

# Rethinking Commodification

*Cases and Readings in  
Law and Culture*

EDITED BY  
Martha M. Ertman and  
Joan C. Williams



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## 2. COMMODIFYING CARE

For Love nor Money  
*The Commodification of Care*

Deborah Stone

American politics has long engaged a lively debate about whether care can and should be commodified. The debate starts with rather more narrow economic questions: Is care a commodity and can it be produced and distributed like one? Should people who do informal, voluntary caregiving be paid for their efforts as they would be for other kinds of work? Should people who need or want caretaking have to purchase it like any other service? The term "commodification" usually refers to this economic sense. But the debate moves swiftly into the realm of politics: Is care a political good, and should it be organized like one?

In the political sense, commodification engages three issues. First, should society pay families for caregiving? That is, is it ever proper or necessary to pay parents and grandparents for raising their children, pay spouses for caring for each other, or pay adult children and grandchildren for caring for their elders?

Second, should caregiving count toward meeting the obligations of citizenship? This would mean that in the public economy, personal caregiving could be exchanged for public protection, in the same way that in the private market, personal paid labor can be exchanged for private and public protections. Should public income support programs such as public assistance, Social Security, and health insurance, credit caregiving in the same way they now credit paid work toward eligibility for membership in these collective social safety nets?

Third, is care itself a basic human need, like income, food, and shelter, that ought to be collectively guaranteed to citizens at some minimum

# Rethinking Commodification

**David M. Barnes**



## **Rethinking Commodification:**

**Rethinking Commodification** Martha Ertman, Joan C. Williams, 2005-08 In a world that is often ruled by buyers and sellers those things that are often considered priceless become objects to be marketed and from which to earn a profit

**Choreographing Copyright** Anthea Kraut, 2016 Choreographing Copyright Provides a historical and cultural analysis of U S based dance makers investment in intellectual property rights In a series of case studies stretching from the late nineteenth century to the early twenty first the book reconstructs dancers efforts to win copyright protection for choreography and teases out their raced and gendered politics **Harvard Law Review** Harvard Law Review, 2013-06-10 The Harvard Law Review is offered in a digital edition featuring active Contents and URLs linked notes and proper ebook formatting The contents of Issue 8 include Article Racial Capitalism by Nancy Leong Essay Shallow Signals by Bert I Huang Book Review All Unhappy Families Tales of Old Age Rational Actors and the Disordered Life by Ariela R Dubler Book Review Lawyers Law and the New Civil Rights History by Risa Goluboff Note Recasting the U S International Trade Commission s Role in the Patent System Note Juvenile Miranda Waiver and Parental Rights Note The Province of the Jurist Judicial Resistance to Expert Testimony on Eyewitnesses as Institutional Rivalry Note Proposing a Locally Driven Entrepreneur Visa In addition the issue features student commentary on Recent Cases including such subjects as Illinois s ban on public carry of firearms bookmarking of infringing material as a copyright violation causation and criminals statutory restitution free movement rights in the EU local bottling and the dormant commerce clause and binding unnamed class members with a denial of class action certification Finally the issue includes notes on Recent Publications as well as a comprehensive Index to Volume 126 2012 2013 **Baby Markets** Michele Goodwin, 2010-02-26 Creating families can no longer be described by heterosexual reproduction in the intimacy of a couple s home and the privacy of their bedroom To the contrary babies can be brought into families through complex matrixes involving lawyers coordinators surrogates brokers donors sellers endocrinologists and without any traditional forms of intimacy In direct response to the need and desire to parent men women and couples gay and straight have turned to viable alternative means baby markets This book examines the ways in which Westerners create families through private market processes From homosexual couples skirting Mother Nature by going to the assisted reproductive realm and buying the sperm or ova that will complete the reproductive process to Americans travelling abroad to acquire children in China Korea or Ethiopia market dynamics influence how babies and toddlers come into Western families Michele Goodwin and a group of contributing experts explore how financial interests aesthetic preferences pop culture children s needs race class sex religion and social customs influences the law and economics of baby markets **The Ethics of Military Privatization** David M. Barnes, 2016-08-25 This book explores the ethical implications of using armed contractors taking a consequentialist approach to this multidisciplinary debate While privatization is not a new concept for the US military the public debate on military privatization is limited to legal financial

and pragmatic concerns A critical assessment of the ethical dimensions of military privatization in general is missing More specifically in light of the increased reliance upon armed contractors it must be asked whether it is morally permissible for governments to employ them at all To this end this book explores four areas that highlight the ethical implications of using armed contractors how armed contractors are distinct from soldiers and mercenaries the commodification of force the belligerent equality of combatants and the impact of armed contractors on the professional military While some take an absolutist position wanting to bar the use of private military altogether this book reveals how these absolutist arguments are problematic and highlights that there are circumstances where turning to private force may be the only option Recognising that outsourcing force will continue this book thus proposes some changes to account for the problems of commodification belligerent equality and the challenge to the military profession This book will be of interest to students of private security military studies ethics security studies and IR in general

**You'll Do** Marcia A. Zug, 2025-01-07 Zug's wry clear eyed history of American marriage shines a new light on an old institution An absolute pleasure Liz Scheier author of *Never Simple* An illuminating and thought provoking examination of the uniquely American institution of marriage from the Colonial era through the present day Perfect for fans of Rebecca Solnit and Rebecca Traister Americans hold marriage in such high esteem that we push people toward it reward them for taking part in it and fetishize its benefits to the point that we routinely ignore or excuse bad behavior and societal ills in the name of protecting and promoting it In eras of slavery and segregation Blacks sometimes gained white legal status through marriage Laws have been designed to encourage people to marry so that certain societal benefits could be achieved the population would increase women would have financial security children would be cared for and immigrants would have familial connections As late as the Great Depression poor young women were encouraged to marry aged Civil War veterans for lifetime pensions The widely overlooked problem with this tradition is that individuals and society have relied on marriage to address or dismiss a range of injustices and inequities from gender and race based discrimination sexual violence and predation to unequal financial treatment One of the most persuasive arguments against women's right to vote was that marrying and influencing their husband's choices was just as meaningful if not better Through revealing storytelling Zug builds a compelling case that when marriage is touted as the solution to such problems it absolves the government and society of the responsibility for directly addressing them

*Buying a Bride* Marcia A. Zug, 2016-06-07 There have always been mail order brides in America but we haven't always thought about them in the same ways In *Buying a Bride* Marcia A Zug starts with the so called Tobacco Wives of the Jamestown colony and moves all the way forward to today's modern same sex mail order grooms to explore the advantages and disadvantages of mail order marriage It's a history of deception physical abuse and failed unions It's also the story of how mail order marriage can offer women surprising and empowering opportunities Drawing on a forgotten trove of colorful mail order marriage court cases Zug explores the many troubling legal issues that arise in mail order marriage domestic abuse and murder breach of contract

fraud especially relating to immigration and human trafficking and prostitution She tells the story of how mail order marriage lost the benign reputation it enjoyed in the Civil War era to become more and more reviled over time and she argues compellingly that it does not entirely deserve its current reputation While it is a common misperception that women turn to mail order marriage as a desperate last resort most mail order brides are enticed rather than coerced Since the first mail order brides arrived on American shores in 1619 mail order marriage has enabled women to improve both their marital prospects and their legal political and social freedoms *Buying A Bride* uncovers this history and shows us how mail order marriage empowers women and should be protected and even encouraged *Not for Sale* Gordon Laxer, Dennis

Soron, 2006-01-01 A thorough and challenging book Maude Barlow National Chairperson Council of Canadians

*Encyclopedia of Consumption and Waste* Carl A. Zimring, William L. Rathje, Consulting Editor, 2012-02-27 Archaeologists and anthropologists have long studied artifacts of refuse from the distant past as a portal into ancient civilizations but examining what we throw away today tells a story in real time and becomes an important and useful tool for academic study Trash is studied by behavioral scientists who use data compiled from the exploration of dumpsters to better understand our modern society and culture Why does the average American household send 470 pounds of uneaten food to the garbage can on an annual basis How do different societies around the world cope with their garbage in these troubled environmental times How does our trash give insight into our attitudes about gender class religion and art The Encyclopedia of Consumption and Waste explores the topic across multiple disciplines within the social sciences and ranges further to include business consumerism environmentalism and marketing to comprise an outstanding reference for academic and public libraries *The Elgar Companion to Social Economics, Second Edition* John B. Davis, Wilfred Dolfsma, 2015-05-29 Social economics is a dynamic and growing field that emphasizes the key roles social values play in the economy and economic life This second edition of the Elgar Companion to Social Economics revises all chapters from the first edition and adds impo

*Our Bodies, Whose Property?* Anne Phillips, 2013-07-21 An argument against treating our bodies as commodities No one wants to be treated like an object regarded as an item of property or put up for sale Yet many people frame personal autonomy in terms of self ownership representing themselves as property owners with the right to do as they wish with their bodies Others do not use the language of property but are similarly insistent on the rights of free individuals to decide for themselves whether to engage in commercial transactions for sex reproduction or organ sales Drawing on analyses of rape surrogacy and markets in human organs *Our Bodies Whose Property* challenges notions of freedom based on ownership of our bodies and argues against the normalization of markets in bodily services and parts Anne Phillips explores the risks associated with metaphors of property and the reasons why the commodification of the body remains problematic What she asks is wrong with thinking of oneself as the owner of one's body What is wrong with making our bodies available for rent or sale What if anything is the difference between markets in sex reproduction or human body parts and the other markets we

commonly applaud Phillips contends that body markets occupy the outer edges of a continuum that is in some way a feature of all labor markets But she also emphasizes that we all have bodies and considers the implications of this otherwise banal fact for equality Bodies remind us of shared vulnerability alerting us to the common experience of living as embodied beings in the same world Examining the complex issue of body exceptionalism Our Bodies Whose Property demonstrates that treating the body as property makes human equality harder to comprehend

**Families, Relational Attachments, and the Law of Collaborative Family-Making** Pamela Laufer-Ukeles, 2024-08-26 This book points to a crisis at the heart of modern family law's treatment of collaborative family making gamete contributions surrogate motherhood adoption functional parenthood foster care and kin caregiving Born of inequality and anchored by exclusivity and secrecy the dominant legal framework governing collaborative family making focuses on the acquisition of collaborative services by legal and intended parents without expecting or fostering any lasting bonds between them This acquisitional framework is starkly disconnected from empirical accounts of the lived experience of collaborations which demonstrate complex and ongoing relational attachments that extend beyond a transactional moment At the intersection of law and sociology the book is to account for relational realities that fail to conform to neat legal categories of parent and stranger asking How should the law reflect the complex interconnections between families and family making collaborators Should collaborators be treated as legal strangers Who is impacted by the lack of legal status possessed by family making collaborators Who benefits and who loses Ultimately this is a work of optimism that seeks to facilitate family making collaborations in more ethical ways by insisting that family law recognize and support family making collaborators It introduces a bold new legal framework of interconnection and guides the reader in implementing practical legal and contractual changes that promote human dignity uphold children's right to identity and support ongoing relational attachments with adults who are fundamental to children's lives The volume provides deep and accessible insight into families and family law for legal practitioners academics students and laypersons interested in family making collaboration

**Emerging Issues in Tort Law** Jason W Neyers, Erika Chamberlain, Stephen G.A. Pitel, 2007-05-29 In this book articles by leading tort scholars from Australia Canada Hong Kong Israel New Zealand the United Kingdom and the United States deal with important theoretical and practical issues that are emerging in the law of torts The articles analyse recent leading developments in areas such as economic negligence causation vicarious liability non delegable duty breach of statutory duty intentional torts damages and tort law in the family They provide a foretaste of the issues that will face tort law in the near future and offer critical viewpoints that should not go unheeded With its rich breadth of contributors and topics Emerging Issues in Tort Law will be highly useful to lawyers judges and academics across the common law world Contributors Elizabeth Adjin Tettey Kumaralingam Amirthalingam Peter Benson Vaughan Black Peter Cane Erika Chamberlain Israel Gilead Paula Giliker Rick Glofcheski Lewis N Klar QC Michael A Jones Richard Lewis John Murphy Jason W Neyers Ken Oliphant David F Partlett Stephen GA Pitel Denise Reaume Robert H

Stevens Andrew Tettenborn Stephen Todd Shauna van Praagh Stephen Waddams David R Wingfield Richard W Wright

*Generic* Jeremy A. Greene, 2014-10-27 The turbulent history of generic pharmaceuticals raises powerful questions about similarity and difference in modern medicine Generic drugs are now familiar objects in clinics drugstores and households around the world We like to think of these tablets capsules patches and ointments as interchangeable with their brand name counterparts why pay more for the same And yet they are not quite the same They differ in price in place of origin in color shape and size in the dyes binders fillers and coatings used and in a host of other ways Claims of generic equivalence as physician historian Jeremy Greene reveals in this gripping narrative are never based on being identical to the original drug in all respects but in being the same in all ways that matter How do we know what parts of a pill really matter Decisions about which differences are significant and which are trivial in the world of therapeutics are not resolved by simple chemical or biological assays alone As Greene reveals in this fascinating account questions of therapeutic similarity and difference are also always questions of pharmacology and physiology of economics and politics of morality and belief *Generic* is the first book to chronicle the social political and cultural history of generic drugs in America It narrates the evolution of the generic drug industry from a set of mid twentieth century schlock houses and counterfeiters into an agile and surprisingly powerful set of multinational corporations in the early twenty first century The substitution of bioequivalent generic drugs for more expensive brand name products is a rare success story in a field of failed attempts to deliver equivalent value in health care for a lower price Greene s history sheds light on the controversies shadowing the success of generics problems with the generalizability of medical knowledge the fragile role of science in public policy and the increasing role of industry marketing and consumer logics in late twentieth century and early twenty first century health care **Economic Torts and**

**Economic Wrongs** John Eldridge, Michael Douglas, Claudia Carr, 2021-09-23 This book explores contemporary issues in respect of causes of action which operate to protect a plaintiff s economic interests It examines the question from across the spectrum of private law Focusing mainly on common law principles it looks in particular at the treatment of such causes of action in the United Kingdom Australia Canada Singapore as well as other common law jurisdictions Addressing both theoretical and doctrinal issues this important book will appeal to both private law scholars and practitioners Law and

Economics for Civil Law Systems Mackaay, Ejan, 2021-11-18 This second edition of *Law and Economics for Civil Law Systems* substantially updates a unique work that presents the core ideas of law and economics for audiences primarily familiar with civil law systems Gender, Law and Justice in a Global Market Ann Stewart, 2011-08-25 Theories of gender justice in the

twenty first century must engage with global economic and social processes Using concepts from economic analysis associated with global commodity chains and feminist ethics of care Ann Stewart considers the way in which gender contracts relating to work and care contribute to gender inequalities worldwide She explores how economies in the global north stimulate desires and create deficits in care and belonging which are met through transnational movements and traces

the way in which transnational economic processes discourses of rights and care create relationships between global south and north African women produce fruit and flowers for European consumption body workers migrate to meet deficits in affect through provision of care and sex British Asian families seek belonging through transnational marriages **Sex and the contract** Vincenzo Zeno-Zencovich, 2015-10-01 DOI 10.13134/9788897524458 *The Role of Informal Economies in the Post-Soviet World* Colin C. Williams, John Round, Peter Rodgers, 2013-06-19 Based on extensive ethnographic and quantitative research conducted in Ukraine and Russia between 2004 and 2012 this book's central argument is that for many people the informal economy such as cash in hand work subsistence production and the use of social networks is of great importance to everyday life Formal work is both a facilitator of such processes and is often supported by them as people can only afford to undertake low paid formal work as a result of their informal incomes By looking at the informal nature of formal work and practices informal practices gift giving volunteer work and the economies of the household the book is one of the first to give an overview of the nature of the informal economy in all spheres of everyday practice *Governance of Digital Game Environments and Cultural Diversity* Christoph Beat Graber, 2010-01-01 This collection of legal philosophical economic and cultural perspectives ultimately makes a strong case for the potential value of game environments for addressing diversity issues but also raises important concerns regarding implementation of corporate and government policies in this sector highly recommended for anyone exploring this emerging field Benjamin T Duranske Pillsbury Winthrop Shaw Pittman LLP US Videogaming is serious business But the legal and theoretical implications of online and virtual environments are little understood Professor Graber and Ms Burri Nenova have done a masterful job of bringing together several insightful articles that inform us about the business legal and sociological implications of digital gaming Innovative fast paced and engaging as games themselves these scholarly works provide invaluable insight for academics policy makers and perhaps even participants themselves about the reality behind virtual worlds Shubha Ghosh University of Wisconsin Law School US This is an excellent and path breaking collection of sharp and carefully researched essays It provides wonderful insights on numerous important aspects of the complex relationship between play cultural diversity communications policy and the governance of virtual societies The phenomenal growth of these new digital realms has raised important questions across the academic disciplines making this book's interdisciplinary focus extremely helpful to potential regulators and university scholars alike Greg Lastowka Rutgers School of Law Camden US This innovative book provides transdisciplinary analyses of the nature and dynamics of digital game environments whilst tackling the existing fragmentation of academic research Digital game environments are of increasing economic social and cultural value As their influence on diverse facets of life grows states have felt compelled to intervene and secure some public interests Yet the contours of a comprehensive governance model are far from recognisable and governments are grappling with the complexity and fluidity of online games and virtual worlds as private spaces and as experimentation fields for creativity and innovation This book contributes to a



more comprehensive and fine grained understanding of digital game environments which is a precondition for addressing any of the pressing governance questions posed Particular attention is given to the concept and policy objective of cultural diversity which also offers a unique entry point into the discussion of the appropriate legal regulation of digital games Governance of Digital Game Environments and Cultural Diversity will be of interest to researchers of media law internet law and governance cultural studies anthropology and sociology As the book addresses a highly topical theme it will attract the attention of policymakers at national regional and international levels and will also serve as a great resource tool for scholars in new media and in particular digital games and virtual worlds

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