

Executive Summary
Bodies and Markets: Ethical Arguments and Choices
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To what extent may aspects of our bodies can be treated as ownable and tradeable objects of exchange in markets? That is, to what extent may aspects of our bodies be treated as commodities? Commodification is widespread in the contemporary world. The international trade in kidneys and other human organs is a thriving black market, and so is the international trade in children for adoption. The use of contracts involving pregnancy for hire—often called “surrogacy” or “womb rental”—has added profit to the process of deciding to bear a child as well as to the decision to release a child for adoption. The question before us today is whether these developments are justifiable, and in particular whether we should try to curtail them or at least channel them through regulation.

Commodification creates ethical dilemmas because it is both promise and threat. There is no wholesale solution to these ethical dilemmas. They must be confronted contextually and according to the specific details of each practice and its perceived harms and benefits.

Commodification is promising because opening of markets creates opportunities and is thought to enhance freedom. It is threatening because our basic humanity may be eroded when attributes that form aspects of our humanity—our selves—become reduced to monetary value and market trading. A particular ethical dilemma is caused by the fact that regulation outlawing practices involving markets in aspects of our bodies must often be regarded as primarily symbolic. Making trading illegal does not prevent black markets, which might be more

harmful for suppliers of bodily commodities than legalization and protective regulation might be.

Commodification also creates ethical dilemmas because those who sell bodily commodities are usually engaging in “desperate exchanges.” People who are not desperately poor do not tend to sell their kidneys or other aspects of their bodily integrity. In our non-ideal world of severe maldistribution of wealth, it seems hypocritical to condemn those who feel they must make “desperate exchanges” without doing anything about the cause of their desperation.

Pregnancy for hire creates especially difficult ethical dilemmas. The primary pro-market arguments are based on the liberty of persons in a market society and the nature of the drive for procreation. The primary anti-market argument is based on the conviction that treating children as objects of trade undermines the development of a proper self-conception as a person.

A special dilemma is created by the prevalent desire to maintain the illegality (and immorality) of commercial trade in children while creating an exception for commercial surrogacy (“womb rental”). In transactions involving “womb rental” the acquiring parties exchange money for the gestation of a child, and the transfer of the child from the birth mother to the hiring parent amounts to the delivery of something promised under a commercial exchange transaction. Some proponents of the practice believe, nevertheless, that the use of the hiring parties’ genetic material takes such transactions out of the category of disallowed market transactions. This premise seems too weak to distinguish commercial surrogacy from the general case of pregnancy for hire.