12 Invasions of the market

Steven Lukes

Social life and politics are everywhere – West, East and South – increasingly market-driven. This is in part the result of the impersonal pressures of the global economy, in part the outcome of political policy making inspired by neoliberal ideology, encouraged and assisted by such bodies as the World Trade Organization and the International Monetary Fund. It has been well said that 'neoliberalism's ascendancy has been associated with the political *construction* of markets, coupled with the deliberate extension of competitive logics and privatized management into hitherto relatively socialized spheres'.[1] Non-market areas of social life are transformed into markets, and this involves commodification and profit making. This marketization involves a series of transformations. Goods or services are reconfigured so that they can be priced and sold. People are induced to want to buy them. The motivation of the work force producing or providing them is redirected from collective aims and a service ethic to profit seeking and market discipline. But if politics is ever more market-driven, the market is, in turn, politically driven. Neoliberalization is itself state-sponsored, and in some cases, notably the United Kingdom, when capital moves into a previously non-market sphere, risk is underwritten by the state.

These developments have been met with resistance, local and global, but it is not always clear what the grounds for that resistance are, or – more to my purpose here – what they should be. In this chapter I propose to explore the bases for such resistance by asking a basic question. When and why is the market out of place? What harm, or rather harms, does market exchange do and to which goods and services and spheres of life is it therefore inappropriate? Why do people think that this is so? When and why are they justified in so thinking?

Criticism of the market comes from all points along the left–right spectrum and from beyond it. Thus neo-Marxists since Lukács speak of commodity fetishism and reification and those influenced by the Frankfurt school of the colonization of the life-world. Some policy-oriented social democrats like Richard Titmuss and cooperative socialists like Marcel Mauss speak of the market driving out altruism. Communitarians speak of

the 'morality of the bazaar' (Walzer 1983: 109) and republicans of the erosion of public institutions and the corrosion of public virtues. Feminists see the market in gestational surrogacy as degrading to women and argue with intensity about whether prostitution oppresses and entraps women or expresses their economic freedom. Tradition-minded right-wingers resent the way in which markets disrupt hierarchies; racist and anti-immigration movements oppose open labour markets. And, beyond the left–right continuum, supporters of green politics defend the objective value of protecting the environment against the anthropocentric view of well-being as consisting in merely human preference satisfaction.[2]

To address the question before us properly, some ground clearing is necessary. First, the question of when and why market exchange is invasive is independent of the question of what practically follows, of what is to be done. That depends entirely on the available and feasible institutional alternatives. There may be none. Maybe the only alternative to a given undesirable market is an even more undesirable black market. And if there are alternatives, these may range from various degrees and kinds of regulation to prohibition. I want to focus only on the question in what respects markets can be harmful, leaving open the question of what can be done about them.

Why speak of 'the' market? There are, of course, different kinds of market in different goods and services with different features that are beneficial and harmful in different ways. I write of 'the' market in order to focus on the ways in which the market form of allocation functions in these different contexts. What damaging effects can be attributed to this form, as distinct from the harm or illegality attached to the goods or services so allocated? Addictive drug markets or markets in weapons or in diamonds that finance civil wars or in looted art may be bad but not, or not only, because they are markets. Conversely, good and even sacred things, like Bibles, can be marketed without causing trouble. The question is: what harms result from marketing and from rendering marketable, or marketizing, certain goods and services in specific contexts? Moreover, the context in which it occurs can make a difference, increasing or accentuating the harm in question. For example, it has been suggested that under the conditions of contemporary hi-tech, flexible capitalism 'job apprehension has intruded everywhere, diluting self-worth, splintering families, fragmenting communities, altering the chemistry of workplaces' (Walzer 1983: 109).

By 'the market' I mean institutions involving regular and frequent exchange, buying and selling, that is, trading with enforceable and enforced contracts that is, unlike gift-giving, conditional upon future payment. I leave open whether the payment must be in money (it generally is and I will have nothing to say about barter) and I will try to discuss markets independently of whether they are capitalist, that is, oriented to the production of goods and services for private profit (which will be difficult to the extent that one thinks of market socialism as unfeasible or inherently unstable). Markets can certainly function without private ownership, or even private provision, as when, within capitalist societies, public authorities seek to allocate collectively owned resources by market pricing (though whether these should be seen as real markets is a further question: in practice they are perhaps better described as oligopolistic providers making deals with monopsonist customers) (Crouch 2003).

Clearly, the question of what can make markets invasive is a loaded question, asked against the background of well known and widely accepted benefits that market exchange brings: dynamism, capacity for innovation, communication of information unavailable by any other means, enhancement of choice and success in promoting long-term economic growth. These features all appear to be vindicated by the world-historical triumph of market over command economies and over the latter's various failed attempts to simulate the market. There are also three basic respects in which market exchange can, in theory, claim superiority over all hitherto known alternative mechanisms. The first is *efficiency in generating Pareto-optimal outcomes*, leading to an equilibrium in which no one can be better off without someone else becoming worse off. 'Efficiency' here means responsiveness of the system to consumers' revealed preferences subject to the limits of technology. But note that such efficiency, or optimality, is guaranteed under only ideal conditions: notably, of perfect information and of the existence of many markets, each of them being a market for a single homogeneous product. Where these conditions do not obtain (for instance, where there is asymmetrical information between buyers and sellers), there is no guarantee of efficiency. Externalities, imposing costs on others than direct consumers, also generate sub-optimal outcomes. It is often claimed that that these can be dealt with by market-based solutions, but this requires that transaction costs are zero, and they rarely are. The second claim for market superiority is the securing of *liberty*: markets ideally exhibit voluntary exchange, revealing individuals' preferences, expressing their consent and cooperation in the face of diverging values. The third respect in which markets are held to be superior is that they promote certain kinds of *equality*: they enable relations between strangers, and they dissolve hierarchies, with a formal right of exit, thereby alleviating extreme inequalities.[3] So what is the case against the market? When and what do markets invade?

Consider first the economists' view of the matter. By economists I mean classical, neoclassical and especially welfare economists. Their approach offers not an answer to the question under consideration, but rather a change of topic. For the issue for economists is, precisely, sub-optimality, not harmfulness. Their concern is with the failure of markets, not with their inappropriateness when successful. The question they address is, what are the reasons why markets fail? Markets fail when reality fails to live up to theoretical requirements. They fail by failing to exhibit the idealized

conditions under which they would otherwise succeed. One central reason they typically fail, as we have seen, is summed up in the concept of externalities – costs imposed on uninvolved third parties. (But what counts as an 'externality'? Deciding this relies upon a moral theory which economists never make explicit. What harms amount to a cost? Does harm to others include offence to others? Why not?) Moreover, when economists apply their theory to real world markets, it soon becomes evident that the typical causes of market failure – asymmetrical information, natural monopolies and monopoly power in general, non-zero transaction costs, economies of scale, outright coercion and social norms incompatible with efficiency – are not merely familiar but widely prevalent. As Elizabeth Anderson has well said, the theory of market failure is 'a theory not of what is wrong with markets, but of what goes wrong when markets are not available: it is a theory of what goes wrong when goods are not commodified' (Anderson 1995: 192).

Within the leadership of New Labour in Britain today, the question of where markets are appropriate is highly controversial. In February 2003 Gordon Brown, the Chancellor of the Exchequer, gave a speech to the Social Market Foundation in which he stressed the need for 'courage to recognize where markets do not work' and so advanced what is, for the most part, the economists' case against marketizing health care: against 'viewing health care as akin to a commodity to be bought and sold like any other through the price mechanism'. As things stand, he argued, 'the standard conditions for a market to function are, to varying degrees, lacking'. The 'insurers often have poor information on which to base their risk assessment of the customer', leading to 'serious inefficiencies in private pricing and purchasing'. Hence the need for public funding. But there should also, Brown argued, be public provision, because various features essential to a properly functioning market are absent. First, there is 'chronically imperfect and asymmetrical information' on the part of consumers, who are, therefore, not sovereign, combined with 'the potentially catastrophic and irreversible outcome of healthcare decisions based on that information'. Second, 'local emergency hospitals are – in large part – clusters of essential medical and surgical specialties and have characteristics that make them akin to natural local monopolies'. Third, there are economies of scale and scope that make it difficult to find market solutions. And fourth, it is, as the US health care system demonstrates, 'difficult for private sector contracts to anticipate and specify the range of essential characteristics we demand of a health care system'. If you combine these classic bases for market failure with a policy putting profit maximization by hospitals at the centre of health care, you will get a two-tier health care system based on the ability to pay rather than on clinical need. Furthermore, Brown argued, trying to overcome all this by market regulation, even were it feasible, is doomed, since 'public provision is likely to achieve more at less cost to efficiency and without putting at risk the gains from the ethic of public service where, at its best, dedicated public servants put duty, obligation and service before profit and personal reward'. In short, in health, 'price signals don't always work, the consumer is not sovereign, there is potential abuse of monopoly power, it is hard to write and enforce contracts, it is difficult to let a hospital go bust [and] ... we risk supplier-induced demand' (Brown 2003: 15–19).

But the problem is that the spreading marketization of the world that we are living through precisely consists in overcoming such problems where possible, turning non- or failing markets into markets, in reconfiguring goods and services that are not commodities into commodities, so that they can be priced and sold, and in inducing or encouraging people to want to buy them, while redefining the work force of service providers as producers of commodities, converting 'services' into 'industries', and 'duty, obligation and service' into 'profit and personal reward'. In his recent excellent book *Market-driven Politics*, Colin Leys has described the massive transformation of services, weaning 'consumers from services into consuming material goods and providing the labour component themselves' and traced in particular the story of the developing commodification of health care in the British National Health Service (he does the same for public television), summarizing his findings as follows:

> The hospital service is stripped of its role as a provider of care and 'reconfigured' as an increasingly industrialized provider of treatments; more and more NHS functions are privatized and commodified; the boundaries between it and commercial medicine are blurred and increasingly breached. While clinical services remain formally free and universal, they are no longer all publicly provided, and further instalments of 'marketization' are confidently expected by the commercial health-care industry.
>
> (Leys 2001: 212)

So we need to pose anew the question before us: namely, where are markets out of place, and why? We need to consider not why markets fail, but where, to the extent that they succeed, they are harmful and why, and why, in such cases, they should, where this is feasible without creating greater harm, be regulated or prevented. There are, I suggest, three broad distinct answers to this question. All have force, though they are not equally compelling; nor are they necessarily mutually coherent.

Commodification

One widely favoured answer focuses on a notion to which I have already alluded: commodification. This term expresses an internally complex idea which can be seen as part of the long history of critical reflection upon the effects of market institutions: of money, which Shakespeare's Timon

of Athens called 'Thou common whore of mankind' (Act IV, scene III), of trade and of what the French came to call *commerce*. One principal source of both the term and the idea is Marxist. Marx, indeed, quoted Timon's epithet in his early Paris manuscript on money, which he, in turn, called 'the bond of all bonds' and 'the universal agent of separation' (Marx 1963: 191–2). Marx and Engels famously wrote in the *Communist Manifesto* that, as the 'constantly expanding market' spreads over the surface of the globe, all that survives is 'callous "cash payment"': men are drowned in the 'icy waters of egotistical calculation', 'all fixed, fast-frozen relations, with their train of ancient and venerable prejudices and opinions are swept away, all new-formed ones become antiquated before they can ossify' and 'all that is solid melts into air, all that is holy is profaned, and man is at last compelled to face with sober senses, his real conditions of life, and his relations with his kind' (Marx and Engels 1957: 51–3). And Marx devoted a section of *Das Kapital* (chapter 1, section 4) to analysing what he called 'commodity fetishism', which in turn influenced Georg Lukács to develop the idea of reification. 'Commodification' has come to be widely used by non-Marxists but its meaning continues to recall its origins.

Margaret Radin has given us a useful breakdown of what she calls its component 'indicia' (Radin 1996: 118). Goods or services are commodified when they exhibit the following features:

1 *Objectification*, treating persons and things instrumentally, as manipulable at will.
2 *Fungibility*, when they are fully interchangeable with no effect on their value to the holder.
3 *Commensurability*, when their values can be arrayed as a function of one continuous variable or can be linearly ranked.
4 *Money equivalence*, where the continuous variable in terms of which they can be ranked is monetary value.

If these are the features which render goods or services commodified, the question then arises: what harm is held to flow from these features? The answer is, I suggest, twofold. On the one hand, certain goods and services are said to be debased or distorted by being commodified, that is, treated as marketable. Call this the *corruption argument*. By 'corruption' I mean to adduce the general idea of *pathology*: the thought that the impact of the market is to distort, impair or degrade otherwise well functioning and potentially flourishing activities or relationships. The standpoint from which this thought arises is sometimes Kantian, sometimes Aristotelian, sometimes both. People should be treated as ends, not means; as subjects, not objects; as having dignity, not price; and they can flourish as fully human only in certain favouring contexts, or through realizing goods internal to social practices[4] to which market motivations are a threat.

The general idea is this: that among the goods that people value there are some which have the value they do in part just because they are not up for sale and, if they do start to be bought and sold, or are even seen as saleable, their value is debased. And to this idea a second, expressed in the quotation above from the *Communist Manifesto*, is often adjoined: that, once this process begins in respect of one such good, other such goods are infected and the contamination spreads, across persons and across goods. Changing for a moment the metaphor, this has been called the 'domino effect' by Margaret Radin. According to this argument (to change the metaphor yet again), there is 'a slippery slope leading from any sales of something to an exclusive market regime for that thing, and there is a further slippery slope from a market regime from some things to a market regime encompassing everything that people value' (Radin 1996: 99–100). The idea here is that certain exchanges should, if possible, be blocked to prevent the corruption that markets allegedly cause from spreading. Call this the *contagion argument*.

How, then, are we to recognize where corruption and contagion occur? When do the processes which commodification describes do their distinct damage? Which goods and services are at risk? Michael Walzer, in his *Spheres of Justice*, advances a relativist or conventionalist version of the corruption argument. Walzer argues that the various items he lists as defining his spheres – notably security and welfare, office, kinship and love, political power, and so on – are to be protected from what he calls the tyranny of 'market imperialism' – the dominance of the sphere of money and commodities, because our 'shared understandings' require it. ('The market is a zone of the city, not the whole of the city' (Walzer 1983: 120, 109)). But the problem is that 'we' do not have a single, shared map. Our understandings of where these boundaries should be are not sharply drawn and, worse, 'we' disagree about where they lie. On the contrary: they are confused, inconsistent and contested. Moreover, they reflect unequal power relations, in which some voices prevail and others are silent. Walzer's own idea of social justice requires that *commodities* are exchanged through bargains, not commands or ultimatums, that no such exchange be 'desperate', and that 'the welfare state underwrites the sphere of money when it guarantees that men and women will never be forced to bargain without resources for the very means of life' (Walzer 1983: 121). But such an understanding of what is just is, in the present US context, far from shared and it is wishful to suppose that it is. So can we find an objectivist, non-relativist argument in order to recognize and thus avoid corruption and contagion?

One such is provided by Elizabeth Anderson. According to her, market norms come into conflict with social norms that govern the social settings individuals require in order to develop and express their freedom and autonomy by valuing different kinds of goods across a significant range of options. Her central idea is that markets are suitable

only for the allocation of 'pure economic goods' – goods that are merely means to other individual ends and are 'traded with equanimity for any other commodity at some price'. They are appropriate to the allocation of goods which are subject to 'a lower, impersonal and exclusive mode of valuation' and are thus unsuitable for allocating goods that are 'higher, personal, or shared' – goods that are valued intrinsically, as unique and irreplaceable or valued for their attachment to oneself and goods whose value depends on sharing the same item according to shared understandings of what it means. Market norms, she argues, are impersonal and instrumental (each party to a transaction treating the other as merely a means to the satisfaction of ends defined independently of the relationship and of the other party's ends), egoistic, exclusive, want-regarding and oriented to exit rather than voice (Anderson 1995: 143–7 and chapter 7 *passim*).

So corruption happens when market norms are applied improperly. Goods or services are corrupted, or distorted, when they are mistakenly treated as purely economic. So, for instance, gift giving becomes corrupted if it becomes minutely calibrated to ensure that the prices of gifts received and given are equalized (though, if giving were to be made conditional upon receiving equal value, one may ask whether that would be a gift). Gift giving involves reciprocity but excludes commensuration to secure equivalence: mutual relationships resist the balancing of accounts. Marcel Mauss in *The Gift* wrote of 'obligation and spontaneity in the gift' and of 'our good fortune that all is not yet couched in terms of purchase and sale': we might, he optimistically thought, 'once again discover those motives of action still remembered by many societies and classes: the joy of giving in public, the delight in generous artistic expenditure, the pleasure of hospitality in the public or private feast'. He even imagined a welfare state in which contributions were not equated with receipts, a future in which '[s]ocial insurance, solicitude in mutuality or co-operation, in the professional group and ... Friendly Societies' exhibit the principles of 'honour, disinterestedness and corporate solidarity', so much better than 'the mean life afforded by the daily wage handed out by managements, and better even than the uncertainty of capitalist savings'. We must become, he thought:

> in proportion as we would develop our wealth, something more than better financiers, accountants and administrators. The mere pursuit of individual ends is harmful to the ends and peace of the whole, to the rhythm of its work and pleasures, and hence in the end to the individual.
>
> (Mauss 1954: 63 ff.)

For Richard Titmuss the giving of blood exhibits the altruism that, he claimed, selling it extinguishes. For the:

> paid seller of blood is confronted ... with a personal conflict of interests ... Because he desires money and is not seeking in this particular act to affirm a sense of belonging he thinks primarily of his own freedom; he separates his freedom from other people's freedoms.
>
> (Titmuss 1970: 240)

And there are other 'higher, personal and shared' goods that are, on this argument, unsuitable for selling. So, according to Georg Simmel, in prostitution:

> the stake of the woman is infinitely more personal, more essential, encompassing more of her ego than that of the man, and for which, therefore, a money equivalent is most unsuitable and inadequate, the giving and taking of which means the extreme abasement of the female personality.
>
> (Simmel 1978: 379)

Is the same true of the sale of reproductive services? And what about the sale of kidneys and other body parts?

How compelling are these examples? And how far can they be extended? To fencing off and charging for entry to beaches and cliff walks, or to museums and art galleries? To the commercialization of the arts? To the marketing of cultural goods in general?[5] To the buying and selling of medical services and of educational services?

In order to answer these questions, we must attend to the structure of both the corruption and the contagion arguments. What they claim is that the mode of allocation of goods and services has a specific causal impact on the mode of their enjoyment: specifically, that features that comprise commodification of certain goods and services exclude, by a sort of psychological Gresham's law, the realization of their intrinsic value. It is not clear whether this applies to one, some or all four of the features of commodification, but in any case the claim is that, where corruption holds, commodification drives out what is intrinsically valuable about a given good or service for given individuals, and where contagion occurs it drives out what is intrinsically valuable for others, and perhaps for other, even most or all, goods and services. So, Titmuss suggests, selling blood crowds out altruism. And if contagion occurs, it diminishes the scope for giving it and perhaps other worthwhile things in society at large. As he famously put it, 'private market systems in the United States and other countries ... deprive men of their freedom to choose to give or not to give': the commercialization of blood has the effect of 'discouraging and downgrading the voluntary principle. Both the sense of community and the expression of altruism are being silenced' (Titmuss 1970: 239, 157).

Or, to give another example, suppose that sex were to be fully and openly commodified: suppose newspapers, radio, television and billboards advertised sexual services as imaginatively and vividly as they advertise computer services, health clubs or soft drinks. Suppose the sexual partner of your choice could be ordered through a catalogue, or through a large brokerage firm that has an 800 number, or at a trade show, or in a local showroom. Suppose the business of recruiting suppliers of sexual services was carried on in the same way as corporate head hunting or the training of word-processing operators. (As the age of the Internet and cable and satellite television proceeds, are we really so far from realizing this state of affairs?) Then, Radin speculates, perhaps:

> its commodification of sex would be reflected in everyone's discourse about sex, and particular about women's sexuality. New terms would emerge for particular gradations of sexual market value. New discussion would be heard of particular abilities or qualities in terms of their market value. With this change of discourse, when it becomes pervasive enough, would come a change in everyone's experience, because experience is discourse dependent.
>
> (Radin 1996: 133)

Is this claim plausible? There is, I think, no general, overall answer: it can be answered only case by case. Thus the marketing of Anderson's 'pure economic goods' can, plainly, have a direct, deleterious effect upon both the incidence and the distribution of goods that are 'higher, or personal, or shared'. Here is an example. In April 2003 the chocolate manufacturer Cadbury launched a £9 million campaign to persuade children to buy 160 million chocolate bars, containing two million kg of fat, in exchange for 'free' sports equipment for their schools, claiming that the initiative would help to tackle obesity. Cadbury Schweppes has, in fact, one of the worst portfolios for products in terms of children's well-being. The British Dietetic Association spokesperson commented, 'We are running an Eat to be Fit campaign at the moment warning children of obesity. Our research shows 31 per cent of children are overweight and 17 per cent are obese' (*Guardian*, 29 April 2003).

But there are general grounds for some scepticism. Consider just two of the features of commodification: objectification and commensurability. Must Titmuss's 'personal conflict of interests' always be resolved by suppressing one or the other?[6] Do people not endlessly contain contradictions and exhibit ambivalence? Are experience and discourse so malleable and is experience so 'discourse-dependent'? And why should there not be alternative, coexisting distributive mechanisms for blood without one driving out the other? Is it really true that viewing and treating others as means to individual ends, and seeing the world in impersonal and quantifiable terms, are incompatible with altruism, reciprocity and the realization of values that are 'higher, personal and shared'? Mary Douglas has persuasively argued that goods are to be seen as 'ritual adjuncts' and their consumption as a 'ritual activity', which 'uses goods to make firm and visible a particular set of judgments in the fluid process of classifying persons and events'. In an individualist weak-grid, weak-group modern capitalist society, market behaviour will, on this account, be amenable to anthropological interpretation as a mode of 'fixing public meanings' (Douglas 1979: 43, 45, 43).

Moreover, are there not indeed many contexts, especially in modern urban living, in which instrumental relationships, and seeing the world in anonymous and commensurable terms, is much to be valued, indeed an essential precondition for, and counterpoint to, mutual relationships in more intimate settings? You want your doctor to have a bedside manner, but you also want patients to have hospital numbers and medical resources to be rationally allocated on objective grounds, whatever these may be. Indeed, it is not even obvious that treating people as objects and as a means to some end is always a bad idea. It must depend on the end and on who is doing what in pursuing it. According to his biographer, Beethoven was 'filled with a deep conviction as to the significance of his work and his art' and in 1801 referred to two of his friends as 'merely ... instruments on which to play when I feel inclined ... I value them merely for what they do for me' (Solomon 1977: 86).

As for commensurability and incommensurability, why should we assume that we cannot both know the price of something and know that it is priceless? On the one hand, we adhere to the notion of the sacredness and absolute value of the individual, which, as Simmel noted, arose out of Christian doctrine and negates 'the ideal basis of blood money and slavery':

> Over and above all the details, relativities, particular forces and expressions of his empirical being, stands 'man', as something unified and indivisible whose value cannot possibly be measured by any quantitative standard and cannot be compensated for by more or less of another value.
>
> (Simmel 1978: 360)

On the other hand, we make insurance decisions and pay medical administrators and policymakers to allocate resources and plan the siting of airports on the basis that alternative options involve the statistical certainty of deaths and injuries that we expect to be costed on a rational and systematic basis that puts a (regularly updated and commercially based) value on human lives.[7]

Commodification may sometimes, even often, constitute a harm done when marketing and marketizing certain goods and services distorts or debases their nature, and that harm may be amplified through contagion, for instance by market ideology and rhetoric. But some scepticism and questioning is in order. We certainly need a better understanding of the mechanisms that allegedly generate corruption and contagion.[8] Furthermore, in asking what harms markets can do, we need to look beyond the direct effects of markets upon goods and services seen in abstraction from social and political relationships. We need to ask to what extent and in what ways these can in turn be adversely affected by certain markets. And we need to know where to centre our concerns: upon markets and their effects, or upon the social and political relationships they mirror and reinforce.

Inequality

A second answer to our question when markets are invasive is that they reflect and exacerbate inequalities of various kinds. Obviously, market allocation is, in a trivial sense, inherently inegalitarian, delivering, as supply responds to demand, unequal outcomes in the form of unequal goods, income, wealth and, indeed, status and power. It is also, equally trivially, at least in its textbook version, inherently egalitarian, presupposing equal consumer sovereignty, and equal access to entry, information and opportunity to compete, and equal rights to exit. On the other hand, real world markets are not 'spontaneous orders' but norm-governed institutional orders. As Amartya Sen has put it, 'market forces can be seen as operating *through* a system of legal relations (ownership rights, contractual obligations, legal exchanges, etc.)' (Sen 1981: 166). Real world markets exhibit asymmetrical information and unequal power, which derive from the massive and organized power of corporations *vis-à-vis* 'natural persons' or individuals, from the unequal endowments and exchange entitlements actors bring to the market and from the operations of the market itself. To seek to rectify the latter, market regulation can be introduced.

Markets respond, and are supposed to respond, to preferences expressed in effective demand, not to concerns about the urgency of need. So it is not surprising that they have unjustifiably or harmful inegalitarian consequences when, as a result of their functioning, individuals or whole categories of individuals fall below a baseline level of deprivation, where 'deprivation' signifies poverty and social exclusion and, in general, a failure of basic capabilities, understood as people's inability to satisfy certain crucially important functionings up to certain minimally adequate levels. Clearly this baseline will be subject to historical and cultural variation, and it will correlate imperfectly and variably with inadequacy of income. But it will obviously include access to a range of basic goods and services such as food, clean water, electricity, shelter, life-saving drugs and some level of medical care, education and basic security. Where, under conditions of low economic development, or in the absence or failure of effective social rights (or an adequate and universally accessible insurance market), people are dependent on access to these goods and services through markets, then if such markets function in such a way as to deprive individuals or categories of individuals of the ability to command such goods and services they are plainly harmful.

Markets also reproduce and enhance pre-existing inequalities, operating differentially to the advantage of those with greater resources and greater power. These latter are relatively insulated from the impact of market forces and are able to exercise market power, and the right to exit, even in the absence of monopolies. Satz (2004) cites the example of asset sales of livestock and land at 'fire sale prices', which regularly happen in drought-stricken areas in poor countries. Even where there is no element of monopoly in the operation of these markets, they set in motion processes of dispossession of assets by the poorest and accumulation by the richest. And consider, for example, the amplifying effects of the housing market, when asymmetrical residential housing patterns result from the unhindered play of market forces, thereby reinforcing ethnic and class inequalities. Low-income, unskilled or unemployed workers and those from low-status ethnic groups will, even in the absence of discrimination, restrictive mortgage lending, zoning regulations, public housing policies, etc., be unable to move out into the suburbs or into middle- or upper-class neighbourhoods. In this way, the housing market serves to reinforce economic and status inequalities, and those who live in poorer neighbourhoods also have to accept poorer schools, lower-quality public services and higher crime rates.

Inequality, of resources and power, in fact, offers an illuminating perspective within which to revisit some of the examples of markets that were considered in the previous section, abstractly, as instances of commodification. Are not many of the concerns typically expressed in terms of the corruption and contagion arguments actually worries about inequality and subordination? How many people would sell their kidneys and how many women would sell their reproductive capacity under conditions of greater equality of condition? Under such imagined conditions, what exactly would be the objection? Consider the notorious case of baby M in which Mary Beth Whitehead, who gave birth to the child, was judged by the lower court not to be a mother but merely a contractually agreed means to the gratification of the sperm donor – a decision properly reversed on appeal. What went wrong here? Is the lesson of the story one about 'what happens when people treat people like things' or is it that contract motherhood is 'an inherently unequal relationship involving the sale of a woman's body and a child' (Pollitt 1994: 68, 78)? Isn't the central troubling worry about the case that, if the first judgement had been left standing, it would have reproduced and reinforced a negative stereotyping of women? For, as Radin suggests, 'under current circumstances surrogacy can readily be culturally interpreted as reinforcing gender hierarchy, because it allows an exception to the general prohibition of commissioned adoption, and the exception privileges the male line' (Radin 1996: 161).

Is the case against prostitution parallel? Is the primary objection commodification or is it inequality? Simmel makes both objections. On the one hand, as we have seen, he argues that the woman's personality is maximally suppressed. On the other hand, he goes on to write:

> What is important here is not that prostitution means polyandry, but that it means polygyny, which degrades the personal value of women and causes the woman to lose her scarcity value. Viewed superficially, prostitution combines polyandrous with polygynous features. But the advantage of the person who gives the money over the person who provides the commodity grants a tremendous superiority to the male and determines the character of prostitution as polygynous.
>
> (Simmel 1978: 379)

Radin suggests that it is scarcely worth asking 'whether "pure" commodification, absent any other worrisome features such as maldistribution or wrongful subordination, would trouble us'. This issue, she thinks, is 'a professor's hypothetical', since commodification occurs in market societies in which inequality and subordination are inherent: she suspects that 'this hypothetical disconnection of commodification from subordination is not a fruitful avenue of inquiry' (Radin 1996: 161–3). But, professorial or not, asking this question is helpful, indeed essential, if we are to address the question before us, namely, what makes markets invasive – the answer to which (it should be obvious by now) is by no means obvious. For one thing, it is not clear that the same answer applies to all cases. For another, it surely matters a great deal, if different kinds of inequality can be combated and reduced and if the effects of markets can be avoided, or limited by regulation, to know where we should direct our attention and political energies.

For example, what are we to say about the buying and selling of Anderson's 'higher' and 'shared' goods? What exactly is the objection (assuming there is one) to charging for entry to museums and galleries, beaches and cliff walks? Is the problem here *distortion* or *exclusion*? Where charging occurs, the enjoyment of the goods in question remains, it would appear, as intrinsic as ever, albeit restricted; the point is that its availability is effectively rationed on an irrelevant class basis. Of course, to the extent to which such goods are 'positional goods',[9] their intrinsic value actually requires exclusion. To the extent that such enjoyment consists in the expression and reinforcement of class distinctions,[10] the class-based exclusion involved in their being commodities – as in the art market or the market for luxury residences – adds to their value, rather than distorting it (or perhaps we should say that such addition constitutes distortion? But how would we justify saying that?).

What are we to say of the commercialization of health services? I have quoted Gordon Brown arguing that the introduction of profit maximization leads to a two-tier health care system based, not on clinical need, but on the ability to pay – a straightforward inequality argument. But, abstracting from its consequences for inequality, is there anything intrinsically objectionable about private medicine? Is the commodification of medical services inherently harmful? Bernard Williams once advanced the argument that it is a necessary truth that 'the proper ground of distribution of medical care is ill health', that 'needs are the ground of the treatment' and that 'the situation of those whose needs are the same not receiving the same treatment' is 'an irrational state of affairs' (Williams 1979: 121–2). But, Robert Nozick famously objected, why should the 'internal goal' of doctoring (curing the sick) 'take precedence over, for example, the person's particular purpose in performing the activity?' For, presumably, then:

> the only proper criterion for the distribution of barbering services is barbering need. . . . If someone becomes a barber because he likes talking to a variety of different people, and so on, is it unjust of him to allocate his services to those he most likes to talk to? Or if he works as a barber in order to earn money to pay tuition at school, may he cut the hair of only those who pay or tip well? Why may not a barber use exactly the same criterion in allocating his services as someone else whose activities have no internal goal involving others? Need a gardener allocate his services to those lawns which need him most?

In what way, Nozick asks, 'does the situation of a doctor differ? Why must his activities be allocated via the internal goal of medical care?'

> why is he less entitled to pursue his own goals, within the special circumstances of practicing medicine, than everyone else? So it is *society* that, somehow, is to arrange things so that the doctor, in pursuing his own goals, allocates according to need; for example, the society pays him to do this. But why must the society do this? (Should they do it for barbering as well?) Presumably because medical care is important, people need it very much. This is true of food as well, though farming does *not* have an internal goal that refers to other people in the way doctoring does.
>
> (Nozick 1974: 233–4)

A different way of arguing for the independent harmfulness of commercial medicine derives from the economist William Baumol's idea that there are services that resist commodification because they are services 'in which the human touch is crucial, and are thus resistant to labour productivity growth': they resist standardization because 'treatment must be tailored to the individual case' and 'quality is, or is at least believed to be, inescapably correlated with the amount of human labour devoted to their production' (Baumol 1997: 513). Baumol's original examples were the performing arts but he extended the analysis to, among other services, teaching, doctoring and policing. But, as Leys argues, in the medical field as elsewhere, Baumol:

> underestimated the constant resourcefulness that capital displays in its efforts to resolve the problems it confronts – including its ability to wean consumers from services on to consuming material goods and providing the labour component themselves [and] finally, consigning any residue to small 'high-end' markets, or leaving them to (increasingly beleaguered) state provision.
>
> (Leys 2001: 94, 95)

But then the question arises: what exactly is objectionable here? In Britain, for example, the commodification of medical services has involved the splitting up of different services, not all of which are Baumol-like in resisting productivity increases, while enlisting patients in the provision of the service is not always a bad idea. On the other hand, the growing consumption of drugs and pain-killers, the speeding up of the examination of patients and the very fragmentation of services point in the other direction. We need to discriminate between what is negative and what is positive in the commodification of doctoring.

What about the commercialization of cultural goods? Are these, by being commodified, distorted and debased, whether directly or indirectly?[11] This question invites an extended and complex debate. Some areas of culture and the arts, such as opera, usually require protection from market forces, through patronage or subsidy, in order to flourish. Others, such as popular music and the cinema, have flourished because of mass availability through the market. Yet others have suffered a serious diminution in quality as the market has taken hold. Colin Leys tells the disturbing story of the effects of the dramatic expansion of commodified television on public service broadcasting in Britain, which he treats as a case study in marketization, in which we see 'the conversion of services into commodities; the creation of a demand for those commodities; the conversion of the labour force into one willing to produce profits; and the intervention of the state to lower the risk of investment' (Leys 2001: 136). To consider why this is so, and what harm is involved, we must turn to the third and most compelling answer to the question of what makes markets invasive.

Citizenship

This is that markets can conflict with the requirements and preconditions of citizenship. One possible approach is to see the question in the light of the corruption argument. It is sometimes said that market relationships, and the associated language of buyer and seller, producer and consumer, industry and enterprise, have corrupted the public domain and what Gordon Brown called 'the ethic of public service'. But such an assertion does not advance the argument and begs too many questions. We need to remind ourselves what citizenship consists in and what its relevant requirements and preconditions are.

Citizenship in capitalist liberal democracies can be seen as embodying a central political core, which, as T. H. Marshall argued, in Europe and in Britain especially, expanded its scope into a set of social rights to basic services in the course of the twentieth century. The core consisted and consists in civil rights – 'liberty of the person, freedom of speech, thought and faith, the right to own property, and to conclude valid contracts, and the right to justice' and political rights – 'to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body' (Marshall and Bottomore 1992: 8). These can be seen as embodying the requirements of citizenship: entitlements that are inseparable from the status of citizen and so non-transferable, and therefore not available for sale and purchase. In practice, some of these rights, notably votes, have been bought and sold, but the rationale for the core of citizenship – representative democracy, in which citizens are presumed to be equals electing legislators who are responsible to them – makes it clear why such a practice is illegitimate. Of course the effective exercise of rights of citizenship has always been unequally distributed but the equality of citizenship status has always made it clear why their transferability and thus marketability were out of the question.

As Marshall argued, the first half of the twentieth century saw the acquisition by citizens of a range of basic services to which they could claim entitlement as citizens, services funded and provided by the state and thus excluded from the scope of the market. These are sometimes seen as constituents of 'social citizenship' but they can, equally, be seen as supplying the preconditions for core citizenship by enabling citizens to acquire and maintain the capacities needed for its equal exercise. The content of these services varied in different places and times, but it has generally included as a minimum the provision of education to ever higher levels in the course of the century, health care and financial support in case of unemployment, injury, ill health and old age, but also in some fortunate places legal aid, citizens' advice, access to public spaces, public libraries, public broadcasting, and so on. In this way, the reach of the market was resisted by an ethos, whether based on social democratic or Christian ideals, of welfare, publicly funded and publicly provided. In several European countries these arrangements were stabilized in various welfare regimes after the Second World War.

In the latter third of the twentieth century, the story that Marshall told

took a new turn. The age of economic growth fuelled by industrial production peaked by the 1970s and capitalist firms began to abandon manufacturing and increasingly sought to make their profits in the service sectors, including health, education, legal and other professional services. As Colin Crouch has written, this has raised a problem:

> Some potentially very profitable services are those of the welfare state, protected from private ownership and the market as part of the mid-century citizenship package. So long as the welfare state survives, potential areas of profit-making are excluded from capital's reach. Post-industrial capitalism has therefore started to try to undo the deals made by its industrial predecessor.
>
> (Crouch 2003: 6–7)

The activities of the WTO and the worldwide spread of neoliberal ideology, encompassing governments of the centre-left, have further encouraged this trend, opening up health services, education, public utilities, transport and broadcasting to marketization and privatization. Against this background, we can see how and in what ways the market has come to invade the domain of citizenship: how both the requirements of core citizenship and the provision of its social and cultural preconditions have come under threat from the inexorable expansion of the market.

The requirements of citizenship in representative democracies most obviously exclude the use of market power to buy political influence in the electoral process. The private financing of political campaigns and the corporate domination of mass media is thus in direct conflict with these. This has long been a problem in the United States, but it has now arisen as such in various other capitalist countries, most obviously in Italy. But a further direct conflict with the requirements of core citizenship is a direct result of the recent expansion of the market into public services described above. For as privatization and contracting out of services has proceeded, the essential link between elector and representative (national or local) is severed. Marketization has enabled politicians to divest themselves of responsibility and, crucially, accountability for the provision of public services. The government contracts with the supplier but citizens can no longer hold their representatives accountable for service delivery, which has been rendered faceless by being consigned to anonymous forces of the market. In this way, as the story of rail privatization in Britain shows, contractors engage subcontactors and the market in services proliferates, and the provision of once public services moves out of the citizens' purview and control.[12]

Finally, I turn to the all-important question of the preconditions of citizenship: the various services that generate and sustain the capacity of people to function as good citizens of representative democracies. There is scant reason to believe that all these will be provided by market forces alone. In particular, there is a case for arguing that where markets invade the spheres of educational provision and public broadcasting, some of the capacities needed for equal citizenship are likely to be impaired and undermined. It is worth analysing in some depth why this is so to see how strong that case is.

Let us assume that among such capacities the cognitive capacity to process information and achieve a rational understanding of one's environment is both basic and crucial. It is a precondition of the effective pursuit of one's interests, however egoistic or altruistic these may be. It is also a necessary condition of the self-protection of citizens against tyranny and corruption and of the genuine, autonomous consent that can accord legitimacy to a regime that claims to be a representative democracy. The prevalence of this capacity among citizens requires a context of institutions that foster and favour rather than stunt or impair it. What are the prospects of the market in this connection?

An expression that is often cited in discussions of these matters is 'the marketplace of ideas'. It is suggested that the best way of arriving at truth is through the free competition of ideas in an open market. So, in a classic formulation of this thought, Justice Holmes wrote in 1919 that when:

> men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good is better reached by free trade in ideas – that the best test of truth is the power of the thought to get itself accepted in the competition of the market.
>
> (Goldman 1999: 192)

And Frederick Schauer's book *Free Speech* states the argument that just:

> as Adam Smith's 'invisible hand' will ensure that the best products emerge from free competition, so too will an invisible hand ensure that the best ideas will emerge when all opinions are permitted freely to compete.
>
> (Schauer 1982: 16)

But, as Alvin Goldman has most perceptively argued, we need to make a distinction between the market in the *literal, economic* sense and the market or market place understood *metaphorically* or *figuratively*. The latter:

> construes the marketplace of ideas as a market-like arena, in which debate is wide open and robust, in which diverse views are vigorously defended. This kind of debate arena may or may not result from an economic market mechanism. Under the second version, moreover, what counts is the scope of the resulting debate, not the mechanism that produces it. If a diverse set of views is vigorously aired, this qualifies as an open marketplace of ideas even when governmental action is required to secure this state of affairs.
>
> (Goldman 1999: 192)

Bernard Williams has supplemented this by stressing that in the metaphorical market:

> the competition will be not a commercial interaction between entrepreneurs but an intellectual interaction between people advancing various ideas, and the 'market forces' that operate on the ideas will consist of processes that are truth-acquiring relative to the question at hand. [These practices will] 'standardly be such things as careful argument, attention to empirical inquiry, sifting of evidence, and so on', but the 'model should be of real people working within a structure that could be socially realized, working in a way that brings about competition between theories, suggestions, and so on (which may or may not also be a competition between people)'.
>
> (Williams 2002: 214)

But now two questions arise. First, to what extent does the literal market approximate the condition of the metaphorical market? And second, to what extent does the latter, in any case, promote the cognitive capacity of citizens? Addressing the first question, we can see that there are decisive theoretical reasons for doubting that it will. For, as we have seen, the efficiency of the market consists in its responsiveness to consumers' preferences and those preferences may not favour the advancement of truth. As Goldman has put it:

> if truth (knowledge) is *one* thing people value, but they are willing to substitute other commodities (such as entertainment or titillation) for truth (knowledge), then economic theory says that they will get the amount of truth such that the marginal rate of substitution between truth and these other commodities equals the marginal rate of transformation in the technology between producing truth and producing these other commodities. If consumers don't value truth very much (relatively speaking), perfect competition will efficiently ensure that they don't get very much truth as compared with other goods.
>
> (Goldman 1999: 197)

But, in any case, perfect competition presupposes perfect information or knowledge as a *condition* of its efficient functioning and there is no reason to think that, in its absence, the competitive market would generate such knowledge.

Nor, still addressing the first question, are there empirical grounds for supposing that literal markets are, as such, knowledge-promoting. On the contrary, observation of the market in messages on proliferating television channels, radio and the Internet provides no basis for optimism on this score. Commercialization typically brings with it 'dumbing down' and the favouring of entertainment over news. Where public broadcasting is only marginally present in a predominantly commercial environment, there are no countervailing mechanisms to resist the movement towards ever more trivialization and fragmentation. As Bernard Williams has observed, the:

> literal market generates a high level of noise. Everyone knows that in modern conditions of communication messages compete for attention and cancel each other out, and that they are picked out for reasons that need have nothing to do with their truth. Moreover, the system fails to provide, typically, any structured context for understanding messages. The hearer may know at some level what message each sentence conveys, but not what the messages mean.
>
> (Williams 2002: 215)

What about the metaphorical market? Are there grounds for believing with John Stuart Mill that 'since the general or prevailing opinion on any subject is rarely or never the whole truth, it is only by the collision of adverse opinions that the remainder of the truth has any chance of being supplied' (1946: 46). The answer is: only given various, rather stringent preconditions. Mill's 'collision' as such guarantees nothing, for, as Goldman observes, the:

> mere fact that more viewpoints are expressed or broadcast in some public forum does not ensure that more of these will receive even roughly equal attention by potential listeners. Diversity of speech does not guarantee diversity of reception. When a glut of messages fills the airwaves, listeners may increasingly tune in [to] only those messages they want to hear and filter out those they don't.
>
> (Goldman 1999: 212)

More seriously, there is the problem of corporate media power. The producers of messages have differential power: some have far greater incentives, resources and skill in the framing of messages than others, so that, in the absence of regulation, public debate is likely, in Owen Fiss's words, to be 'dominated, and thus constrained, by the same forces that dominate social structure' (Fiss 1991: 2100). From which we can conclude that, if it is to generate Mill-like effects, the metaphorical market must be managed and regulated, in ways that both favour a 'structured context for understanding messages' and maximize access for the marginalized and excluded.

Public broadcasting (of which there are several alternative models) is the only feasible institutional context that contains mechanisms and procedures that have a prospect of achieving such an outcome. But, as markets and marketizing proliferate, we appear to be witnessing a general decline of public broadcasting. In his study of current threats to public broadcasting in Britain, Colin Leys quotes Rupert Murdoch's succinct definition of the public interest as 'offering the public what interests it' and concludes with the forlorn thought that, as things have been going, 'the idea of television as a medium of the public sphere, a forum for the "main conversation of society" would come to seem as quaint and outdated as the stagecoach' (Leys 2001: 163). Consider, for example, the consequences of market-driven media, as opposed to adequately regulated public broadcasting, during national crises, such as wartime.[13]

Leys's conclusion is as follows:

> Public services are defining features of a civilized society, which capitalist market production, if it persists at all, should exist to pay for, and to which it should be subordinate. Many of the things that are primary requirements of genuine democracy (as opposed to a cynical conception of democracy as the sale to voters by political elites of 'political products', to be marketed like all other commodities) are goods that markets will not provide, such as general education, objective information, universally accessible media of communication, public libraries, public health and universal health care. Markets provide these things at best unequally, if at all, so they have to be provided collectively instead. They are anything but secondary.
>
> (Leys 2001: 220)

Indeed they are not secondary. The issue of how important they are acquires a new urgency in face of the constant, unrelenting expansion of the market into services once thought of as immune or resistant to it and into sectors hitherto protected by political guardians of the welfare state, whose confidence in its principles can no longer be taken for granted. There is a valuable academic tradition of research and reflection on the economic, social and cultural conditions for well-functioning representative democracies, or polyarchies.[14] Given the way the world is going, the question of where and how the market impedes their provision deserves ever closer attention.

Notes

1 Peck and Tickell (2002: 395). They go on to write that even 'if it may be wrongheaded to characterize neoliberalization as some actorless force-field of extra-local pressures and disciplines – given what we know about the decisive purposive interventions of think-tanks, policy elites and experts, not to mention the fundamental role of state power itself in the (re)production of neoliberalism – as an *ongoing ideological project* neoliberalism is clearly more than the sum of its (local institutional) parts' (p. 401).

2 See Keat (2000: ch. 2).
3 See Satz (2004).
4 For this Aristotelian interpretation see MacIntyre (1981, ch. 14).
5 See Keat (2000).
6 Contrast this with the characteristic approach of Simmel, who wrote of the 'disintegrating and isolating effect of money' as the 'general precondition and corollary of [its] conciliatory and unifying quality', so that 'under specific historic conditions, money simultaneously exerts both a disintegrating and a unifying effect' (Op. cit., p. 345).
7 For further elaboration of this idea, see Lukes (1997).
8 I am grateful to Natalie Gold for showing me the first chapter of her forthcoming study of this intriguing question.
9 See Hirsch (1977).
10 See Bourdieu (1984).
11 See Keat (2000).
12 See Freedland (2001).
13 Contrast the effects of commercial pressures on US media in the treatment of the second Gulf War of 2003 with the independence of the BBC, whose Director General commented on the fragmented character of the US media market: 'Many of the large television news organizations in the States are no longer profitable or confident of their future. The effect of this fragmentation is to make government – the White House and the Pentagon – all-powerful, with no news operation strong enough or brave enough to stand up against it' (*Guardian*, 25 April 2003). And compare the condition of radio (as of 2003) in the United States and the United Kingdom.
14 See, in particular, the later writings of Robert Dahl, notably his *Polyarchy* (1971).

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