

Book Review:

***Why Some Things Should Not Be for Sale* by Debra Satz**

Brittney Sovik

What is wrong with selling a kidney for some extra cash or putting a price on a woman's sexual services? Is it unethical to let children work or allow couples to hire a surrogate to carry their child? The rapid evolution of an expansive market system brings with it questions about the appropriate parameters of such a structure. Ought we restrict markets? In her new book *Why Some Things Should Not Be for Sale*, Debra Satz considers the ethical limitations of markets, and she looks closely at potential intuitive defenses of the sale of controversial products such as child labor, organs, reproductive services, and more.¹

At the heart of Satz's book is a critique of both contemporary economists and egalitarian political philosophers. Labeling them heterogeneous and unequal, Satz argues that markets should be treated asymmetrically.² A market in life-saving medicines differs from a market in bananas, and therefore they should not be treated alike. While contemporary economists tend to evaluate exchanges based only on efficiency, Satz considers the social context of individual practices and preferences. Satz also criti-

1. Satz, Debra. *Why Some Things Should Not Be for Sale* (New York: Oxford University, 2010): 4.

2. *Ibid.*, 93.



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cizes the egalitarian argument that all problems in the market system can be solved through a redistribution of wealth.³ Many egalitarians reject market restrictions because they believe targeted action is less efficient than redistribution and limitations on free choice are affronts to personal liberty. Specifically, Satz finds philosopher Ronald Dworkin's hypothetical ideal market, wherein each citizen is given equal purchasing power and then "bids" on the resources s/he prefers, is inadequate when dealing with persons of disability, female caregivers, and individuals who make risky choices.⁴ In each of these cases, she argues that even under perfectly egalitarian circumstances the market can still produce systematic inequalities.

For Satz, a market is noxious when it creates or perpetuates inequalities between citizens.⁵ Satz identifies four characteristics that qualify a market as noxious: vulnerability, weak agency, extremely harmful outcomes for individuals, and extremely harmful outcomes for society.⁶ She uses these guidelines to demonstrate how markets in women's reproductive labor, women's sexual labor, child labor, voluntary slavery, and human kidneys are noxious and require regulation.⁷ Her treatment of each market varies, but in each case Satz works to dissect our intuitions that these markets are unacceptable. Many times she argues that our negative reactions are not a result of any essential feature of such markets;⁸ rather, they are unethical because of the social circumstances in which they operate. For example, in chapter five, Satz approaches the market in women's reproductive labor from a feminist perspective. As elsewhere, she argues for the asymmetry thesis, the view that markets in reproductive labor may be different from other markets.⁹ Satz claims that women's reproductive labor is not an intrinsically different form of manual labor, and yet the social

3. *Ibid.*, 63.

4. *Ibid.*, 70-1.

5. *Ibid.*, 94.

6. *Ibid.*, 9.

7. *Ibid.*, 99.

8. *Ibid.*, 94.

9. *Ibid.*, 115

context of the reproductive labor market expresses and reinforces a particularly pernicious form of gender inequality.¹⁰ In chapter six, Satz offers a parallel argument about markets in women's sexual labor. Prostitution is not intrinsically wrong, but in our current cultural context prostitution is a performance of female sexual servitude to men, and its legalization would have a negative impact on the perceptions and expectations of women as a class.¹¹

Satz's "social contextualization" approach to evaluating markets makes a valuable contribution to the debate regarding the ethics of markets. However, I do not think Satz's treatment of noxious markets sufficiently allows for the possibility of social change. Consider her argument against contract pregnancy. According to Satz, contract pregnancy is a pernicious market for three reasons: (1) "Contract pregnancy gives others increased access to and control over women's bodies and sexuality," (2) "contract pregnancy contributes to gender inequality by reinforcing negative stereotypes about women as 'baby machines'," and (3) contract pregnancy raises the danger that in contested cases of parental rights, motherhood will be defined in terms of genetic material in the same way as fatherhood, failing to recognize the unequal contributions of men and women to the birthing process (where women's gestational labor is not equivalent to a man's genetic contribution).¹² In response to these three concerns, I suggest that (1) contract pregnancy gives women a specialized medium for reclaiming control over their own bodies and its reproductive abilities despite social gender inequalities, (2) reproductive labor in certain forms reinforces negative stereotypes of men as sperm donors rather than active parental figures, and (3) all cases of contested parenthood, for both fathers and mothers, should consider more than just the genetic relationship to the child.

Specifically, when referring to the perpetuation of gender inequality in the reproductive labor market, Satz cites the unequal burden of men

10. *Ibid.*, 117.

11. *Ibid.*, 147.

12. *Ibid.*, 128-31.



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and women involved in reproductive labor where a man's commitment in donating sperm is radically less than a woman's commitment to gestation and labor.¹³ However, the market recognizes this inequality by rewarding a female reproductive contract with a much larger sum of money than a man's less involved and less time consuming sperm donation. In this way, the market recognizes and rewards the biological differences in the reproductive labor of men and women. For Satz, surrogate pregnancy is unacceptable because it reinforces gender inequalities; if men and women held equal social positions, then surrogacy would be acceptable. But what if surrogacy could help improve the social position of women? Satz appears to underestimate and dismiss the possibility that markets sometimes promote social change.

Overall *Why Some Things Should Not Be for Sale* offers provocative arguments and fresh insights to discussions of the morality of the marketplace. Her objections to an unrestricted market system echo early liberal thinkers such as Locke and Hobbes who understood that in order to defend basic human rights, an individual must surrender some of her own freedoms to an authoritative power. For Satz, this means protection from noxious markets despite the infringement on an individual's liberty. Those interested in contemporary political philosophy will find Satz's book helpful in responding to a libertarian approach to the market system, and proponents of free market capitalism will be confronted with challenging arguments supporting the view that not everything should be commodified. ❖

13. *Ibid.*, 131.