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Author

Anzaldua, Adrian A

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The Metaphysics of Commodification:
How Falsifying Reality Creates the Possibility of
Ethically-Troubling Phenomena

By

Adrian Alberto Anzaldua

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requirements for the degree of
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Committee in charge:

Professor Jodi Halpern, MD, PhD
Professor Douglas Jutte, MPH, MD
Professor Jonathan Simon, JD, PhD

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PART 1

THE METAPHYSICAL-ETHICAL ERRORS OF PRISON PRIVATIZATION

INTRODUCTION

Culture, history, economics, politics, law: these human-made and sustained structural forces all shape the world into which individuals cast their efforts to secure a reasonable chance at a decent life. In an ideal world, effort, intelligence, and honesty would always be sufficient to secure the resources required to begin and maintain that decent life for oneself and one's dependents, but ours is not that world. Our world, in virtue of the style and strength of the structural forces that compose it, sometimes constrains, and can even nullify, the possibility of a decent life for even the most determined, skilled, and forthcoming of individuals.

Chance undoubtedly plays some role in determining whether structural forces align at one's back or not, but it would be foolish to look at our country's patterns of incarceration, poverty, and political representation and conclude that these all came about by chance (or worse, because of inborn differences among our citizens). The social-structural environment that we perpetuate through lived culture and social institutions plays a major role in determining how successful we can become, how long and how well we can expect to live, and the degree to which our children have a decent chance at free and open futures. Even though these structures seem unchangeable, the fact that they derive their existence from human behavior and thought necessarily means that the power to change them rests in our wills.

Having the potential to generate change in the structural architecture is one thing; corraling and directing our collective potential toward achieving such a common goal is the real task. Certain empowered people and institutions certainly create headwinds against such organizing in order to protect their interests, and their countervailing influence cannot be understated. However, these (literally) conservative players are only able to slow progress by generating dissent and disorganization because our common political-philosophical foundations are painfully weak. Our nation has been unable find principles and paradigms around which to organize our efforts to fundamentally alter the structural architecture that shapes our society.

Social justice is the most common modern paradigm around which we've tried to organize our efforts to change how society is structured, but social justice has shown itself to be a weaker organizing paradigm than anticipated. The movement's somewhat limited capabilities stem from the fact that "justice" as a concept, when applied at the group level, necessarily divides us as much as it unifies us. Said another way, justice, as a formal method by which to achieve structural change, possesses certain qualities that by its very nature generate rhetorical and political issues that undermine its utility in creating structural change. To understand why, let's breakdown how justice, as a formal method for achieving some desired outcome, operates in general. Then we will show how it works in the context of achieving structural change.

Striving for social justice necessitates there first be a social injustice. A social injustice must have a perpetrating group and a victimized group, an aggressor and a subjugated class. The perpetuating group has a disproportionate amount of political and structural power (which is why they are able to perpetuate social injustices in the first place). This means that in order to achieve justice, the empowered group must either be persuaded or compelled to give up some of their power (or, at the very least, to use it in such a way that it empowers, rather than disempowers, the subjugated). Neither persuasion nor most types of compulsion is particularly well suited to draw power away from those who have it.

On the one hand, when it comes to persuading the empowered that the structural architecture needs to be changed, it is difficult to frame the truth at the center of this necessity without alienating the empowered class. The truth is that the majority of those in the current empowered class were able to achieve and maintain their elevated position in society in large part due to the structural forces set-up by previous discriminatory generations. It is generally unpleasant to think that one's achievements carry an asterisk earned by one's predecessors.¹ People like to think that they earned their station through their own willful, determined effort, not that our society is structured in such a way that a person born into the empowered class needs to expend less effort than a person from the disempowered class to achieve the same socioeconomic level. It's a bitter reality, one that diminishes the value and meaning of the achievements that flow from an empowered individual's willful effort to succeed. For this reason alone, social justice via persuasion is unlikely to be effective, even if it's the right thing to do.

On the other hand, compelling structural change via social justice has shown some successes. A moment of fast-moving compulsion to social justice via a powerful political revolution or some other equally powerful phenomenon has yet to materialize, and perhaps this is for the better: revolutions are exceedingly rare (which means they aren't worth counting on) and even more rarely achieve their ends without significant costs. Slow-moving compulsion via judicial and legislative progress has helped a great deal, and will continue to help so long as power gravitates towards those who favor justice.

However, so long as we strive for justice in the courts and legislatures without giving due consideration to the cracks in our common political-philosophical worldview, our progress is bound to be undermined. Our history is rife with examples of severe reaction to progressive breakthroughs that required compulsion of the empowered class. African-American representation in Congress was on the rise in Reconstruction-era America, only to be swiftly rolled back when Jim Crow laws swept through the newly demilitarized South. The Era of Mass Incarceration, in which we still find ourselves today, undermined many Civil Rights Era victories. The empowered class has always proven itself willing to go to great

¹ Casting predecessors in a negative light produces its own problems, as traditions of familial honor are commonplace and deeply felt. The negative reaction generated by having to see one's ancestors as anything short of honorable compounds the empowered group's will to resist accepting the truth of the matter.

lengths to stop social movements from forcefully compelling them out of their vaulted position.

Justice is a concept fundamentally important in all efforts to organize and direct social change, but building an entire reform paradigm on the concept of social justice alone comes with serious drawbacks. First, its zero-sum orientation encourages opposing groups to take adversarial postures. Second, it forces us to grapple with the distribution of socioeconomic and political power directly, which creates tense, group-level rhetorical and political divides that hamstring social justice's ability to affect lasting structural change.

If the goal is to manipulate the structural architecture in order to give all people an equally reasonable chance at a decent life, we must ground our efforts at reform in a political-philosophical framework that unifies rather than divides. Concerns of health and wellbeing are common to all human beings, which is why we contend that they, rather than justice alone, are much better suited to be the principles around which we organize efforts to affect structural change. For all people, it is true that as health and wellbeing diminish so too does the possibility of a decent chance at a reasonable life. In this way, health and wellbeing are directly unifying as organizing concepts for social change, and by turning our attention towards them, we starve the contentiousness built directly into the concept of justice. Better still, organizing social change around health and wellbeing provides an opportunity to allow science to drive the process. Science, when not undermined by dishonesty and partisanship, is a powerful, determined, and trustworthy social force. We should wish to be able to harness such a force to help us achieve our goals.

Public health as a discipline has already long-since started an undertaking to understand how our lived experience, as realized within the structural architecture of our shared society, determines our health outcomes. Specifically, the study of how structural forces impact human health and wellbeing is known as the science of the social determinants of health. Efforts in this field have lent scientific rigor to what is already common sense: structural forces play a determinative role in how long, and how well, we live. For example, a child born into a highly impoverished region of Contra Costa County, one of the nine counties composing the tremendously affluent San Francisco Bay Area, can expect to live six fewer years than a child born into a low-poverty section of the same county (Casanova et al., 2010). This being an American example, the chances are high that this socioeconomic health disparity falls on racial lines, which the data clearly shows. To quote the study directly:

African American residents in Contra Costa had a shorter life expectancy than other county residents and were at greater risk for a number of poor health outcomes throughout the life course. African Americans in Contra Costa had a shorter life expectancy (73.1 years) than any other racial/ethnic group in the county. An Asian/Pacific Islander or Hispanic baby born between 2005 and 2007 in Contra Costa could expect to live more than five years longer than a white baby and more than 12 years longer than an African American baby born at the same time. African American residents also had significantly higher rates of

death than the county overall for a number of specific causes of death, including heart disease, cancers (all types combined as well as female breast, colorectal, lung and prostate cancers), diabetes, stroke, homicide, unintentional injuries, fetal and infant deaths, and HIV disease. Compared to county residents overall, African Americans also experienced higher rates of new cases of colorectal, lung and prostate cancer, new cases of HIV and AIDS, hospitalization for non-fatal assault and self-inflicted injuries, low birth weight infants and teen births, and a higher percent overweight and obese fifth-graders (6).

Racism distorts and diminishes its victims' humanity. When it's formally incorporated into our social institutions, society itself generates (and regenerates) the conditions that predispose racism's victims to terrible health outcomes that further constrain their reasonable chance at a decent life. Recognizing and undermining racially-motivated social determinants of health is of vital importance, but how race became and continues to be a social determinant of health for communities of color in the United States will not be our primary effort in this paper. Instead, we are concerned with the structural force that has been, and continues to be, a powerful tool by which racist ends are often achieved: economics.

There is plenty to say on how politics and economics work together to create the conditions that undermine people's health and wellbeing, but how health outcomes are tied to the mingling of these two forces will not be our focus either. Our interest is economic theory itself. In the following pages, we will explore how economic theory contributes to our common structural architecture in ways that have long-term impacts on health and wellbeing. It is our contention that fundamental deficiencies in economic theory make it vulnerable to being utilized to see the world and its contents in ways that are false. It's on the basis of this falsifying capacity that economic theory can contribute to the development and maintenance of deleterious social determinants of health. We'll explore this falsification dynamic as it concerns commodification in particular. We'll show that the foundational works of modern economic theory largely failed to deeply understand what it means for something to be a commodity. Their failure, combined with economic theory's powerful capacity to affect structural change, has strongly contributed to our adaptation of economic-inspired worldviews that distort our understanding of what can and cannot be treated as a commodity. We'll illustrate how this dynamic impacts health by exploring the phenomenon of prison privatization, at the heart of which is a process of commodifying human beings. We'll prove that this process of commodification is not only erroneous, but that it creates the conditions for these human beings to be exposed to significant, ethically-troubling health and wellbeing-negating phenomena. By taking aim at the foundation of that which informs the structural architecture in ways that support this health-negating process, we hope to provide the strongest possible justification for rolling back prison privatization in the United States.

HUMAN EXISTENCE IN THE EYES OF ECONOMISTS

Economic theory is many things, but it is nothing if not a theory of human behavior as it relates to securing resources and generating wealth. Securing the material objects necessary to achieve a certain standard of living for oneself and one's dependents is a vital aspect of human experience. Humans are motivated by a complex set of fixed needs, desires, and aspirations, all of which play out against and with each other during economic decision-making.

Though we cannot say for sure, perhaps the dauntingness of trying to account for how all these factors plays into economic decision-making explains why there is a long history of economic theorists holding constant all motivators of human behavior other than rationality. It is from the assumption of these artificial theoretical constraints that we get the concept of the ideal economic operator, homo economicus. The "economic man", a self-interested, perfectly informed person able to impeccably calculate benefits and risks for the variety of options that may present around any decision point, sounds hardly like a real person anyone knows.

The tension between those who insist that economic theorizing must begin with a real interpretation of human beings and those who don't believe it to be necessary is old in economic theory. Ludwig von Mises certainly took issue with grounding economic theory in an idealistically erroneous conception of human being when he wrote:

It was a fundamental mistake of the Historical School of Wirtschaftliche Staatswissenschaften in Germany and of Institutionalism in America to interpret economics as the characterization of the behavior of an ideal type, the homo oeconomicus. According to this doctrine traditional or orthodox economics does not deal with the behavior of man as he really is and acts, but with a fictitious or hypothetical image. It pictures a being driven exclusively by "economic" motives, i.e. solely by the intention of making the greatest possible material or monetary profit. Such a being does not have and never did have a counterpart in reality; it is a phantom of a spurious armchair philosophy (Mises, 1998).

The power of von Mises' position is intuitively moving. How could economic theory ever hope to get it right if it's building an absurdity into its foundations? That being said, what if a theory, even if it is built upon an absurdly erroneous assumption, could churn out predictions of real-world economic behavior? In other words, what if assuming homo economicus got us to the right answers?

There is a strong vein of methodological positivism alive and well in economic theory that holds that it is unnecessary for economic theory to be founded on realistic assumptions. Whether a theory produces valid predictions is the only true metric of its success. None other than Nobel Laureate Milton Friedman advocated for such a methodology in his 1953 article "The Methodology of Positive Economics", in which he writes:

One confusion that has been particularly rife and has done much damage is confusion about the role of "assumptions" in economic analysis. A meaningful scientific hypothesis or theory typically asserts that certain forces are, and other forces are not, important in understanding a particular class of phenomena. It is

frequently convenient to present such a hypothesis by stating that the phenomena it is desired to predict behave in the world of observation as if they occurred in a hypothetical and highly simplified world containing only the forces that the hypothesis asserts to be important. In general, there is more than one way to formulate such a description - more than one set of "assumptions" in terms of which the theory can be presented. The choice among such alternative assumptions is made on the grounds of the resulting economy, clarity, and precision in presenting the hypothesis; their capacity to bring indirect evidence to bear on the validity of the hypothesis by suggesting some of its implications that can be readily checked with observation or by bringing out its connection with other hypotheses dealing with related phenomena; and similar considerations .

Such a theory cannot be tested by comparing its "assumptions" directly with "reality." Indeed, there is no meaningful way in which this can be done. Complete "realism" is clearly unattainable, and the question whether a theory is realistic "enough" can be settled only by seeing whether it yields predictions that are good enough for the purpose in hand or that are better than predictions from alternative theories. Yet the belief that a theory can be tested by the realism of its assumptions independently of the accuracy of its predictions is widespread and the source of much of the perennial criticism of economic theory as unrealistic. Such criticism is largely irrelevant, and, in consequence, most attempts to reform economic theory that it has stimulated have been unsuccessful (40-41).

Perhaps efforts to instill realism into economics have been unsuccessful because human nature, which lies at the heart of economic theorizing, so often beguiles understanding. It could be that human nature is too complex to be conquered by computation, and so we should follow Friedman's advice and use whatever assumptions get us closest to practical, applicable outcomes. And yet, Friedman's argument prompts a deeper question that gives us access to the heart of economic theory's role as a social determinant of health: whom does economic theory serve? If it is meant merely to serve itself, to provide predictive answers about human behavior regardless of whether it is tethered to the reality of human nature whatsoever, than we should have no fear heeding Friedman's analysis.

On the other hand, if economics is meant to serve human beings, to enhance our lives in a meaningful way, then it must, or at least strive to, take its assumptions from the realities and necessities of our existence. Simply put, if it does not know us, how could it ever fully serve us? Economic theory that doesn't incorporate the reality that many humans are moved by moral considerations, that doesn't take into account our propensity for irrationality², is bound to instead bend us to itself. This likelihood is best exemplified when we consider how economics fails to understand the truth of our physical, embodied existence. Human beings are made of matter, and as such we are mortal creatures fundamentally derived from, connected to, and dependent upon the physical world. Our physical existence, and the reality of our

² Behavioral economics has, of course, made tremendous headway in accounting for human irrationality as it pertains to economic decision-making.

mortality that springs therefrom, drives economic behavior in ways beyond economics' ability to appreciate. How economics treats the goods and services whose value derives from our ever-present connection to mortality is an indicator of the degree to which economics is responsive to the facts of human reality.

When we look at some of these indicators, such as life-saving medications, it will become clear that economics indeed misunderstands those it aims to serve. This fundamental agnosticism towards the real, practical wellbeing of human beings is the crux of economic theory's capacity as a deleterious social determinant of health. We are flush with examples of insurance companies growing rich while patients fight for needed coverage and medications, sometimes suffering for years before remedies are approved. Privatization in our correctional institutions has left us with tales like that told by reporters like Christopher Zoukis, who brought light to the plight of prisoners left with no choice but to consume under-nourishing meals prepared in unsanitary conditions.³ In each case, profit was generated from the commodification of things that we will show aren't suitable for commodification.

The overarching goal of this project will be to cast economic theory up against the reality of human existence. In so doing we will show how unrealistic and poorly formed assumptions at the heart of economic theory generate deleterious social determinants of health and deeply concerning ethical issues. To accomplish this, we're going to analyze the concept of the commodity and of the process by which something becomes a commodity: commodification. We will argue that ineligibility for commodification stems from an object's basic nature. In short, some things simply don't have what it takes to be a commodity.

WHAT IS A COMMODITY?

OUTLINES AND LIMITATIONS

We should attend to a few organizational details before we begin our exploration of this topic. First, to competently explore the subject of what is and isn't, what ought and oughtn't, be a commodity, these essays will draw from a variety of disciplines and viewpoints. Economic theory, the biological interpretation of human existence, and existential metaphysics will all come into play. In this first paper, we'll look at what it means for a person in their entirety to be commodified. We'll rely heavily on ideas from existential metaphysics. We'll continue this line of thinking in Part II as we explore the metaphysical underpinnings of commodifying life-saving medications, in which we'll argue against the commodification of entities whose economic value is not rationally assessable.

Second, we will limit our discussion of commodification to the two following entities: 1) The human being as a single entity, and 2) life-saving medications as a unique example of physical objects that aren't eligible for commodification on the basis of their fundamental nature. There is a rich literature exploring what it means to commodify entities that fall outside of these two categories, and the ethical implications that spring from their treatment as commodities. The literature addresses purposeful human actions such as labor, human biological capacities such

³ See bibliography

as childbearing, and aspects of human behavior such as sexuality. The commodification of these aspects of the human experience raises pressingly urgent questions, but we leave these questions aside because for our current purposes, products or expressions of human existence are one step beyond our aim. We are interested in focusing our exploration on that which makes for the possibility of human expression and production in the first place: existence, and the physical objects needed to sustain it.

We understand that by limiting the scope of our discussion, we won't explore how human actions and behaviors (i.e. products of human existence) meaningfully interact with our acquisition of the physical necessities of life. We understand that the products of human behavior, like labor, beget the money that buys the physical goods we need to sustain ourselves. However, the aim of this project is really to show that economic theory does not acknowledge the reality of human existence, and that certain physical entities related to the possibility of our existence can become erroneously interpreted such that their treatment as commodities impacts health and well being.

With that, let's turn to what must be our first question: What is a commodity?

ECONOMIC DEFINITIONS OF COMMODITY

There are plenty of definitions of "commodity" available in the economic literature. Let's look at some of the most famous names in economic theory to see what they said on the subject. We do so because these foundational theories continue to inform our current definitions. William Stanley Jevons offers this formulaic utilitarian definition in *The Theory of Political Economy*:

By a commodity we shall understand any object, substance, action, or service, which can afford pleasure or ward off pain. The name was originally abstract, and denoted the quality of anything by which it was capable of serving man. Having acquired, by a common process of confusion, a concrete signification, it will be well to retain the word entirely for that signification, and employ the term utility to denote the abstract quality whereby an object serves our purposes, and becomes entitled to rank as a commodity. Whatever can produce pleasure or prevent pain may possess utility..... but we must beware of restricting the meaning of the word by any moral considerations. Anything which an individual is found to desire and to labour for must be assumed to possess for him utility. In the science of Economics we treat men not as they ought to be, but as they are.....This perfectly expresses the meaning of the word in Economics, provided that the will or inclination of the person immediately concerned is taken as the sole criterion, for the time, of what is or is not useful (38-39).

Jevons nods to older utilitarian criteria before stripping the concept of utility, and therefore the concept of commodity, of any possible moral weight. His definition is expansive, which helps us conclude that Jevons thought anything is eligible to be a commodity. He says simply by being able to afford utility does an entity

become a commodity, which is helpful because it suggests an epistemological element to the definition of a commodity. In other words, one must know that an entity will have utility toward meeting some end before it may become a commodity to you. Jevons' definition is exceedingly pragmatic, but paints with a brush so broad it almost loses meaning. Does it mean the same thing to transform an "action" like sex into a commodity as it does an "object" like a toothbrush? Perhaps for Jevons this is the case, but if this is true, he does not explicitly say so, nor does he anticipate any reasonable objection to his own view.

Alfred Marshall, whose 1890 *Principles of Economics* standardized and synthesized economic thinking up to that point, makes no attempt to grapple with the definition of a commodity, though he employs the term 252 times in the 900 page tome.

Carl Menger of the Austrian School held the view that commodities are those things with "commodity-character", which he argues arises from the intention of putting an object up for sale:

Commodity-character is therefore not only no property of goods but usually only a transitory relationship between goods and economizing individuals. Certain goods are intended by their owners to be exchanged for the goods of other economizing individuals. During their passage, sometimes through several hands, from the possession of the first into the possession of the last owner, we call them "commodities," but as soon as they have reached their economic destination (that is, as soon as they are in the hands of the ultimate consumer) they obviously cease to be commodities and become "consumption goods" in the narrow sense in which this term is opposed to the concept of "commodity" (240-241).

Here we have the famous neoclassicist arguing that there is nothing inherent to the character of a good that allows it to become a commodity. If one treats it like an object for sale, then it is a commodity, and when that process ceases, so does the commodity nature of the object. This is a keen insight, as it is clear that an entity must be eligible for exchange in order to be considered a commodity. However, Menger's insight on the vanishing nature of commodity-character isn't fully elucidated, leaving us to guess at his fullest meaning. Are we to think that the commodity-character of an object fully disappears once an exchange has occurred? Surely the reason the entity was eligible to become a commodity in the first place is because it possessed some property which someone else found useful. If commodity-character is necessarily connected to useful properties inherent to an object, then commodity-character cannot disappear so long as the property that made the entity useful as a commodity still exists. Better to say that the commodity-character of an object is covered up or obscured until the intention to treat it as a commodity appears or reappears.

Karl Marx wrote of commodities in this way:

A commodity is, in the first place, an object outside us, a thing that by its properties satisfies human wants of some sort or another. The nature of such wants, whether, for instance, they spring from the stomach or from fancy, makes

no difference. Neither are we here concerned to know how the object satisfies these wants, whether directly as means of subsistence, or indirectly as means of production (27).

So on the one hand Marx believes a commodity is anything that fulfills a human need. On the other hand, Marx makes a special effort to point out that a commodity's value as a useful instrument (its "use-value" as he says), is derived totally from the amount of human labor woven into it:

As use values, commodities are, above all, of different qualities, but as exchange values they are merely different quantities, and consequently do not contain an atom of use value. If then we leave out of consideration the use value of commodities, they have only one common property left, that of being products of labour.... there is nothing left but what is common to them all; all are reduced to one and the same sort of labour, human labour in the abstract (28).

These economic definitions of commodity vary in their scope and specificity. Some fail to be internally consistent; others are framed to help support a deeper sociopolitical philosophical system. All of them fail to fully explicate the meaning of a commodity in a deep philosophical sense. Each of their positive contributions to our understanding prepares us to delve even more deeply into the matter, this time from the perspective of ontology, the study of being. Here we hope to clarify the meaning of commodity.

METAPHYSICAL DEFINITION OF COMMODITY

Heidegger's ontology as described in *Being and Time* is the main inspiration for how we'll categorize the entities we'll be looking at. Heidegger is concerned with "Being", which can otherwise be understood as the meaning certain objects have for us on account of how we purposefully interact with them. His ontology is particularly useful to our present task because he differentiates between human existence (the type of being humans possess) and the being of physical objects. He does so on the basis that a human being can play a role in determining the expression of it's being⁴, while physical objects are incapable of ontological self-determination. This distinction is important to our argument, because it gives the human being an inherent, fundamental quality that is more than a simple human characteristic, like rationality or the ability to use and produce language. Heidegger here means to distinguish human beings from objects on the grounds that human beings uncover and carry self-meaning, as well as uncover meaning through purposeful interaction with other entities. The important point of Heidegger's argument is that human beings are distinct from all other entities or things due to the unique *way* they are in the world; *how* they are, *how* they can be, and the fact

⁴ A type of being Heidegger calls "Dasein", though we'll shy away from employing Heideggerian vocabulary here.

that they have some control over the realization of meaning in themselves and things.

On the other hand, a physical object like a spoon does not have control over the way it interacts with the world. A spoon's ability to be a spoon, as an instrument useful for eating soup, depends solely on it being utilized by a soup-eating human. The spoon can have a variety of meanings, depending, of course, on how a user employs it. One could use a spoon as a catapult to fling a pea at a dinner guest, for example. One could also use two spoons to make a percussive musical instrument. Most importantly for our present discussion, one could use a spoon as a financial asset from which to make money. My using the spoon in any of these instrumental ways is non-problematic from a purely ontological perspective, because the spoon has no inherent ways of being that I would denigrate or silence⁵ when using the spoon for any purpose I so choose. From an ontological perspective, a spoon is a blank slate; it takes the meaning we bestow on it through our purposeful action with it.

A shopkeeper finds meaning in a spoon as a commodity. A shopkeeper does not engage with a spoon as a soup-eating instrument first and foremost, though she needs the spoon to be able to serve as a soup-eating instrument for interested customers. Without this quality, it could never have what Menger called commodity-character (and failing to notice this is Menger's mistake in his formulation of commodity). When skillfully manipulated by the shopkeeper within the market of goods for sale (in her store and beyond), the spoon can generate a profit for the shopkeeper. We can say, then, that to a shopkeeper a spoon is an instrument utilizable for the purpose of generating a profit.

Let's look at some of the consequences that arise from treating the spoon as an instrument for soup eating versus as a commodity for profit generation. First, the number of human beings who benefit from the spoon's utilization is different in each case. When a person uses a spoon as an instrument for eating soup, only that one person benefits or derives value from the instrument; two people benefit from the spoon's use as a commodity. Second, the kind of benefit or value the spoon's utilization as a commodity bestows on it utilizers is different in each case. The buyer values the spoon as an instrument that will help him consume soup; the seller values the spoon as a profit-generating instrument.

In this way, the spoon-as-profit-instrument acts as a vector through which values, derived from meaningful human states of being, are exchanged between two people. The ability to act as a two-way value exchange vector is the key distinction between using a spoon as a soup-eating instrument and as a profit-generating instrument (i.e. a commodity). Gifts could also be considered two-way value exchange vectors. With a gift, the gift receiver gets value not only from the gift itself but also from being the object of someone's concern, while the giver gets value from seeing the receiver satisfied. While a gift can be a value exchange vector, a value

⁵ This way of speaking comes from Michael Sandel, who talks about the corrupting nature of commodification. See *What Money Can't Buy: The Moral Limits of Markets*. New York: Farrar, Straus and Giroux. 2012.

exchange vector is only a commodity when the person relinquishing control over the object is doing so for the sake of generating an income (whether they make a profit or not is immaterial).

IMMEDIATE ETHICAL IMPLICATIONS OF OUR DEFINITION OF COMMODITY AS IT RELATES TO SLAVERY AND PRISON PRIVATIZATION

The definition of commodity just presented shares much in spirit and substance with many of the definitions previously offered, yet only the metaphysical way of understanding commodities can help us have an elucidating conversation about what it means when a human being is totally commodified. Slavery is an example of total human commodification. Though our country dismantled the formal institutions of slavery that thrived in the antebellum Southern states, the animating spirit of slavery, the unethical and inhumane transformation of a human being into a commodity, has reappeared in our country. This time that transformation has taken on a new life in the form of private prisons, whose profits derive from the care and oversight of human beings who have been stripped of their autonomy. The subjugated in this new scenario don't even have to work to create a profit for the empowered class. The corporation makes money simply off the prisoner's existence. Before we move into our main argument, let's make sure our line of reasoning up to this point has been perfectly clear.

We said earlier that a spoon can be transformed into an instrument for this or that purpose, even into a commodity, without any concern for whether we are violating an inherent quality or way of being it may possess. The spoon is a blank slate ontologically speaking, devoid of meaning until meaning is uncovered in it by our purposeful usage of it to accomplish some end.

On the other hand, human beings do possess an inherent way of being, a fundamental *how*. The meaning emanating from an individual human does not depend on how that person is utilized for this or that task by another. To utilize a human being solely as an instrument obfuscates or nullifies their inherent human existence. Slavery is a clear example of when a person's inherent nature is completely obfuscated for the sake of financial gain. The obfuscation or nullification must occur first (in the case of slavery, with the help of virulent racism), which inappropriately, and incorrectly, renders the subjected human slave as something less than, and distinguishable from, a "full" human being. After being subjected to this dehumanizing process, the slaveholder sees the slave as being no different than an object.

This ontological transformation begets the possibility of the most horrible consequences for the enslaved human being, health-related and otherwise. To stave off the possibility of these consequences alone is reason enough to combat slavery anywhere, and in whatever form it may appear. This is to say nothing of the ideals and duties violated by condoning it. Slavery violates fundamental human rights identified and reaffirmed throughout the modern era. Though we affirm and support these reasons as overwhelmingly sufficient to warrant suppressing slavery, the moral issue we take with the complete commodification of the human being, be it a slave or a privatized prisoner, originates from a different concern.

We've been driving toward this idea that the complete commodification of a person requires that the fundamental characteristics that make them a human being are obfuscated and/or effectively nullified, creating the possibility for them to be mistakenly transformed into something they are not. Only then is a human being "eligible" for treatment solely as an instrument. This is an ontological error. A human being is fundamentally different from an object, and to mistake one for the other is to misunderstand the nature of both. It is on the basis of this dehumanizing ontological error that we base our assertion that slavery, as an expression of commodification, is not only unethical, but also fundamentally ontologically impossible.

PRISON PRIVATIZATION

Slavery is a longstanding instance of commodification whose unethical nature is made possible by an ontological error of fact regarding the nature of the enslaved persons in question. Perhaps we didn't see the error until quite recently, historically speaking, but that does not mean the error has not been there all along. The nature of the ontological mistake creates the conditions for the enslaved individuals to be exposed to a set of highly unethical and health-threatening outcomes they wouldn't have otherwise encountered. As we said, the United States has not had a formal system of slavery since the Civil War, but the same ontological-ethical set-up regarding the commodification of human beings can now be seen in our privatized prison system. In many of these situations, the private corporation is charged with complete care of a prisoner. At the same time, the company's main effort is to make a profit. Thus, to the company, the prisoner's existence is erroneously being treated as a commodity.

Why should this bother us? Is there evidence to support this concern? On page ten we discussed the risks of pitting a prisoners' access to healthy food against the profit motives of a private company with monopoly control over a particular slice of the prison environment. It is possible that the risk of exploitation and exposure to unsanitary food would have never materialized, but in the end, it did. The concern is not primarily whether it happened, but whether we are creating the conditions for it to happen. When we allow for the privatization of the entire incarceration experience, we are not only doing so on the basis of an ontological error, we are also creating conditions that substantially raise the risk of exploitation and exposure to circumstances that are injurious to health. Human beings, even if they have been convicted of committing horrible crimes and are punished harshly by the state, cannot in actuality be stripped of what makes them human, of what distinguishes them from an inanimate object, no matter how forcefully we try.

We should acknowledge that prisoners and slaves are understood to be categorically different kinds of subjugated people. On the one hand, slaves are commodified independent of ever having transgressed against the citizens of a certain political jurisdiction. We think of them as innocents who, by sheer force and deception, were robbed of their autonomy and exploited for profit. Because they were robbed of their autonomy and commodified for no reason other than profit, we are more sympathetic to their plight.

On the other hand, prisoners are commodified after having been convicted and sentenced to punishment for committing a crime against the citizens of a political jurisdiction. They are not considered innocents. The way we treat prisoners can only indicate one thing: we believe prisoners, in large part, forfeit their inherent autonomy by violating the laws of the jurisdiction of which they are a part. In this way, they lose, or we strip them of, the characteristic that distinguishes them as human beings, and in this way their commodification becomes allowable. We believe their exposure to complete commodification is a consequence of the state that they created for themselves.

Though our behavior towards prisoners highlights the fact that we obfuscate their true nature as human beings, it should come as no surprise that we are in this situation. Human beings are capable of creating whatever kind of social environment they desire, even if it rests on erroneous thinking. Dehumanization of prisoners is not a new phenomenon, but treating them wholly as commodities via a process of commodification is, in fact, new, and once they become commodities, they are put at risk for treatment that can diminish their health and wellbeing.

So how then do we justify treating our prisoners wholly as commodities if we definitively cannot transform them into instruments no matter the severity of their punishment? Some might say that these concerns go out the window when punishment is a factor. Indeed, this line of argument is explicitly supported by 13th amendment of the United States Constitution, which outlaws slavery and forced labor “except as a punishment for crime whereof the party shall have been duly convicted... “. This foundational precept of Constitutional law simply states that the ethical and ontological matters can be ignored, that the need and right to punish nullifies these concerns altogether.

CONCLUSIONS AND NEXT STEPS

Though our society has eliminated many lines of unsound thinking used to justify the unethical treatment of certain groups, our intellectual progress has overlooked the convicted felon. Still alive in our society is a structural architecture influenced by economic thinking that creates the conditions that facilitate the dehumanization of incarcerated human beings. Once a defendant becomes a convict, they are transformed into an entity we believe has no, or greatly reduced, inherent being. Perhaps it is less of a transformation and more of an unveiling, as if to say that the defendant, having always been secretly “sub-human”, is discovered as such through the process of being accused, convicted, and sentenced for the commission of a felony. Surely we can’t credit either hypothesis. On the one hand, humans are not stripped of their inherent autonomy even if they are locked away in a cell. On the other hand, how can we credibly believe that walking amongst us are crypto-criminals whose inherent sub-human nature has simply not been revealed to us yet? Based on our willingness to wholly commodify the prisoner, it seems like this is exactly what we must be thinking.

It must be said that we are not commodifying prisoners to the same degree as slaves. For example, a prison warden cannot summarily execute a prisoner on a whim. Prisoners have many more rights and protections than slaves ever had. While this is true, the point here is that the process of privatizing prisoners requires

us to mis-categorize human beings as objects, an error facilitated by economic conceptions of the commodity. This error generates an enhanced risk of deleterious long-term health outcomes. The horrors of slavery went to the far extreme of what is possible once a person is wholly commodified. We've set up safeguards to ensure that we never allow such extremes to be legally approached again, but prison privatization, in its most complete formations, contains the same fundamental error that lies at the heart of slavery. We hope you agree that the correction of this ontological error with respect to commodification will bring us closer to living in a more just society.

We've drawn one line demarcating a border past which commodification cannot go. In Part II, we'll turn our analysis of commodification to an entity whose being does not inherently resist commodification: life-saving medication.

PART 2

THE METAPHYSICAL-ETHICAL ERRORS OF THE COMMERCIALIZATION OF LIFE-SAVING MEDICATION

INTRODUCTION

Ethics, how things ought to be, is determined with reference to reality, how things actually are. How things actually are, however, often proves difficult to understand. Reality is infinitely complex and often seemingly illogical, yet nonetheless human beings, as a matter of survival, must find ways of making sense of the madness. We rely on constructed worldviews, be they religious, scientific, philosophical, and/or cultural, to impose meaning where it otherwise might not be. These constructs make the world navigable, thereby creating the conditions for progressive improvement of the human condition. That being said, these constructs reproduce representations of reality rather than reality itself; sometimes the reproductions are not true to the original. Adopting particular worldviews that falsify aspects of reality may come at little to no ethical cost, but in other cases the falsification of certain aspects of reality creates the conditions for violations of human dignity. We'll focus our attention on how the modern utilitarian-economic method of evaluating⁶ life-saving medications creates such conditions. We'll begin our exploration of this topic by developing an understanding of QALYs (Quality-Adjusted Life Years), the main tool in our modern utilitarian-economic toolbox for determining the value of life-saving medications.

QUALITY-ADJUSTED LIFE YEARS

Healthcare economists, policy makers, and bioethicists spend a great deal of time deliberating rationing questions that arise from the need to distribute limited healthcare resources. For the past 50 years, QALYs have been the most popular metric by which healthcare institutions and systems ration, ranking the cost-effectiveness of (and therefore, their willingness to pay for) healthcare interventions. The ability to reduce complex ethical and economic rationing questions down to a utilitarian calculation has proven irresistibly helpful, but the rise of the QALY (and the utilitarian-economic worldview that made it possible) has not been without criticism (see *Pettitt*). Some of these criticisms were heard and addressed in the Patient Protection and Affordable Care Act of 2010, which took steps to restrain certain federal agencies from employing QALYs to assess cost-effectiveness. Specifically, the ACA precluded the Patient-Centered Outcomes Research Institute (PCORI), a governmental research organization tasked with providing cost-effectiveness analyses of different healthcare interventions to the public, from using QALYs in their cost-effectiveness calculations out of concern that they place inadequate initial value on the life of a disabled person (Neumann et. al 8).

⁶ Here we mean evaluating literally (i.e. determining the value of)

Ethically and politically, it's important that an arm of the largest player in the U.S. healthcare economy responded, at least to some degree, to criticisms of one of health economics' most important rationing tools. With size comes the power to establish norms, meaning the federal government can use its sway to encourage private insurance companies and healthcare systems to adopt more ethically sound approaches on the use of QALYs when determining what they will and will not pay. However, non-governmental healthcare buyers and sellers have shown little interest in examining ethics in the way PCORI has with its stance on the use of QALYs. To promote more ethical inquiry into healthcare markets themselves we argue that the markets in which QALYs are operative are not neutral, but rather perpetuate unexamined ethical positions that have serious consequences.

Fundamentally, the healthcare market is composed of buyers and sellers whose interaction generates the market. In turn, both buyers and sellers have established ethical-economic⁷ relationships with groups of people on behalf of whom they do business. Healthcare buyers' principal ethical-economic relationship is to some collection of patients. These patients have no direct financial stake in the buyer institution itself (i.e. they are typically not shareholders, though they can be); instead, patients are externally connected to the buyer institution as consumers of the products and services that the healthcare buyers purchase on their behalf. On the basis of this ethical-economic relationship between the healthcare buyer and its patient population, the buyer is duty-bound to make the most cost-effective⁸ economic decisions possible in order to maximize the quality and quantity of care distributable to this externally connected group of patients (while simultaneously looking after the stability and, in the case of for-profit healthcare buyers, improvement of its own internal finances). The losers in cost-effectiveness calculations of purchased goods and services conducted by healthcare buyers are some group of sick patients. The available healthcare interventions for these sick patients are deemed not adequately cost-effective to pursue relative to the most cost-effective healthcare interventions available for illnesses suffered by other paying customers. The former lose out on quality and quantity of life to the benefit of the latter.

On the other hand, healthcare sellers' principal ethical-economic relationship is internally directed towards the organization's employees and/or "owners" (who the owners are depends on how the company is structured). Thus, seller institutions have an ethical-economic duty to maximize internal financial returns⁹ to parties with vested monetary interests in the seller institution. The losers in misguided pricing decisions made by healthcare sellers are those who own the organization, hold stock, and/or are employed by the seller institution. In the best-case scenario of bad financial decisions made by a healthcare seller, the loss is only

⁷ The ethical-economic landscape is the complex of ethical and economic duties that arises from the relationships amongst individuals, groups of individuals, institutions, and/or corporations participating in a market.

⁸ Cost-effectiveness is, of course, a function of both efficacy and price.

⁹ Maximizing returns depends on being able to command the maximal price per unit of the product being sold.

to potential profit. In the worst-case scenario, the loss could be the company's overall viability.

Healthcare buyers and sellers relate to one another via the price of the healthcare intervention being bought and sold. Because buyers and sellers have ethical-economic relationships to second parties, those relationships are also intimately connected to the price of healthcare interventions. Price, then, has ethical as well as economic dimensions. The ethical component of these ethical-economic relationships is strained and eased in relation to changes in price. What is an ethical-economic strain for buyers (i.e. a price increase) eases ethical-economic relationships for sellers, and vice versa.

When it comes to the price of a healthcare intervention, healthcare buyers and sellers are risking qualitatively different assets on behalf of groups connected to them in different ways (QALYs returned to an external group of patients for the buyers vs. profits returned to an internal group of owners-shareholders and/or employees for the sellers). In theory, these two countervailing ethical-economic interests could offset each other around an equilibrium price, minimizing the ethical strain in either relationship; in reality, the political-economic landscape in this country is currently structured to strengthen the healthcare seller's position to the detriment of healthcare buyers everywhere. The result is poorly countervailed healthcare intervention pricing that forces healthcare buyers into ever more severe rationing dilemmas (thereby straining their ethical-economic duties to their patient populations and putting those patients at risk of receiving fewer QALYs than they might otherwise receive).

Federal policies that weaken the buyer position, such as the portion of the Medicare Modernization Act of 2003 (MMA), which prohibits the federal government from negotiating bulk medication pricing for its Medicare patients, play a large role in restructuring the landscape by providing more power to healthcare buyers everywhere. But the more fundamental issue animating healthcare intervention pricing disequilibrium is the nature and distribution of the needs this market is being asked to meet. In this paper we will argue that the assumption that the different interests of buyers and sellers are commensurable is wrong. We will show that there is a fundamental incommensurability at the heart of the economic model for evaluating life-saving healthcare interventions.

THE UNIQUE CASE OF LIFE-SAVING MEDICATIONS AS NEEDS

Let's begin with a philosophical argument about human needs. At the most fundamental biochemical level, all human beings need just a few things in order to maintain life: nutrients, water and oxygen. Because these needs are both vital and shared in common by all people, we have decided, implicitly or otherwise, that the markets trading goods that satisfy these needs ought to be highly regulated or outright socialized. We subsidize and regulate food production to keep the supply of basic staples high, thereby keeping food prices low.¹⁰ Water is a public good provided for by publicly subsidized infrastructure and managed by public utilities.

¹⁰ When individuals still cannot afford food, government programs provide it for them free of charge.

Luckily for the consumer, oxygen is a resource that to date has shown itself resistant to commercial capture.

Nutrients, water, and oxygen are those vital biochemical elements required by a healthy human body under non-pathological circumstances to sustain life; when the body's biochemical pathways become dysfunctional, our requirements go beyond nutrients, water, and oxygen. Any student of human health can tell you with great anxiety the myriad ways by which human biochemistry can fail such that life becomes imminently threatened. When dysfunction reaches this level of severity, the goods that correct these biochemical dysfunctions (such as life-saving medications) become as vital to human life as nutrients, water, and oxygen.

The major economic difference between life-saving medications and nutrients + water + oxygen is that healthcare interventions are never demanded by the entirety of humanity on a consistent basis. In other words, healthcare interventions are not goods that we consistently demand in common, even if they are at times as vital to the preservation of human life as the nutrients + water + oxygen that we do consistently demand in common. To a person with a severe peanut allergy, an epinephrine injection (e.g. EpiPen) satisfies a vital need (i.e. the ability to control anaphylaxis) when that need arises, just as water would satisfy a vital need in someone who is dangerously dehydrated. However, there are only so many people susceptible to food-allergen anaphylaxis, and they are only susceptible under certain conditions. The necessity of something like an EpiPen is contingent on the right circumstances coming together for the right person. The vitality of something like water is permanent and applicable to all people.

So, when it comes to deciding whether life-saving medications are wants or needs¹¹, we find ourselves in a paradox. The resource in question satisfies a need as vital to life as air and water but all people do not demand it on a similar or consistent basis. Perhaps it's on account of the economic good's unique position in the hierarchy of economic goods that interested parties- the sellers - have been able to convince society that life-saving medications should remain un-socialized and largely eligible for free-market commodification.¹² Our decision as a nation to give precedence to the *uncommon demand characteristic*¹³ of life-saving healthcare interventions (rather than on the *vitality characteristic of life-saving healthcare interventions*) leaves our healthcare market structured in such a way as to undercut patients' and healthcare buyers' collective power to influence the market to the benefit of patients.

Buyers and patients are encouraged not to lament this loss of economic power. We are told that the power taken from the group of which they are a part

¹¹ These are the two most basic commodity categories.

¹² After all, since not everyone requires the same life-saving medications on a consistent basis, one can plausibly understand why someone might feel aggrieved at having to contribute to covering the cost of someone else's EpiPen, for example. The same can be said, though much less plausibly, about feeling aggrieved for having to contribute to the up-keep of the community's water system.

¹³ i.e. that we do not all demand life-saving medications in common and on a consistent basis.

will necessarily be returned to the individual¹⁴, and that empowering the individual is an ethically superior outcome we should always seek to realize. It is ethically superior because the economic model of human value, which plays a large part in determining the foundation of our modern common ethic, assumes that resources of any type, including health resources, derive their value from the level to which individuals are willing to self-advocate for control of and access to said resources.¹⁵ Because we assume individuals will differ in their patterns of self-advocacy with respect to resources (i.e. not all people want the same resources to the same extent, which is generally true), our common ethic requires (and therefore lauds) a highly individualistic conception of autonomy as being of supreme ethical import, above obligations people have to each other's welfare.

Couple the consequences of taking individualistic self-advocacy to be supreme with the policies that strengthen the market position of healthcare sellers, and you get a market ripe for ethical-economic tension. It should come as no surprise that our recent past is filled with examples of vastly enriched pharmaceutical companies having to justify price hikes of their life-saving drug in court or to our elected representatives.¹⁶ This pricing behavior not only creates public outrage, it often ends up affecting vulnerable populations most, such as prisoners whose chronic illnesses require incredibly expensive treatments that state facilities cannot always afford (Beckman 146).

SHOULD HEALTHCARE BE ELIGIBLE FOR COMMODIFICATION AT ALL?

The usual ethical response to the harms that market economics pose to vulnerable patient populations argues for a more welfarist view of human obligations. We ought to reject the supremacy of individualistic self-advocacy over the social safety net. This argument is not without profound merit, but we want to make a more fundamental argument, one prior to determining what ethical obligations people have to each other. Our aim points toward the social structures and operative worldviews that make our current healthcare ethical-economic landscape possible in the first place. To that end, we will primarily concern ourselves with the economic model of human value, which homogenizes different modes of valuing into a singular mode of evaluation through commodification. Because the process of commodification is central to our most important modern evaluative process, we must ask ourselves whether many of the needs our healthcare system meets are even logically eligible for commodification.

In fact, the prevalent ethical arguments actually raise fundamental questions about commodifiability as follows: healthcare buyers and sellers are stuck in a structurally reinforced disequilibrium. The disequilibrium generates ethical-

¹⁴ The implicit idea underlying this rhetorical position is that power can only accrue to the group or to the individual, and a deficit to one is a gain to the other.

¹⁵ Willingness to pay can be considered an economic proxy for the will to self-advocate from control of and access to a resource. The willingness to war could be considered a non-economic proxy for the same phenomenon.

¹⁶ The recent controversial rise in the cost of EpiPens is just one such example. See Kevin McCoy piece listed in the bibliography for more

economic issues for the population for whom the disempowered party – the healthcare buyer - is primarily responsible (in this case, patients who are being denied or restricted access to needed medical care because healthcare buyers cannot adequately afford to cover the need).¹⁷ These ethical-economic issues bog down Americans in a deeply divisive national debate concerning whether healthcare ought to be considered a commodity at all. This new line of questioning strikes at the foundation of the system out of which these ethical-economic concerns arise in the first place; our national answer to this basic philosophical question (i.e. what is actually eligible for commodification) has the potential to fundamentally redraw the boundaries of our free-market economic activity.

Our effort in this current paper will be to test a fundamental assumption in economics: that all healthcare interventions are commodifiable. In the end we will show that life-saving goods are ineligible for commodification. Correction of this fundamentally mistaken assumption will provide the justification for altering the economic landscape in such a way that many of our current ethical-economic tensions can be substantially alleviated.¹⁸

Our argument will be grounded in the idea that determining an economic good's value is a deliberative process. Human persons assess the value of economic goods based on a variety of factors. Fundamental economic theories presume that all of these factors can be reduced to a person's perception of the good's ability to bring about a certain experiential state.¹⁹ An economic good's price springs from the value assigned to the experiential state it can realize, making the experiential state the actual entity being commodified; the good acts merely as a vector for this commodification process. First we will outline the elements of the economic deliberative process as they are assumed to be in theory. From here we'll move into a discussion about the nature of human being and how economic value finds its source in different aspects of human existence. On the basis of our analysis of human being and personhood, we'll differentiate non-existential from existential economic goods, showing that the former meet the eligibility criteria for economic evaluation via a deliberative process, while the latter do not meet these criteria. By not meeting the criteria required to be eligible for economic valuation via a deliberative process, we'll conclude that existential goods are only considered eligible for commodification on the basis of denying, ignoring, or obfuscating the true nature of things. We'll discuss the practical and theoretical dangers this misunderstanding poses. Finally, we'll show how the commodification of existential goods requires the consumer to violate their own human dignity, and on this basis

¹⁷ We can imagine the opposite as well, when the buyer has so much power that it creates ethical-economic concerns for those for whom the seller is responsible (i.e. shareholders and employees).

¹⁸ That being said, we clearly and mindfully acknowledge that in this paper we are simply proving where a line against commodification exists (and why it exists). We will make no effort to address the plethora of issues and concerns that will inevitably arise from the proof that follows, but these issues and concerns must be properly and thoughtfully addressed if there is any hope of the results of this paper instantiating needed change in the way we price life-saving medications.

¹⁹ We do not hold to the idea that experientialism is always a suitable basis for market evaluation. We are assuming experientialism in our model of economic evaluation because classical economics assumes as much, and it's this assumption we'll be critiquing.

we ought not allow the free-market commodification of existential goods. This is not to say existential goods cannot as a matter of fact carry a price or be exchanged for money or other valuable goods, only that the price of such goods is not valid insofar as it cannot be assessed via a demand function tied to what the market will bear.²⁰

THE DELIBERATIVE PROCESS

The process of deciding to purchase a commodity is assumed by economic theorists to be a deliberative process of evaluation in which a consumer weighs the costs and benefits of purchasing the commodity in conjunction with his or her values and goals.²¹ A deliberative process has three elemental steps: 1) Assessing the value of an option. Recall that in classical theories of economic evaluation, each option is tied to the realization of an experiential state. Step one attributes costs and benefits to this option. 2) Weighing the costs and benefits of two or more experiential states against each other (what we'll call the *rationality component* of deliberative processing), and 3) Application of one's individual values and ideals as an end toward which the purchasing of a commodity is directed (what we'll call the *reasoning component* of the deliberative process).

Let's unpack the first element of a deliberative process: the simple ability to ascribe cost and benefits to an experiential state. First let's start with the basic assumption of utilitarian thinking: we prefer hedonically positive experiential states to negative ones, pleasure to pain, feelings of comfort to discomfort. With that in mind, consider a simple deliberation of hedonic states. Say it is a hot summer day and I have no air conditioner or fan. My experience at this very balmy moment in time is not so pleasant. I am frustrated, sweaty, and tired from fanning myself with a baseball cap. I'd like to improve my experiential state, which I could do by buying an ice cream cone. So, at this decision point I have two experiential states to choose between, each to which I can ascribe various costs and benefits. I could remain uncomfortably hot but get the pleasure of retaining the money I would have otherwise spent on the cone. On the other hand, I could enjoy relief from the heat but have to come to terms with forgoing the money that it costs to get that relief.

Now, it must be said that as much as human beings aspire to thoughtful and autonomous consideration of the costs and benefits associated with changing to or sticking with an experiential state, we often establish preferences, costs, and benefits without fully understanding why we do so, and often without even undertaking a conscious process. Our example of wanting to buy an ice cream cone

²⁰ Prices don't have to arise out of demand functions, but in general the price of those things we commodify is determined via a demand function. Goods whose price is determined via a demand function are what we're defining as free-market commodities. Price could also be assessed according to a cost function, whether or not such an assessment accurately reflects the commodity's real value.

²¹ To be perfectly clear, we are not asserting that everyday human beings always make economic decisions via our definition of a deliberative method of evaluation. Instead, we are claiming that economic decision-making theories assume such a deliberative process of evaluation. Whether the theory of economic decision-making assumes a selfish, utility-maximizing agent or an agent operating at the instigation of a complex of beliefs, emotions, values, and reasons, they all assume the agent to undertake some type of deliberative process. It's the deliberative process found across theories of economic decision-making we're focusing our attention on.

arises out of a preference for not being subjugated to the physiological stress of being overheated, a preference we can almost all relate to, but in other situations the preference/cost/benefit calculus may not be so clear. Moreover, social mores and standards, our personal history, the state of our physical body, and many other things that may make us impulsive or in need, all influence our capacity to act autonomously and in accordance with our values. This is not to say that human beings cannot be reflective about how and why they interpret costs and benefits the way they do, but only to say that a process can still be considered deliberative without the ascription of costs and benefits being a fully thoughtful, conscious, or autonomous process.²²

Moving on to the second element of a deliberative process, we understand “rationality” more literally than it is often conceived, meaning something like calculating, reckonable, or comparable (as is done when numbers are compared in a ratio). The rationality component of a deliberative process requires that the cost and benefits of two or more possible options (i.e. experiential states) be weighable against each other. To return to our overheated, dessert-seeking scenario, the weighing in this case would be between buying the ice cream (thereby gaining the relief at the expense of some amount of money) and foregoing the ice cream (failing to gain relief but preserving some amount of money).

Finally, we can further distinguish a deliberative process’s rationality from its reasonableness, a characteristic that describes the application of goals or values into the process of concluding a deliberation. So, if my goal is to preserve as much money as I can (because my bank account is nearing zero), it is reasonable, knowing the costs and benefits of buying and not buying the ice cream, to choose the experience that saves me the most money. If it happens to be my birthday and for that reason I decide to temporarily value doing nice things for myself over saving money, choosing the ice cream is more “reasonable” than choosing to remain frustratingly overheated. If, while still preferentially valuing the retention of what remains of my money, I decide to eat the ice cream anyway, I have failed to make a reasonable decision with respect to my desired outcome. Thus, in order for a decision to be reasonable it must accord with my own values or ends.

This leads to the following question: In what circumstance is a deliberative process impossible because the rationality and/or reasonableness components cannot be satisfied? This is a relatively straightforward task when it comes to rationality. There must be at least two real options capable of being weighed against each other in order for the rationality criterion of a deliberative process to be satisfied. In other words, one must have an actual choice to make. A deliberative process cannot qualify as “rational” as we understand the term if there is only one option.²³ As we said earlier, how we value each of the optional experiences is a complicated process that involves a range of social, historical, and biological influences whose complex origins and interaction we need not try to elucidate here.

²² This part of our argument reflects findings in behavioral economics.

²³ We will call this *condition of ontological plurality*. Ontology is the study of “being.” In this case “ontological” means actually existing, so the condition of ontological plurality is another way of saying that there are actually two real, existing options.

For our purposes, what matters is that a deliberative process is not possible when circumstances produce fewer than two real options to choose between (keep this idea close to the front of your mind, as our principle anti-commodification argument will turn on it).

As for a deliberative process not meeting the reasonableness criterion, we would have to imagine a situation in which a person had no values or goals with respect to a particular choice, or were incapable of exercising those values and goals. It is conceivable that a person in a coma, or somehow otherwise stripped of their capacity to have or champion goals and ideals (even if temporarily), would not be in a position to fulfill the reasonableness component that is required of a deliberative process. However, these examples are straightforward because they represent extremes. A more pressing question is whether a fully conscious agent could satisfy the reasonableness component in circumstances in which he or she is not acting autonomously or under the guidance of his or her own ends and values. We can imagine a person whose capacity for self-determination is so lacking that they cannot realize the conclusion that most aligns with their ends or values. Individuals in these situations, though they are conscious, may still be incapable of satisfying the reasonableness element of a deliberative process.

THE NORMATIVE DIMENSION OF THE ECONOMIC DELIBERATIVE PROCESS

Theories of economic decision-making assume economic decisions to be deliberative in the way we've just described, though these theories may disagree as to whether deliberation is guided mostly by strict rationality; by a complex of beliefs, emotions, values, irrationalities, and social pressures; or by some mix of all of them. A consumer chooses this economic good over that economic good in accordance with however she makes value assessments and what her goals and ideals happen to be. Her ability to undertake a deliberative process is not only assumed by theories of economic decision-making, but free market political economics takes a normative position against market conditions which unduly imposes on the buyer's ability to undertake a deliberative process. On this basis we regulate markets when they become monopolistic or otherwise uncompetitive, because these conditions restrain the availability of real options. The ability to deliberate and to choose otherwise is what keeps markets honest and reflective of the real value consumers ascribe to economic goods. The market, we think, ought to be constructed such that deliberation is not only possible but maximized. Thus, not only do theories of economic decision-making assume economic decisions to be deliberative, our legislative frameworks and free-market economic theories take a normative stance on the degree to which the conditions for deliberation are realized.

Now, before we turn to teasing out an understanding of the deeper bases of economic value, we should be clear that our goal in this paper is not to make any claims about the deliberative process writ large, but specifically about the deliberative process as it pertains to consumers evaluating (i.e. assessing the value of) and choosing among economic goods. Thus, from this point on we will take care to denote rationality, reasonableness, and deliberative process as $rationality_c$, $reasonableness_c$, and $deliberative\ process_c$, by which "c" means consumer choice.

Our critique of the deliberative process as it pertains to consumer choice may not be applicable in other circumstances, such as choosing a romantic partner or deliberating about whether to pursue Aid in Dying.²⁴ With that, let's turn to an investigation into the deepest sources of economic value. Understanding economic value's origins will help us understand why different commodities do or don't lend themselves to evaluation via the deliberative process_c.

THE ONTOLOGICAL BASIS OF ECONOMIC VALUE

In the previous section we elucidated the elements of the deliberative process_c assumed to be at work in consumer decision-making. The deliberative process_c we said had three elements: the assessment of value for a single option, the weighing of valuable options against each other (rationality), and finally, the application of one's own goals or values in order to land on a final decision (reasonableness). In this section, we will hone in on the first aspect of the deliberative process_c: the assessment of value. Previously we said that what is being evaluated in the course of consumer's deliberation as to whether to purchase a good or not is the value associated with the particular experiential states a commodity makes possible. For example, buying an ice cream cone on a hot day puts me into an experiential state of relief. Our goal in this section will be to uncover how different aspects of human existence impart meaning, and therefore (economic) value, onto the experiential states that we incorporate into our economic deliberative processes. To do this successfully, we'll need to first develop a clear understanding of the different aspects of human existence, which makes these experiential states possible in the first place. We'll develop a nonreductive physicalist perspective, with biological death, existential death, and personhood as points that distinguish different categories of human existence. We will show that the human body, understood as a synergistic biochemical machine, is that which creates the conditions for the possibility of personhood. Personhood can be undermined either by existential or biological death, which we'll distinguish in the following pages.

From here we'll show that goods derive their value either by being able to change the quality of our personhood (i.e. by giving us access to a preferred experiential state) or by ensuring the healthful functioning of the biological systems that create the conditions for the possibility of personhood. We'll call these non-existential goods and existential goods, respectively. The analysis in this section will set us up to discuss how the value of the experiential states associated with non-existential and existential goods fare in a deliberative process_c.

BIOLOGICAL DEATH, EXISTENTIAL DEATH, AND PERSONHOOD AS THEY EXIST IN A NONREDUCTIVE PHYSICALIST CONCEPTION OF HUMAN EXISTENCE

In this section I want distinguish two ways we talk about humanity, first as biological human beings, and second, as persons. To tease out the different aspects

²⁴ This is the preferred name for physician-assisted suicide, which has become legal, in some form or another, in many states.

of human existence in such a way that most aligns with the state of our scientific understanding of human beings, we are taking a nonreductive physicalist²⁵ position on the physical human body and the immaterial phenomena that emerge from it. Biologically, a human being is any living hominid with human DNA (even if the composition of that DNA deviates from the standard arrangement, just so long as it is compatible with biological life).²⁶ At the most developed end of the spectrum of potential human development and function with respect to physical, psychological, and social capacities is some idealized version of a human “person.” Human beings in their most primordial form develop, and are socialized into, human persons, with all the psychological and intellectual capacities normally ascribed to fully developed human adults. Thus, persons are a subset of human beings, which is to say that all persons are human beings, but not all human beings are persons.²⁷

That is a minimalist point. What is a more maximalist conception of personhood? There have been a number of attempts at defining the elements that constitute the fullest conception of human personhood. In his work on critical realist ethics “To Flourish or Destruct”, sociologist Christian Smith meta-analyzes a wide range of personhood theories to uncover common themes, which results in the following definition of “person”:

By “person” I mean the particular kind of being that under proper conditions is capable of developing into (or has developed into) a conscious, reflexive, embodied, self-transcending center of subjective experience, durable identity, moral commitment, and social community who- as the efficient cause of his or her responsible actions and interactions- exercises complex capacities for agency and intersubjectivity in order to develop and sustain his or her own incommunicable self in loving relationships with other personal selves and with the nonpersonal world (34).

We offer this definition not necessarily to argue for Smith’s conception of human personhood²⁸ (though it is a rich definition), but to show that, as a general rule, personhood is defined by qualities and capacities which fully developed, healthy human beings are known to possess (to greater and lesser extents). Human persons

²⁵ Nonreductive physicalism argues that immaterial mental phenomena (i.e. thoughts) are not reducible to the physical systems from which originate. In other words, thoughts are not the same things as neuronal firings. However, mental phenomena do emerge out of physical systems.

²⁶ Biological life is what we are calling life as it is commonly discussed. Ideas differ as to where to draw the line between biological life and death. For millennia we defined that line on the basis of whether the heart and lungs were functional. Now we trend more towards drawing that line according to degree of brain function. We won’t weigh in on this debate. For our argument, what matters is that there does exist some point of metabolic dysregulation after which one’s metabolism is invariable progressing toward total cessation.

²⁷ We acknowledge that our definitions will be controversial to adherents of vitalist philosophies of human being, or to anyone whose philosophy ascribes personhood to the human being at all levels of development and capacity.

²⁸ In *What is a Person?* Smith firmly asserts his belief in the reality of some conception of the soul, a concept incompatible with a nonreductive physicalist interpretation of human being.

have “durable identity,” are committed to certain moral worldviews... perhaps we might even assert that human persons are capable of exercising reason.

Whatever qualities and characteristics one believes define human personhood, our goal here is to focus on the fact that the possibility of personhood is predicated on the realization and proper functioning of some set of qualities and capacities that emerge out of the non-pathological development, organization, and operation of the systems composing the physical human body. These qualities and characteristics synergistically interact to compose what we refer to as “personhood.” However, the key point is that because there are emergent phenomena that arise out of human physiology, personhood qualities and capacities appear and disappear in conjunction with the health of the physiological systems from which they emerge.

How personhood qualities and characteristics emerge is straightforward; the process by which personhood qualities are negated varies. For example, the underlying physiological systems that mediate the emergence of certain personhood qualities can be perfectly healthy themselves but still be inhibited by other overlying organic processes, such as would be the case in patients who suffer from extreme, chronic pain. A patient with severe, chronic pain has not fundamentally lost the physical systems from which personhood qualities like memory emerge, but the qualities may not be functionally realizable due to the obfuscating effects of the nervous system dysregulation responsible for the pain.

In other cases, the underlying physiological systems that mediate the emergence of personhood qualities may be completely destroyed. For example, one has the capacity for memory as long as the portions of the central nervous system tasked with facilitating memory remain healthy and functional. When disease processes destroy these circuits, the capacity for memory that these material systems make possible is nullified by degree (which, in kind, reduces one’s total personhood by degree).

It’s only when all of one’s personhood characteristics or qualities have completely permanently deteriorated that one’s personhood is completely gone. For example, a severely-progressed Alzheimer patient whose neuroanatomy has been so sufficiently destroyed by disease that the patient is incapable of interacting with the outside world whatsoever (and also, as far as we can tell, has no internal life) can be appropriately understood to have lost their personhood.²⁹ *Existential death is what we will call the permanent loss of personhood.*

The Alzheimer patient is particularly helpful example in trying to distinguish between existential death, which is brought on by the loss of the biological systems out of which personhood qualities emerge, and biological death, which is the loss of personhood brought on by metabolic arrest. Existential death and biological death

²⁹ It would be understandable if the reader took issue with our idea that Alzheimer patients lose personhood out of concern that a loss of personhood necessarily means a loss of dignity. If the severely demented Alzheimer’s patient has no dignity, we have a more difficult time condemning all kinds of abusive and exploitative behavior suffered by the mentally ill. Our remedy to this concern is to posit that dignity does not only derive from human personhood but from human being as well. Thus, even if a human being were to lose personhood, they would still be entitled the same protections and rights as any other human being whose personhood remains intact.

are often conflated, which is understandable. They end in the same place: the permanent loss of personhood, which for our purposes will be all that matters. That being said, biological death and existential death are not the same things.³⁰ Biological death always entails existential death. However, as the example of the Alzheimer patient shows, one can be existentially dead but very much biologically alive.

Here we've outlined two inflection points, biological death and existential death, to scaffold our analysis of human being and human personhood. Putting it all together, our sketch of human being and personhood looks something like this:

Human beings are those biologically living hominids derived from human stock (as defined genetically). Human DNA gives rise not only to biological processes that make biological life possible, it has the capacity to give rise to the physiological systems out of which fully developed personhood can emerge. Personhood is not binary but on a continuum corresponding to the health and proper functioning of the physiological systems from which personhood qualities and capacities emerge. Human persons are a particular manifestation of human being. Systems that interact with and can impose upon the systems that give rise to personhood qualities also stand to impact the degree to which personhood is expressed. Total loss of all personhood qualities and characteristics results in existential death. While existential death is often caused by biological death, biological death is a different phenomenon defined as the total, permanent loss of metabolic functionality. Biological death is the loss of human being.

QUALITY OF PERSONHOOD AND THE CONDITIONS THAT MAKE FOR THE POSSIBILITY OF PERSONHOOD: THE TRUE SOURCES OF ECONOMIC VALUE

The economic value we ascribe to economic goods derives from our understanding of the degree to which a certain good will help us achieve a qualitative improvement in our experience of our own personhood.³¹ As we've said previously, an economic good isn't actually what is being commodified. The inanimate object we call a "good" is merely a vector for the commodification of a qualitative experience, as in feeling coolness and pleasure in eating the ice cream on a hot day. In contrast, in other cases, the good is a vector for the commodification of the conditions that make for the possibility of personhood itself, which become clearer in the following section. Using our nonreductive physicalist analysis as a scaffold, we can distinguish economic goods based on whether they undergird personhood itself or simply apply to a qualitative experience, however intense of painful:

³⁰ This is an important point for inclusion into the larger debate within medical ethics regarding what it means to die. Defining death as biological death creates a host of ethical and practical issues; defining death as existential death would alleviate many of these concerns.

³¹ This aligns with what calls experiential interests, which are interests in realizing certain pleasurable experiences in the present (i.e. skydiving, enjoying a fine meal, etc).

1) Goods whose value derives from their ability to change the quality of our personhood

We call goods that derive their value from being able to modify one's qualitative experience of one's own personhood **non-existential goods**. At the risk of repetition, the ice cream cone example illustrates a good that acts as a vector for the commodification of a qualitative experience (i.e. being relieved from the heat).

Our ice cream cone is an example of a non-existential good's ability to satisfy Dworkian experiential interests. While changing the quality of one's personhood by satisfying experiential interests is one way non-existential goods can derive their value, non-existential goods are equally capable of deriving value from their ability to satisfy what Dworkin calls critical interests. Critical interests derive from intellectual or philosophical interests existing in the present but which can project into the future (i.e. because you value education, you set up a brokerage account for your grandchild in order that she may have enough money for college when she comes of age). Thus, the quality of our personhood can be improved or diminished by the degree to which goods satisfy both experiential and critical interests. This we do not dispute.

However, we contend that experiential and critical interests offer an incomplete understanding of what motivates consumer behavior. Persons also have existential interests, which are interests in maintaining one's personhood.³² Without personhood, critical and experiential interests would not be possible, and in that way existential interests are more fundamental than either critical or experiential interests (in the normal course of things). This is not to say that critical or experiential interests can never carry more weight than existential interests; the soldier, who on account of an overriding critical interest in living up to the code of honor instilled in her in basic training, may decide to jump onto a grenade that's landed in her unit's foxhole. This soldier is prioritizing a critical interest over an existential interest. Similarly, a patient at the end of life may choose to forego expensive life-extending treatment because they are moved by a critical interest in passing along some portion of their estate to the next generations of their family. Willingly submitting that critical and existential interests can have higher value to a person than experiential interests, we can nonetheless allot special deference to existential interests because they are the conditions for the possibility of experiential and critical interests. Moreover, as will become evident in the coming pages, existential interests involve a unique set of circumstances for the consumer, circumstances which are incommensurable with those circumstances facing customers who seek to satisfy critical or experiential interests by purchasing goods.³³

³² Non-existential goods, save for in the most unique of circumstances, cannot satisfy existential interests. You can imagine a scenario in which some person, perhaps beset by mental illness, might so desperately wish to see a Robin Williams movie that they are set on committing suicide should they fail to get ahold of the film. This is an example of an exception that proves the rule that non-existential goods cannot satisfy existential interests.

³³ This difference will also play a significant role in the ethical implications of this analysis, which will be addressed later in this paper.

The economic goods at the center of consumer efforts to satisfy existential needs (that is, at the center of efforts to maintain one's personhood) we call **existential goods**. Existential goods come in two different types, those that maintain personhood by preventing existential death, and those that maintain personhood by preventing biological death. We should briefly say something about each.

2a) Goods whose value derives from their ability to prevent existential death (but not biological death)

Here we've moved into the realm of goods whose value derives from their being able to modify the biological systems out of which personhood characteristics emerge. A good example is cholinesterase inhibitors, which can temporarily delay the onset or pause the progression of Alzheimer symptoms like memory loss, confusion, and other cognitive deficits. They act by modulating the dopamine breakdown process in dopaminergic nerves. These drugs effectively prop up the biological systems that Alzheimer destroys, the systems out of which several personhood qualities emerge. Goods that fall into this category commodify existence/personhood.

2b) Goods whose value derives from their ability to inhibit biological death

Goods like biological-life-saving medications (i.e. EpiPen³⁴), water, and food derive their value from their being able to sustain the larger, foundational physiological systems and processes out of which personhood springs. Goods that fall into this category also commodify existence/personhood, but via their ability to maintain biological life.

THE IMPACT OF NON-EXISTENTIAL AND EXISTENTIAL GOODS ON THE DELIBERATIVE PROCESS_c

We've examined the elements of the deliberative process_c. We've also examined the nature of human existence and showed how economic goods derive their value directly from different aspects of that existence itself. Now that we've uncovered the deepest source of economic value, we're set-up to explore whether non-existential and existential goods can be evaluated via the deliberative process_c, and the implications of whichever answers we land on.

DELIBERATIVE EVALUATION OF NON-EXISTENTIAL GOODS

Is the economic value of all economic goods evaluable via a deliberative process? We'll start our analysis with non-existential goods. Recall that a non-existential good is one that derives its value from being able to modify one's qualitative experience (i.e. critical and experiential interests). Now, say you have a terrible headache. Hoping to improve your qualitative experience, you resolve to

³⁴ An EpiPen prevents biological death by countering the life-threatening manifestations of anaphylactic shock.

buy some acetaminophen to help ease your pain. Here you have two experiential states available to choose between (meeting the condition of ontological plurality): the qualitative improvement of your personhood engendered by taking the acetaminophen (which will require you to spend money and time in order to realize), and your current quality of personhood as principally defined by your having a headache (which you could retain at no additional financial or temporal cost). Each experiential state has costs and benefits, which can be rationally weighed against each other and against your overall goals and ideals. From this example we see that when it comes to determining the economic value of non-existential goods, the elements of the deliberative process_c are met. Thus, with respect to determining the economic value of non-existential goods, one can reach a real conclusion regarding the economic value of a non-existential good via a deliberative process_c.

DELIBERATIVE EVALUATION OF THE ECONOMIC VALUE OF EXISTENTIAL GOODS

Recall that existential goods derive their value not by being able to change the quality of one's personhood, but by maintaining the biological systems from which personhood emerges (i.e. existential interests). So, when someone in need of an existential good (i.e. water) is asked to place a value on it, that person is being asked to assess not the value of one qualitative state of personhood over another, but between maintaining and not maintaining the conditions that make for the possibility of personhood in the first place.

An example may help illustrate what we mean. Say a patron with a severe peanut allergy is eating lunch at a restaurant they frequent several times per week. The patron knows the restaurant uses peanuts in some dishes, but the patron always makes sure to tell his waiter about the peanut allergy and has never had an issue with his food containing peanuts. On this particular day, the patron forgets his EpiPen, but due to his good experiences with the restaurant in the past, decides to patronize his favorite lunch spot anyway. He orders his usual fare and alerts the waiter to his allergy (which the waiter dutifully acknowledges), except today his food happens to have a rogue peanut in it. The patron begins noticing the symptoms of anaphylaxis, and soon is having difficulty breathing. A patron in the booth next to him does have an EpiPen, and, noticing an opportunity to make a profit, offers his EpiPen up for sale. Now, we might take issue with the "Bad Samaritan" looking to profit from someone's life-threatening illness, but put that concern aside for a moment and ask yourself what aspects of human existence the EpiPen is commodifying in this case. It is commodifying the maintenance of the conditions that make for the possibility of personhood (i.e. existence) vs. biological death. How does this reality square with the requirements of the deliberative process_c?

First we said that any deliberative process_c must start with at least two options (the condition of ontological plurality), each with their own ascribable costs and benefits, which can be weighed against each other in a rational_c calculation. Now, at this very early point we have to ask whether non-existence, which is the result of choosing not to maintain the conditions that make for the possibility of personhood, actually satisfies the condition of ontological plurality. In other words, is non-existence a viable option? After all, non-existence is not a state of being. It is

the negation of being. It is nothingness, non-being. It is not “something” in any sense of the word. This being the case, how then can nothingness ever be an option in a rational_c weighing as required in a deliberative process_c?

This is a profoundly difficult question. The mind sputters at the idea of nothingness. Nonetheless, nothingness is a very real phenomenon, even if we seldom encounter it (and more likely because we often actively avoid engaging with it). A quick survey reveals its presence everywhere. Death is existential nothingness; Zero is quantitative nothingness; Outer space is material nothingness. So, we can clearly conclude that while nothingness is very much a real phenomenon, it is categorically different from all ontological phenomena (that is, phenomena with being, as opposed to non-being). Thus, in light of its lack of being, nothingness does not qualify as an option that can go toward satisfying the condition of ontological plurality. Non-existence, simply put, is incommensurable with existence or any phenomena grounded in existence. This being true, it is not possible to rationally weigh the cost and benefits of non-existence and existence against each other.

To state it as simply as possible, the rational weighing of the costs and benefits of experiential states that occurs in a deliberative process_c regarding non-existential goods is akin to a ratio of real, non-zero numbers. If experiential state A has an overall cost/benefit ratio of 5 and experiential state B has an overall cost/benefit ratio of 2, the rational weighing of these experiential states against each other would result in a real solution. However, the rational weighing of the costs and benefits of existence and non-existence in a deliberative process_c regarding existential goods is akin to a ratio of real numbers including zero (i.e. nothingness). So, if the cost/benefit ratio of remaining alive is 5 and the cost/benefit ratio of being dead is 0 (which must always be the case for non-existence), then the ratio of these values (5/0) produces a non-real solution.

The deliberative evaluation_c of existential goods is not possible.

HOW A POSITIVIST ECONOMIST MIGHT CRITICISE OUR CONCLUSION

One way a critic might try to rebut our conclusion that existential goods cannot be evaluated via a deliberative process_c might go something like this: the deliberative process_c with respect to existential goods as we’ve outlined it assumes a consumer being asked to evaluate the value of an existential interest independent of other interests, which seldom if ever happens. It’s only when the evaluation occurs in a vacuum that nothingness becomes a complicating factor. If the circumstances generating our concern seldom if ever actually occur, it is not worth altering theories of economic decision-making to account for these rarities.

Perhaps an illustration would clarify the critic’s position. Say a terminally ill grandmother is deciding whether to take on the cost of some additional unit of life-saving medication. She has no competing interests, which means in her assessment of the medication’s economic value she’s left to deliberate between existence and non-existence only, which we’ve said are incommensurable and thus cannot be evaluated via the deliberative process_c. The critic would say that such a patient would almost certainly never be assessing value of satisfying her existential interest alone. More likely is the scenario we mentioned earlier, wherein she has some other critical or experiential interests that weigh against her existential interest (i.e.

perhaps she has grandchildren to whom she'd like to bequeath a college fund because she values education). In this more "realistic" scenario, she is putting a critical interest up against her existential interest. So, our patient's assessment of the economic value of the life-saving drug is not a deliberation between existence and non-existence, as we've argued it is, but between existence and leaving her grandchildren funds to support their education. Such a criticism suggests that the milieu of real, everyday human life is composed of so many competing interests that there is never, or almost never, an instance in which the economic value of an existential good is being assessed without consideration of competing interests. In situations of competing interests, nothingness merely becomes a secondary effect of the deliberation rather than a primary option in the deliberation itself.³⁵ Thus, nothingness, as a mere secondary effect, is of little or no concern to us.

To this criticism we would answer that our hypothetical patient is only in a position to choose between competing interests by mistake. Her existential interest is fundamentally incommensurable with her critical interest because the value of existential interests is not derivable from preference, whereas the value of critical interests does derive from preference. Critical and existential interests can only be made to seem commensurable if we ignore or obfuscate the reality of non-existence as a primary factor in the definition of an existential interest. In other words, only by ignoring or obfuscating the reality that death is at the heart of the patient's dilemma can she even be put in a position to choose between competing interests. If the latent incommensurability were brought to light, the idea that our grandmother can choose between competing interests would evaporate.

We find any criticism that draws its strength from the ignorance or obfuscation of reality to be insufficiently grounded.

THE CONSEQUENCES OF UNREFLECTIVE POSITIVISM IN THE SOCIAL SCIENCES

Our refusal to accept what we might call the positivist's critique strikes at a fundamental issue we take with positivist methodology in social science in general. The social sciences take human beings as their subjects, beings that are capable of self-delusion, error, deceit, and willing and unwilling ignorance. To study the decision-making capacities of the economic agent as he is in everyday life is to accept him as he acts through all of these shortcomings. While this may be useful to building up our practical understanding of everyday human activity (including economic activity), it has the potential to seduce the social sciences into a false sense of theoretical security. It puts us into a position such that we are less likely to be critical and questioning of our subjects' connection with the reality of things. This oversight puts us at risk for incorporating people's ordinary errors and ignorance about the nature of reality into the fabric of theories that are meant to further human understanding, including theories of economic decision-making.

³⁵ This is similar to the principle of double effect, which we see play out in palliative care quite often. Morphine administered to alleviate pain is justifiable, even if the amount administered is enough to end the patient's life. In choosing to administer the morphine, there is no moral issue if administration of morphine is intended only to alleviate pain. Death, which triggers the moral concern, is simply a secondary effect of the primary deliberation.

This is an especially dangerous risk when we're talking about a phenomenon like non-existence. We avoid talking about it in our everyday lives. We euphemize it, we make it palatable through religious and spiritual practice, but it is death as we experience it in our most objective, scientifically-informed interpretation of experience, as pure existential nothingness, that is the most difficult to understand; This interpretation, thus, is the most susceptible to being overlooked or excluded from the everyday going-on of things that positivistic social science studies. If taking the purely positivist social scientific approach requires taking human behavior as it is, it is no surprise that non-existence plays very little into our theories of economic decision-making. In contrast, the point of philosophical inquiry into the roots of economic theory is to attempt to ground theories of economic decision-making in our best understanding of what human existence (and non-existence) is, not what we ordinarily construe it to be in order that we may live more enjoyable, pleasant lives.

More practically important is the fact that our legislative, judicial, and regulatory institutions rely on social science to guide their decision-making. So, our critique against a purely positivist scientific method in the social sciences is important not only for the sake of ensuring the soundness of theory itself, but for ensuring that our laws, regulations, and judicial decisions do not come to reflect commonly held mistakes and misunderstandings. Why is it important that laws, regulations, and judicial decisions be as reflective of reality as possible? The political structures that scaffold our society exert tremendous positive and negative impacts on individual and institutional³⁶ autonomy. How can we justify the impact political structures have on our autonomy if the justification for those structures is based on a misunderstanding of reality? The infamous Dred Scott decision concluded that African-American slaves were not human beings but property, and on the basis of this misunderstanding of reality the court justified laws requiring runaway slaves to be returned back to their "owners." Failing to understand reality can create the conditions for immoral behavior that we mistakenly believe to be moral and justifiable.

WHY EXISTENTIAL GOODS OUGHT NOT BE ELIGIBLE FOR COMMODIFICATION

We've shown that the economic value of existential goods cannot be assessed via a deliberative process^c. The impossibility we've brought to light presents a major challenge to theories of economic decision-making. We rely on these theories to guide how we construct the political and economic structures that shape and regulate our social world. These social structures have the power to alter the course of individual lives for the better and for the worse. The mistaken/incompletely realistic foundation on which current theories of economic decision-making are grounded rationalizes economic behavior and real-world outcomes considered dangerous and harmful. We might think that the dangers and harms that arise from building a regulatory framework on the basis of a false understanding of reality is a sufficient reason to give our argument its due consideration, but there is little to be gained from justifying adoption of our position via a utilitarian calculus of costs and

³⁶ This includes corporations and not-for-profits

benefits. One could easily argue that bountiful economic benefits accrue to societies whose economic regulatory structures are informed by delusional³⁷ thinking with respect to non-existence, and that these benefits cannot and should not be ignored in the tallying-up of the costs and benefits of fully embracing our line of thinking. The economic benefits to delusional thinking could very well outweigh the costs.

The utilitarian approach to ethics, which since its inception has been intimately interlinked with business and economic thinking, has contributed greatly to the development of our current predicament. By design, utilitarianism focuses on the group at the expense of the individual. The prolonged application of this group-centric ethical framework can breed a regulatory and cultural environment structurally at odds with our traditional concern for individual autonomy, rights, and duties. The move, then, is not to try to argue that adoption of our anti-commodification argument generates the best outcomes, to try to beat economic utilitarian thinking at its own game, as it were; the move is to first reassert the individual, with all her attendant autonomy, rights and duties, to a position of prime importance in ethical-economic thinking. We assert that the individual's well being, rather than the group's well being, is the proper end towards which economic thinking ought to be directed.³⁸

The autonomy, rights, and duties we ascribe to the individual all stem from a more basic philosophical principle regarding the individual: human personhood is itself inherently immutable and dignified. We ought to restrict and forbid behaviors that violate that human dignity. It's in line with these general principles that we will make the proceeding ethical arguments against the free-market commodification of existential goods.

Interest-Independent Values as They Pertain To Existential Goods

In his "A Right to Self-Termination?," David Velleman explores the ethical dimensions of the decision-making schema one might employ in trying to decide whether or not to end one's own life. He argues that it is immoral for patients considering aid in dying to reach a conclusion about electing for the procedure on the basis of whether their life brings them sufficient value.³⁹ Per Velleman: "What I deny is that one may end one's life simply because one isn't getting enough out of it" (612). Velleman's argument stems from the Kantian conception of interest-independent values, of which human dignity is one, and how they are incommensurable with interest-relative values, such as the value of the life our personhood makes possible. Again, Velleman:

*...the dignity of a person isn't something that he can accept or decline, since it isn't a value for him; it's a value **in him** [emphasis mine], which he can only violate or respect. Nor can it be weighed against what is good or bad for the*

³⁷ We mean this literally, as in thinking that is disconnected from reality.

³⁸ There are, of course, situations in which the group's well being must take precedence, as would be the case when determining how to distribute medical supplies in an epidemic; we are arguing that the group-centric focus of economic thinking is more properly the exception rather than the rule.

³⁹This does not preclude ending life because of unrelievable suffering

*person. As I have argued, value for a person stands to value **in the person** [emphasis mine] roughly as the value of means stands to that of the end: in each case, the former merits concern only on the basis of concern for the latter. And conditional values cannot be weighed against the unconditional values on which they depend. The value of means to an end cannot overshadow or be overshadowed by the value of the end, because it already is only a shadow of that value, in the sense of being dependent upon it. Similarly, the value of what's good for a person is only a shadow of the value inhering in the person, and cannot overshadow or be overshadowed by it (613).*

Per Velleman, the dignity inherent to human personhood is violated when it's weighed against interest-relative values.⁴⁰ With this we agree, and take a step further to say that the dignity inherent to human personhood is violated when the conditions that makes for the possibility of human personhood are weighed against interest-relative values. We saw this in our example of the grandmother who is deciding between purchasing that one unit of expensive life-extending medication and leaving her grandchildren money for college. She is being asked to choose between what has value **for her** and what is valuable **in her**, two entities that are fundamentally incommensurable. To treat them as being commensurable necessarily requires denying or ignoring the human dignity inherent in the grandmother, and that which creates the conditions for the possibility of her personhood, her physical body. Our argument in this paper is that it is not only personhood that has dignity, but also the physical systems that create the conditions for the possibility of personhood. We are extending Velleman's argument by ascribing dignity to the human body and all its biochemical machinations needed to maintain an integrated, pain-free personhood. In conclusion, because the evaluation of existential goods is only possible when human dignity is disrespected, we can argue that existential goods ought not be eligible for free-market commodification.

CONCLUSION

The utilitarian-economic worldview has significantly contributed to human progress and improvement. It's on the basis of its tremendous capacity for improving the human condition, combined with the relative paucity of competitive alternatives, that its steadfast adoption has been so universal. However, all worldviews, however useful they might be in helping us navigate and develop our world, must be responsive to the reality that they were originally intended to interpret. Our analysis has shown not only that the utilitarian-economic worldview is not always responsive to reality, but that, in fact, its lack of adherence to reality in

⁴⁰ This being said, there are certain situations, marked by imminent, unavoidable, and total biological disintegration and dysregulation, in which a person can do justice to personhood by terminating life. As we said previously, personhood is a synergistic composite of qualities and characteristics that arise from the proper functioning of the human body, and as such, integrity is a key facet of personhood. Standing by while that integrity disintegrates is to permit personhood's dignity to be violated. By ending life prior to personhood's imminent, unavoidable, and total dissolution, one pays respect to the integral nature of human personhood.

some cases creates real, troubling ethical issues that demand our attention. Resolving these ethical issues would require restructuring our world in profound, energy-intensive ways. We could choose to delay or forego this transformative process, but we should consider that society will continue to build itself up regardless of whether we opt to work on our weakened foundation or not. The risks of failing to take up this project are obvious (and becoming ever more so), but if we can muster the will to bring our markets in line with reality, we will create the conditions for well-grounded, sustainable improvement of the human condition.

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