

Discussion Guide, Advanced

Episode 5

These days, it seems that cash is king. But are there things that money shouldn't be able to buy? Are there things that should not be treated as market goods or services? Consider the following cases.

Civic Duty

In the American Civil War, men who were drafted into the army had the option of hiring a substitute to take their place, or paying a commutation fee to avoid military service. What do you think of these options?

1.

Are substitution and commutation tantamount to selling off one's duty as a citizen?

2.

Does the practice of hiring substitutes wrongly exploit poor people who are desperate and have no other option but to agree to be a substitute?

3.

Does the morality of buying one's way out of the army depend on whether it is during a war or in peacetime?

4.

What is the moral difference between hiring a substitute and avoiding service by bribery, for instance?

5.

Today no one is conscripted. Those who serve in the army volunteer to do so in exchange for a salary and other benefits. What is the relevant moral difference between today's system and a system of conscription that provides for the option to hire a substitute? Aren't people who agree to be substitutes merely volunteering to join the army for money?

6.

Can utilitarianism, libertarianism, or Lockean rights theory make sense of the view that citizens have a duty to serve their country?

7.

Do you think that every citizen has a moral duty either to serve in the military or to perform some form of national service? If so, do you think this duty can be fulfilled by hiring someone else to perform it?

8.

"Substitution contracts maximize happiness because they give each party what he most wants—money, and avoidance of military service." Do you agree? Is this a good argument for the moral permissibility of substitution contracts?

9.

"So long as they are voluntary, substitution contracts are fair." Do you agree? What counts as a voluntary market exchange? Don't people sometimes enter agreements because they are desperate or not well informed about the full cost or the danger? Do the conditions under which people enter agreements matter to the fairness of the agreements? Do the conditions matter to the validity of the consent? What background conditions are necessary for seemingly voluntary agreements to be fair?

Motherhood

A commercial surrogacy contract is an agreement to carry to term someone else's baby in one's own body in exchange for money. What do you think about the morality of such contracts?

1.

Should people be allowed to act as surrogate mothers? Should prospective parents be allowed to pay for their services?

2.

Suppose the surrogate mother changes her mind and wants to keep the baby. Should surrogacy contracts be enforced by the courts?

3.

A utilitarian would say that surrogacy contracts should be allowed, if they maximize happiness. A libertarian would say that people should be free to use their own bodies in whatever way they like, provided they do not violate other people's rights. What do you think? Do either utilitarians or Libertarians have the right answer?

4.

Consider Elizabeth Anderson's argument against surrogate motherhood. She thinks that surrogate motherhood "commodifies" children and women's labor. But, thinks Anderson, to value these things in the way one values a commodity is inconsistent with the appropriate way of valuing them. The appropriate way of valuing children, for instance, is to *love* them, and not to treat them as fungible and exchangeable for money. Therefore, says Anderson, surrogate motherhood is wrong.

Is Anderson right? Does her argument against surrogate motherhood imply that we shouldn't commodify *ourselves* either (because that would be inconsistent with valuing *ourselves*)? So, should we abstain from selling our services to the army, for instance? Is a *paid* army impermissible?