert structural coercion. Wilkinson entertains the idea that individuals could collectively coerce if they are responsible for creating the poverty causing a person to sell her kidney. So if a veterinarian fatally injures my dog, and then will only save him for $5000, this would constitute coercion. But he is unwilling to extend this analogy to global economics. He explains:

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The Westerner, it is said, uses poverty to “force” (coerce) the poor person into giving up the organ. On the picture sketched so far, this coercion claim is true only if the Westerner in question is responsible for the vendor’s poverty. But is she responsible? This question is simply too big to be taken on in any detail here, raising as it does fundamental issues in political philosophy about the distribution of goods and about duties of the rich to the poor. (129-30)

But if this issue of distributive justice would be determinative, by avoiding the questions Wilkinson begs the primary premise running throughout the book. If nations have created the impoverished conditions that make selling organs a desirable option for a desperate person, then by his own account they would be required to remedy that harm with nothing in return. Beyond this, one might argue that wealthy nations have an affirmative duty to alleviate poverty in poor nations even if they are not responsible for it. Wilkinson believes this cannot be correct because “if the rich nations have a duty to give resources to poor nations, then any time that the rich nations insist on trading rather than donating, they will be practicing omissive coercion—threatening to withhold money that they should be giving anyway…” If this is right, he claims, there is no reason to stop at organs. He finds this objection decisive: “Either it doesn’t work at all, or it works but ‘proves too much’ and gives us no reason to single out organ sale for condemnation and/or prohibition” (129). In other words, because this conflicts with capitalist intuitions it must be contradictory. The same logic is at work in the above worries regarding the use of money to induce people to do risky work: this is how capitalism has always worked, ergo it is just. Yet we must realize that there is a relevant and obvious difference between a duty to provide life-saving goods rather than luxury goods. More fundamentally, in the case of selling human organs we see the logical conclusion of the free market and we look squarely upon Marx’s description of the transformation of humans into things. We have been commodities for a long time, but when the debate is framed in terms of organ sale we are forced to confront that fact. It does not sit well, but the idea that our economic practices are at root ethically bankrupt is even more uncomfortable. While I am sympathetic to his refusal to address such questions of distributive justice due to constraints of the book, Wilkinson seems reluctant to pull on the thread that will unravel his arguments by their own standards. If organ markets operate in a context of omissive coercion or if wealthy nations or individuals have a duty to alleviate poverty, then even his built-for-commerce ethical concepts must find such practices wrong.

Hoping to diffuse these challenges without engaging them directly, Wilkinson suggests that if the worry is that the wealthy will take advantage of the poor then we need not ban organ sales but should instead regulate them. He first considers criminalizing the purchase of kidneys from impoverished people, treating them as a vulnerable group that requires the
sort of protections we provide for children and the cognitively disabled. Such a policy could lead to situations in which an impoverished person could not sell her kidney for $2000 to pay for life-saving treatment for a family member but a wealthy person could trade hers for a new luxury automobile. Wilkinson prefers enforcing a “generous” minimum fee that would “help to alleviate poverty and save lives, while at the same time all but eliminating exploitative kidney purchases” (133). Thus, selling a kidney on eBay would be morally justifiable so long as we enforce a sufficient minimum bid.

Such a band-aid, however, only treats the symptoms of the underlying disease causing people to auction off chunks of their bodies. The issue is not whether people should be allowed to sell their innards or at what price. We should instead be asking the broader social and economic questions regarding why, for so very many people, trading their organs for subsistence is in fact their best option. Wilkinson’s analyses begin with the observation that poor, desperate people exist, and he never questions the morality of such a condition. To borrow Margaret Radin’s analogy, it is as if we are debating how to stop people with guns to their head from executing the orders of their abductors rather than determining how to free them from such a predicament. Permitting organ sales validates and perpetuates the conditions causing the sale. Wilkinson also appears to be so detached from questions of economic justice that he never considers how purchased organs would be distributed. We can infer that they would go to the highest bidders. Under Wilkinson’s light regulations, a wealthy and unreformed alcoholic, or perhaps a gourmand with a taste for human offal, could buy as many kidneys as she wishes while others would die as they are outbid. If personal wealth determines who lives and dies in this literal sense, just as it determines who fights in our wars, how seriously can we take conceptions of human equality?

In the analysis of paid surrogacy in the “Babies for Sale” chapter, Wilkinson attempts to distinguish his arguments here from Judge Posner’s

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11It would of course be possible to use payment to increase a supply that was then distributed according to relevant medical criteria rather than by wealth. See Michael Gill and Robert M. Sade, “Paying for Kidneys: The Case against Prohibition,” Kennedy Institute of Ethics Journal 12 (2002): 17-45.

12A concomitant equality argument arises regarding the disproportionate burden carried by the poor in the organ market because the impoverished will probably sell more kidneys than the wealthy on average. But because, according to Wilkinson, being without a kidney is harmless and kidneys are not essential to our status as self-governing agents, an increased ratio of poor people with one kidney would not compromise political equality.
now infamous advocacy for an open market in infants. Wilkinson does not explain why he is so eager to make this distinction, but he claims that one pays a surrogate only for the service of carrying the child to term and not for the child herself. Although the surrogate must hand over the child when she is born as a condition of the contract, Wilkinson claims that this is more like returning the child after a period of temporary custody in the same way that a teacher returns children to parents at the end of the school day or a mechanic returns a car to its owner after repairing it. This fails, however, to appreciate that the “service” the surrogate provides transforms the thing at issue from an object to a subject, in some cases from a syringe filled with the father’s sperm to a human baby. Unless Wilkinson takes the position that the sperm and the newborn have the same moral status, he must admit that surrogacy is less like temporary custody and more like sale in that the surrogate is paid to create, surrender, and confer rights to a child for money. He also claims that surrogate relationships are unlike baby selling because we do not sell newborns on the open market to the highest bidder. But, given Wilkinson’s arguments, it would seem that we should.

His support for paid surrogacy mirrors his claims for organ sale. Contrary to assertions that surrogacy reduces women to “fetal containers,” one can still treat a woman as an end-in-herself while paying her to carry a child. Paying a woman to do so actually increases her value by his logic. If we are concerned that women will suffer disparity of value exploitation, we should guarantee high minimum payments. And while surrogacy may encourage women to take risks that they would not without economic incentive, “the whole economy is based on people using money to influence each other” and he again dismisses such an argument as “proving too much” (172). Because he believes that poverty does not preclude the ability to consent and that we can take measures to ensure that women make informed choices about the physical and emotional dangers of surrogacy, he finds no material difference between it and other market labor. Wilkinson thus avoids the same central questions of distributive justice here as in his discussion of kidney sales. Regardless of whether a parent receives payment for surrogacy, sells a child outright on a baby market, or sacrifices one child into sexual slavery in order to feed her sisters, the primary problem is not the markets for these goods and services but rather the social and economic conditions that force such choices between death and bondage. And while he notes that some critics find surrogacy wrong regardless of payment, others resist because it further commodifies women’s bodies within an already objectifying culture. Beneath such worries lies a
causal claim that surrogacy will lead not only to the increased commodification of women—recall that for Wilkinson commodification is a neutral term—but that it will result in an increase in wrongful commodification by causing women to be exploited or treated as mere means more frequently. He rightly notes that these are empirical claims, but finds them founded upon “speculative sociological premises.” Equally speculative, however, is his presumption that allowing paid surrogacy does not reinforce the typically brutal conditions causing the sale. Just as Wilkinson opens the book reminding us that body commodification is nothing new because prostitution is “the oldest profession,” he casts surrogacy as if it were a fully autonomous vocation in the way others justify prostitution as a legitimate economic practice while understanding the very idea of “whoring” as synonymous with degradation.¹⁵

In the final chapter, “Patenting Life,” Wilkinson first rebuts the claim that human DNA patenting facilitates biomedical progress by conferring proprietary rights to individuals, which in turn provides the investment incentives driving research. For Wilkinson this is a myth, because it actually suppresses academic freedom, discourages researchers from sharing information, and most importantly creates a “tragedy of the anti-commons,” wherein tiny bits of genetic information are patented and attempts to combine them into useful sequences are frustrated by the massive transaction costs of securing rights to each piece. To solve this problem he proposes “a ‘moderate’ policy under which patents that seek to limit access to basic information and research tools are prohibited, while those on downstream inventions with immediate practical applications are permitted” (220). Worries of “biopiracy” often accompany genetic patenting, for example when profiteers extract genetic information from remote communities, patent it, and then do not return any of the income generated to the community. The problem here is not that genetic information is sold, but that the proceeds are not distributed fairly. Regulation can remedy this. He also defends genetic patenting against two deontological objections, first noting that because DNA is “just material” and not essential to our self-governance it is like a kidney in that it may be fully instrumentalized without violating the dignity of its “source.” Yet as science chips away at all forms of human intentionality and we increasingly appear to be causally determined all the way down, what will remain inviolable if not our code? This relates to the general problem that notions of alienability and inalienability were founded on what is respectively external and internal to the subject. As personhood becomes understood as a dialectical process between identity and culture rather than a metaphysical fixture, the line between subject and object loses its force as a barrier between the market

¹⁵Particular thanks are due to Kathy Miriam here.
and the person and commodification moves in.\textsuperscript{16}

Wilkinson also resists accusations that DNA patenting amounts to a form of slavery: "the latter involves having a legal right to disregard or violate another person's autonomy whereas the former merely involves having partial rights over the production of human genetic material" (219). He concedes that if someone else holds the patent to enough of your code, you would not be able to "reproduce" or "market" without the requisite permissions from the patent holder (209). In an age in which one's genetic information will become increasingly subject to manipulation and scrutiny, these would surely be substantial rights to lose.

Wilkinson concludes the discussion of DNA patenting, as he does with organ sales and paid surrogacy, claiming that it is "perfectly possible" that such economic practices could exist without violating our fundamental ethical principles (217). Even if this is true, which I doubt for the reasons I hope to have made clear, when such commerce in the human body occurs within the life-and-death competition of contemporary global markets we would be highly imprudent to legislate for ideal possibilities rather than callous realities. While it might also be possible to imagine fair and just racial segregation in schools or a sex industry that improved the lives of women, we know that such abstractions are so removed from social realities that they turn ethical analysis into a formal intellectual exercise irrelevant to policy makers.

A vicious circle is at work here. Commodification creates material inequality, but the causal chain also runs in the other direction. Domination, suffering, and poverty demand purely instrumental thinking for survival. Non-instrumental thinking is less available to those forced to view their surroundings as a constant battlefield where every person they confront may kill them and every thing they touch must be screened for explosives. The desperate world is an instrumental world, and, as we hear in reports from Somalia and the Middle East, it is a world in which absolutely everything is up for sale. Just as commodification creates suffering, suffering often creates commodification.\textsuperscript{17}

Even if we could imagine a world free of all other social injustice, commodification would still profoundly influence the way we understand the world. In an age deeply suspicious of religious doctrine and universal truth yet struggling to fill the vacuum of value once occupied by these sources of ultimate meaning, capitalism has become the lens through which we interpret the world. Capitalist economics provides a conceptual system—a science of value—which we lay over the world to make sense


\textsuperscript{17}Examples of prisoners in concentration camps sharing bread remind us of the many forces influencing responses to suffering.
of its chaos. Commodification is a way of understanding just as it is a way of exchanging, and under capitalism money provides the universal theory of understanding. Nothing can exist outside of it and everything is commodified. From within the profit-driven perspectives of capitalism, a world-view more widespread than any other in history, all things are squeezed into financial concepts and look like commodities: generic, salable, commensurable, and meaningful only in terms of instrumental profit-making ends. Things that cannot or should not be subject to economic discourse are either distorted to fit market analysis or are altogether forgotten as cost-benefit analysis drives out commitments to inherent value or sacredness. Money becomes spiritualized, instrumental value supplants qualitative value, and life becomes an “arithmetical problem.” The rules of successful market competition become the organizational principles in life, and we feel perfectly reasonable treating people like numbers. Competition requires heartlessness, and compassion wanes. Passion itself declines for blasé people who have nothing left to care about because the money they are chasing is only a means rather than an end. Yet they do not know what could be more true and real than money. Hence life in modernity is vicious and empty, but we have faith in the market and trust our fate to an invisible hand.

Bentham’s refusal to bother with first principles in his *Introduction to the Principles of Morals and Legislation* made possible the total administration, and now commercialization, of life. To this day we remain incapable of making public decisions without the language of cost-benefit analysis, and what we gain by having a public philosophy neutral with respect to first principles comes at the price of forfeiting values strong enough to resist commercial logic. The map Wilkinson sketches of the ethical debates surrounding the sale of the human body is clearer than anything before it, but the deficit of meaning we suffer under universal commodification remains largely uncharted.19

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