

CONTESTED MARKETS: AN OVERVIEW

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ABSTRACT

This article provides an overview of the sub-area of new economic sociology, (NES), known as “contested markets”. The involvement of both interests and values in the confection of markets has always been a *leitmotif* of economic sociology and many authors have dealt with the different ways in which markets have been challenged. The very organization of markets involves exclusions which at any time may provide the basis for contestations. Nevertheless, demographic trends, the rapid advance of the scientific and technological frontier, and the privatization of what were previously considered key public goods, have led to a more fundamental questioning of the acceptability of extending markets into new areas of social and private life. We review the different contributions of NES to this theme and, in particular, examine the major contribution provided by Philippe Steiner and colleagues to an understanding of the mechanisms put in place to deal with contestation in the construction of markets. A related, important, contribution on the dynamic of illegal markets by Beckert and Wehinger and the degree to which these can be included within the framework of market analysis, is also discussed. The article concludes with a discussion of Steiner’s original contribution on the “don” to an understanding the hybridization of reciprocity and exchange in the emergence of contested markets.

Keywords: contested markets, illegal markets, *don*, new economic sociology

RESUMO

Esse artigo oferece uma análise da subárea da nova sociologia econômica (NES), conhecida como “mercados contestados”. O envolvimento tanto de interesses como de valores na construção de mercados tem sido sempre um *leitmotif* da sociologia econômica e muitos autores, de maneiras diferentes, tratam das formas em que mercados têm sido desafiados. A própria organização de mercados implica em exclusões que a qualquer momento podem se tornar a base de contestação. No entanto, tendências demográficas, o avanço rápido da fronteira científica e tecnológica, e a privatização do anteriormente foram considerados bens públicos chaves, tem provocado um questionamento mais fundamental sobre a aceitabilidade de estender mercados em novas áreas da vida social e particular. Resenhamos as diferentes contribuições da NSE a este tema, e em especial a contribuição maior de Philippe Steiner e colegas para uma compreensão dos mecanismos colocados em prática para negociar contestações na construção de mercados. Consideramos também, uma contribuição importante de Beckert e Wehinger ao estudo de mercados ilegais e o grau em que estes podem ser incluídos no quadro geral de análise de mercados. Concluimos o artigo com uma discussão da análise original de Steiner sobre a utilização do conceito do “don” para entender a hibridização de troca e reciprocidade que permite o surgimento de mercados contestados.

Palavras Chaves: mercados contestados, mercados ilegais, *don*, nova sociologia econômica

Introduction

In this article we present an overview, necessarily non-exhaustive, of discussions associated with the notion of contested markets. This should not be confused with the economic theory of contestable markets development

by Baumol and colleagues (Baumol et al, 1982) which is concerned with the degree to which oligopoly or monopoly markets may be compatible with efficiency and public welfare. We are dealing with markets which are subject to moral challenge, a theme itself part of a broader debate on morals and markets which has now produced an extensive literature, (Fourcade & Healy, 2007). In recent years there has been a rush of literature on the moral limits to markets and in the first section of this article we explore general and specific features of contemporary society which help to explain this. We then discuss the relation between morally contested and illegal or clandestine markets with a particular focus on the work of Beckert & Wehinger (2011) which develops an insightful typology of these markets and argues that they should be analyzed in the light of the general challenges facing market construction. In this section we also draw on the earlier work of Michael Walzer (1983) on “blocked exchanges” and the discussions this work has provoked. The third section considers the seminal contribution of Philippe Steiner and colleagues based on research into nine very different morally contested markets. In contrast to Beckert & Wehinger, they make a sharp distinction between these contested markets and illegal markets which they argue should be subject to separate analysis since they do not conform to the classical, Weberian, definition of markets seen as forms of peaceful competition on the basis of legally protected property and enforcement rights. In their work they focus on the different mechanisms which are put into place, or fail to be put in place, to enable contested markets to emerge and identify the central role of vulnerable populations in the construction or obstruction of these markets. The fourth section of the article discusses the original contribution of Philippe Steiner to the significance of gift giving behavior in modern society, based on his work on organ transplants (Steiner, 2013). Gift giving behavior as an alternative to market coordination, the author argues, in contrast to the person to person exchange of classical “gift” theories, requires the intermediation of organizations, which both separate the giver from the recipient and introduce a series of market-like characteristics – efficiency, costs, economic power, and the management of emotions. In this form, it presents an

increasingly important alternative to the market in key new areas of social life which are being opened up by the advance of scientific and technological frontiers.

Contextualization

That markets have gone too far has become a popular subject of analysis and public debate from a wide range of perspectives. Michael Sandel's "What Money Can't Buy" (2012) perhaps best exemplifies how the market's expansion has captured ethical and philosophical attention. Shifts in political perspectives, recent advances in science and technology, a changing demographic profile, and a generalized concern with the environmental impacts of economic activity, have pushed the market to the forefront.

Since the '70s, many activities which were seen as the preserve of the State have been privatized or are managed according to market criteria. In most countries, the notion that the "commanding heights of the economy" should no longer be necessarily under State control has been widely accepted. Privatization, however, has also extended to more sensitive areas, such as education and health which have long been understood to be public goods. Here the advance of the market challenges deeply rooted political convictions.

This same period has seen dramatic advances in the biosciences and in informatics. The former opens up the possibility of making the biological components of human life and reproduction the subject of market transactions. The latter, through social networks, drones and data mining, is exposing the fragility of preserving the private and the personal from market exposure. If to these we add the advances in neurosciences, nanotechnology and robotics, and the progressive clustering of these areas of knowledge, we are faced with a vast new frontier for market transactions in sensitive and little regulated fields.

"Whitening" is rapidly replacing the long announced "greying" of the population in the industrialized world and, more rapidly than imagined, in the fast growing emerging economies, with the notable exception of the African

continent. To this should be added an increasing individualization of Western society which is undermining the traditional exchanges within the domestic unit at a time when the State's social provisions are being weakened. The result is an explosion of "personal services" to compensate what Hochschild (2012) calls the "the hollowing out" of the family. "Emotional work", another of Hochschild's expressions, has now become a major area of economic activity, challenging the traditional impersonality of market transactions.

Concerns for the environment, biodiversity and above all global warming are establishing new ground rules and norms for economic activity which are leading to an across-the-board challenge to the functioning of existing markets. The traditional "framing" (see Callon below) of markets in terms of efficiency and unit costs must now be compatible with the transversal demands of sustainability which are increasingly expressed in legal commitments, regulations and mutually agree norms of economic behavior.

With the rise of socialist and communist movements in the nineteenth and early twentieth century, markets as such were contested. Later in the '20s with the emergence of the Soviet Union it was in the name of economic efficiency that markets were challenged in favor of planning. The fall of the Soviet Union and more recently China's bid to be recognized as a market economy have all but buried the claims for planning as an alternative to the market, although the relative roles attributed to market and State remain the litmus test of political positions.

Since the rise of capitalism specific transactions and market conditions have been contested. Most notable here were the abolitionist movements which finally eliminated slavery from the market or reduced it to illegality. (We return below to the issue of illegal markets). E. P. Thompson's classic studies of bread riots in eighteenth century England have identified the moral underpinning of legitimate markets. The legal exclusion of children from the market and women from certain types of markets, as also the introduction of legislation controlling the labor contract (length of the working week), all attest to the way certain types and conditions of commodification have been challenged since the beginnings of capitalism.

The sociological classics were centrally concerned with the reach of the market either through the pervasiveness of money (Simmel) or instrumental rational behavior (Weber). For Simmel, heightened individuality lives in tension with the objectification of social and cultural life. Weber, by contrast, sees the juggernaut of rationality pushing the market itself in the direction of central planning. Durkheim, for his part, focused on the dependence of the market on the prior existence of non-contractual forms of social obligation. This subordination of the market to social norms is complemented by Durkheim's identification of a shift in the focus of sacredness from traditional religions to the individual. Capitalism and the market are counterbalanced by the sacredness of the person.

Modern discussions on the contestation of markets have, however, become most associated with the work of Polanyi who argued that neither labor, nor land, nor money could be incorporated as commodities without destroying the social and natural fabric of life. Untrammelled expansion of the market, therefore, inevitably provoked a counter-movement, broader than that of class struggle, to protect society from its ravages a process that Polanyi discusses in detail as from the last quarter of the 19th century.¹

Polanyi, also provided an influential analytical framework within which to relativize the role of markets in exchange. He argued that throughout history a plurality of forms of economic exchange has been consolidated – the household economy, redistribution of goods and services by a central authority, exchanges on the basis of reciprocity, and market exchange - and that in modern society all have their place. Polanyi's work has heavily influenced reflection on and the promotion of forms of “solidarity economy” (Laville, 2007) and broader critiques of “neo-liberalism” (Blyth, 2002).

The revival of economic sociology from the seventies led to a renewed focus on the institutional and social underpinnings of the market. The social

¹ Nancy Fraser (2014) makes an important contribution to the Polanyian debate when she draws attention to the relations of economic and social domination hidden behind traditional non-market practices. The holding back of markets in the name of traditional values sheds an additional light on the notion of contested markets which is still very relevant today.

network approach, emphasizing respectively the embeddedness and/or the social construction of markets, has tended to view markets as domesticated by, or created via, social networks. The cultural wing of economic sociology, on the other hand, associated pre-eminently with the work of Zelizer, from the outset honed in on the way markets are conditional on value systems. These may challenge markets, either by preventing their emergence as in the case of life insurance in the US in the early nineteenth century (Zelizer, 1978), or by excluding existing markets as in the ban on child labor (Zelizer, 1985).

Two influential traditions in new economic sociology have gone further and argue that markets are intrinsically subject to contestation. Fligstein's (1991) cultural institutionalism is particularly important here. He argues that in their initial constitution markets resemble social movements with a multiplicity of actors and conceptions jockeying to impose themselves. The stabilization of markets involves the definition of rules of property and exchange and agreement on acceptable practices which favor certain actors whom he describes as the incumbents. The fact that markets express the interests and values of certain actors as against others exposes the market to the permanent risk of contestations. Nevertheless, for Fligstein stability is the driving force of incumbent actors. Michael Callon (1998) has developed a similar understanding in his notion of the framing of markets which by definition implies exclusion of actors and values outside the frame. Markets therefore are subject to processes of overflowing whereby the elements excluded tend to invade and overrun the established frames defining markets. These two approaches have been taken a step further by authors who identify an increasing convergence between markets and the dynamics of social movements which are now not limited to the birth of markets but are seen to be constitutive of their *modus operandi* (King & Pearce, 2010). The relationship between contested markets and social movements is even more marked in their common resort to moral modes of mobilization.

The contestation of markets can be seen from two perspectives which need to be distinguished. Firstly, markets can be challenged on the basis of the interests of excluded actors, including in these interests specific

values which they may hold. We are especially concerned here, however, with a second perspective where markets are subject to moral contestation particularly in new areas of economic exchange associated with the developments which we mentioned at the beginning of this article. Often, of course, interests and morality are bedfellows difficult to separate, with the latter frequently reduced to justifications of the former. The French convention approach which focusses on the plurality of publicly defensible and recognized values provides an avenue for distinguishing interests and values. On the other hand, science is increasingly enrolled both for the defense of interests and morals. And it is the advance of various scientific frontiers which has provided the most sensitive terrains of current contestation - genetically modified organisms, stem cell technology, assisted reproduction, organ transplants. At the same time, this proliferation of new forms of market advance and contestation has also led to an increased awareness of the pervasiveness of moral contestation in well-established areas of economic activity – prostitution, gambling, pornography, tobacco, and cannabis. The latter two cases point to the hazy frontier between issues of the public good (health and to which increasingly we should add the environment) and moral contestation, while the former three raise the issue of the relation between morally contested markets and clandestine or illegal economic activity.

In certain circumstances, the gift may be an alternative to contestation and illegality, as in the case of organ or blood donations. While some markets are contested, therefore, because the exchange itself is condemned and its eradication proposed, an equally important form of market contestation argues that for certain spheres of exchange (blood donations) market criteria are inappropriate because they contaminate the meaning of the act and lead to less efficient outcomes as a consequence (Titmus, 1970). Recent research on contested markets has called in question this simple opposition between the market and the gift and demonstrates how in today's complex societies the gift mode is only effective if it is intermediated through circuits organized in accordance with market values of efficiency and unit costs, (Steiner). We will come back to this question at the end of the article. In the next sec-

tion we discuss the relationship between contested and clandestine or illegal markets.

Illegal and clandestine markets

The relationship between contested markets and clandestine or illegal markets has also become a subject of debate. In their introduction to the book *Marchés Contestés* (2015) Steiner and Trespeuch argue, following Max Weber, that illegal markets cannot *strictu sensu* be considered markets since the latter are governed by formally pacific rules of competitive struggle. Rights of property are guaranteed and the legal system is the forum for conflict resolution. By definition, none of these conditions are present in illegal markets. The authors prefer, therefore, to characterize these as spheres of illegal exchange which are subject to their own conditions of enforcement.

Beckert and Wehinger, (2011), for their part, recognize that illegality excludes the legal protection of property rights and legal recourse for the resolution of conflicts, but argue that these activities should be analyzed within the framework of market studies. Firstly, the economic size of these activities, which they calculate as in excess of one trillion US dollars annually, together with the political and social challenges they pose warrant such study. However, the authors argue that illegal markets should be studied within the framework of the broader categories for analyzing markets, both for the insights which might be gleaned on the role of property relations, and because they share with legal markets the importance of networks and institutions and face the same coordination problems relating to valuation, competition and cooperation.

Four types of illegal market are identified: forgeries/stolen property, markets based on regulatory violations, banned products, and banned transactions. The trading of forged or stolen property often occurs within the interstices of legal markets. While frequently associated with markets for “singularities” in the expression of Karpik (2010) where valuation is based on the socially sophisticated construction of aesthetic criteria and reputations, both categories are a potential presence and a threat in many markets. Adul-

teration of foodstuffs, the forging of high brand names, and the sale of stolen vehicles, have all been characteristics of many established markets. Many of these activities are conducted within the protection of the legal market and if discovered would be contested by the incumbent actors in their respective markets. Often, however, they constitute semi-clandestine segments of these markets with the full knowledge of the actors involved, including consumers.

Markets based on regulatory violations constitute an adjacent category whose characteristics often converge. Highly taxed “luxury” items such as cigarettes and drinks spawn either clandestine markets or semi-clandestine, “street markets”, or are imported into the mainstream. Other violations might relate to labor laws, or environmental and safety regulations. The shared strategy here is competitive advantage via prices and actor response may vary depending on the degree to which the regulatory framework has become consolidated. On the other hand, as we saw above the regulatory framework represents specific interests in relation to the market, either those of actors within the market in question, or “public interest” with respect to the market.

Excluded groups may contest the legitimacy of the regulatory framework, among which as a generic category we can point to the artisan sector. Food markets are a central case here as consumer preference, public health and environmental concerns are leading to an increasing rejection of industrial in favor of artisan food practices. These latter, however, as in the iconic case of cheese from raw milk often clash with existing regulations and while acquiring increasing reputational value are often subject to clandestine conditions and outright repression, (Goodman, Dupuis & Goodman, 2014). We can see here a double form of market contestation – against the mainstream market and against the repression of the clandestine market.

The third type of illegal market covers activities where the product subject to exchange is illegal. Banned drugs, human trafficking, child pornography and child prostitution would fall into this category. This category is close to the notion of blocked exchanges developed by Walzer (1983). In *Spheres of Justice*, Walzer lists fourteen types of exchange which he argues are incompatible with market transactions:

- Human beings,
- Political power and influence
- Judicial decisions and legal services
- Basic liberties – freedom of speech, press, religion and assembly
- Marriage and procreation rights
- Emigration rights
- Exemptions from military service, jury duty and other forms of communally imposed work
- Political office and professional standing
- Basic welfare services: police protection, primary and secondary education
- Desperate exchanges
- Prizes and honors
- Divine grace
- Love and friendship
- Criminal acts (murder, illegal weapons, drugs)

Subsequent discussions have attempted to establish commonalities among these different items. Andre (1995) has argued that we should distinguish between things for which monetary transactions are empirically impossible and those for which such transactions are normatively undesirable. Both categories can be further divided into those things which cannot or should not be owned and those which cannot or should not be alienated. As an example, criminal justice, if traded, becomes bribery and similarly votes, if traded, undermine the nature of democratic politics.

Suzuki (2003), in discussing Andre's contribution argues that, from a critical realist perspective, it is precisely because monetarization changes the act, the object of the transaction, that what is empirically impossible is necessarily normatively undesirable. Substantively these blocked exchanges deal with human and/or citizen rights and offer a defense for the exclusion of the market in the exercise of political rights.

However, point 14 relating to criminal acts – drugs, weapons and murder – raises the question that blocked exchanges are often historically and

institutionally variable. Drugs and weapons at different times in the same society and at the same time in different societies may be legal or illegal and murder itself can be redefined as euthanasia. Such variability reinforces the argument of Beckert and Wehinger that illegal markets should be analyzed as a sub-category rather than be excluded from market analysis.

Beckert and Wehinger's fourth type of illegal market "refers to products or services which are as such legal but whose exchange on markets is outlawed", (op.cit. p3). The examples cited here are the sale/purchase of human organs and prostitution. While sexual relations and the giving of organs are highly prized they are not acceptable as market transactions. Here again, however, illegality is relative either in time or to a given institutional context. Prostitution is often legalized and even the sale of organs is permitted in Iran (Steiner, 2010). These shifting frontiers are further arguments for considering illegal/ clandestine markets within the framework of broader market analysis.

If the demand and supply conditions for markets exist, the reasons for preventing their emergence must be specified. In their identification of the normative justifications for excluding market transactions, Beckert and Wehinger (2011) call on the taxonomy developed by Debra Satz (2010) which distinguishes between exchanges which involve individually or socially harmful consequences, and situations of extreme information asymmetry and/ or vulnerability on the part of one of the actors. The legal exclusion of certain types of market activity is not limited to normative considerations but may be justified in terms of the effective or efficient functioning of the market as a whole as regards products or processes. The regulatory structure leading to the exclusion of certain market practices may also as we have seen above reflect the interests of certain market actors.

In spite of their specificities, illegal markets share the broader challenges of domesticating levels of uncertainty, which might undermine their functioning, and confront similar problems of coordination as legal markets, affecting the establishment of value/price, the negotiation of competition and the promotion of cooperation. In the remainder of their work, Beckert and Wehinger show how different illegal markets deal with these issues.

A series of insights emerge when illegal markets are analyzed in the light of legally functioning markets. In the case of the establishment of value/quality and price, illegal markets often feed parasitically on the references provided by the legal markets. Given the acute problems both of information and enforcement, personalized networks assume particular importance. The authors further argue that in certain markets (drugs, organs) the value of the product (although not necessarily the quality) is clear on the demand side. Given the limitations on publicity and conditions for influencing consumer demand they reach the general conclusion that these types of illegal market tend to be more demand driven. It is not clear, however, that the long term shifts in drug consumption practices can be explained in terms of consumer preference. Price/tax benefits, the costs of enforcement and quality control compete with moral positions in the support for or condemnation of these and similar (gambling, prostitution, alcohol).

Competition in illegal markets is highly influenced by information opacity and surveillance which restricts market outlets. As a result, markets are often organized around highly personalized networks, with monopoly markets the exception. Exclusion of competitors through market protection may ensure levels of stability and profitability but leads to high enforcement costs. Greater control over competition is often attained through the corrupt involvement of State actors, creating the paradoxical situation of illegal markets benefitting from State protection.

Cooperation, in its turn, presupposes high levels of trust in illegal markets given the consequences of exposure. Such trust, however, is restricted to personal networks and market activity cannot benefit from the extensive impersonal, institutional trust which characterizes modern economies. Trust is extended on a very specific basis and subject to continuous monitoring, with the ever present possibility of violence as a last resort. Here again organizational forms tend to be very restricted, a pattern reinforced by the need for self-financing and transactions in cash.

In their proposals for further research Beckert and Wehinger (2011) identify the following areas and approaches: the need to adopt a “process

perspective” through time and across institutional spaces; the need to explore the different organizational forms and their functioning; a focus on the interface of legal and illegal markets; exploration of the multiple positions adopted by the State; and analysis of the societal consequences of illegal markets. The proposal to examine the “emergence, proliferation and possible decay” of illegal markets; the insistence on the ever-shifting frontier between illegal and legal markets; and the varied responses which the State can adopt, all suggest that illegal markets can best be analyzed within the broader framework of market studies. We now turn to the contributions of Steiner and colleagues and in particular to the publication organized by Steiner and Trespeuch on contested markets which brings together studies of nine such markets.

Marchés contestés

While Beckert and Wehinger (2011) rely on the commonalities with legal markets to elucidate the operation of illegal markets Steiner and Trespeuch (2014) adopt the alternative path of identifying the specificities which can either enable contested markets to function, block the development of such markets, or which are present in the potential emergence of contested markets. Their focus is not so much on the contested commodity itself, which to date they argue has been the prime object of study, but on the construction, suspension or prevention of a market for this commodity. They relate the current emergence and multiplication of contested markets to the dominance of a neo-liberal discourse which presents the competitive market as the ideal form for exchanging all products and services.

Two components of the neo-liberal approach to markets can be identified. The first is that of the self-regulated market, whose classical critique is to be found in the work of Polanyi discussed earlier. The efficient functioning of the market economy on this view depends on the exclusion of all non-market considerations. A defense of the neo-liberal market can also be based on the moral superiority of efficiency as expressed in the unit costs of production thereby ensuring the most equitable distribution of the world’s resources. Here the claims become open to alternative moral contestation.

Steiner and Trespeuch (2014) then make an analytical distinction between moral contestation, on the one hand, and the market mechanisms through which these moral confrontations are expressed, on the other. This leads to distancing themselves from the work of Zelizer, (whose centrality to these debates they nevertheless recognize), and her adoption of a “relational” approach, which, they argue, is limited to the social interactionist content of moral contestation. We would add that Beckert and Wehinger (2011) similarly concentrate their analysis on the social factors (personalized social networks), which enable contested (in their case illegal) markets to function. This dual focus on the content of moral confrontations and the market mechanisms through which they are expressed allows Steiner and Trespeuch (2014) to draw both on the French convention tradition of moral orders which are publicly negotiated and Foucault’s notion of *dispositifs*, which also inform the socio-technical networks research of Callon and Latour, and particularly the former’s notion of *agencements*, (Callon, 2013). Beckert and Wehinger (2011), for their part, make a useful connection between their notion of market mechanisms and Fligstein’s “rules of exchange”, which he identifies as one of the preconditions for the stabilization of markets.

Drawing on research conducted on nine very different contested markets – the international circulation of children, genetically engineered salmon, tobacco, cannabis, pornography, betting, personal data, human organs, the dead and burials – Steiner and Trespeuch (2014) claim to have created a unified framework within which this phenomenon can be analyzed, despite the great diversity and heterogeneity of these and other contested markets. Three types of *agencements sociaux* are identified. The first of these refers to situations in which market mechanisms have been put in place which contain or cool down moral contestations (the betting industry, tobacco, pornography, the funeral market). Conversely, the second identifies contexts in which no such mechanisms have been able to emerge, or where only partial exceptions prevail (human organs, cannabis). The third type relates to situations where the possibility of markets emerging can be identified but where market mechanisms are still unable to ensure the creation of a stable market.

The central challenge for research, therefore, is to analyse the ways in which moral contestations may either be incorporated into effective market mechanisms or, alternatively, may block the emergence of such mechanisms, or yet again may contribute to the construction of mechanisms for possible markets.

In their general conclusions on contested markets, Steiner and Trespeuch (2014) draw attention to the moving frontier between market and non-market forms of exchange. The nature of both moral contestations and market mechanisms evolve and undergo transformations over time. This conclusion converges with that of Beckert and Wehinger (2011), although they focus on the frontiers between illegal and legal markets, whereas for Steiner and Trespeuch legal non-market forms of exchange involving variations of the gift economy may be the counterpart to contested markets. In second place, they highlight the centrality of *dispositifs* for bringing together the moral charge and market exchange, and identify legal frameworks, fiscal rules and the disciplining of either supply or demand as being among the most important.

Finally, Steiner and Trespeuch (2014) draw attention to the importance of establishing limitations on access to markets with a view to protecting vulnerable populations who can be both protected *from* and *by* the market. Such vulnerable populations can be the sick (cannabis), or the young (pornography), humans, (the war wounded in the case of the French national Lottery), or animals, (horses and animal welfare in the case of gambling, conventional salmon in the face of GMOs). There may even be opposed vulnerable populations, the sick versus the poor in the case of organ transplants. Protection can also be achieved by redefining the market in accordance with the requirements of public health or welfare. In all these cases, the bases of moral contestation are negotiated through the implementation of mechanisms which organize and reorganize the market space. The continuous adjustments needed to accommodate very varied forms of moral contestation highlight the increasingly political character of markets, not in the sense of greater State or legal intervention, but rather in the Foucauldian sense of governmentality. While the efficacy of moral contestations depends on their

ability to be incorporated into mechanisms of market or non-market coordination, publicly defended and defensible moral discourses are an essential pre-requisite. Such discourse may not only prevent the emergence of contested markets but underwrite the operation of alternative non-market mechanisms, an issue to which we now turn, drawing on a further contribution by Steiner (2010) based on his research into organ transplants.

The organizational gift

The distinction between the contestation of products and the contestation of the marketing of certain products and services is crucial because in the latter case it may be that the products are valued in a way which makes them inappropriate for market exchange. We have already referred to Polanyi as a key source for situating the market as one of a range of forms of exchange, which include redistribution by a central authority, reciprocal exchange between families and groups, and exchanges within the domestic unit. In addition to these, the importance of gift giving as a form of exchange has been central to anthropology since Mauss, and its prevalence in contemporary society has been reaffirmed, among others, by Caillé and Godbout (1992). In the case of the donation of body components, we are dealing with a special form of unilateral or altruistic gift giving, where reciprocal expectations are hypothetical, only occur via the intermediation of a third party, and are certainly not to be anticipated. Blood donation has been the most widely studied, stimulated in great part by Titmuss' classic study (1970). The central issue here has been the relative efficiency, both in quantity and quality, of donations as against market stimuli. Steiner's (2010) contribution is to focus on the nature of the gift giving behavior and to demonstrate that in modern society this depends on a sophisticated process of organizational intermediation, and is not, in any strict sense, a form of exchange.

In an article (Steiner 2015) which draws on his research into organ transplants (Steiner, 2010), and dialogues with the classics, (Comte, Mauss) and key authors in economic sociology, (Zelizer, Polanyi), Steiner develops an original approach which identifies the prevalence and the specific featu-

res of gift giving in modern society. He recognizes the persistence of Mauss-style gift exchange as, for instance, in the donation of organs between living persons, normally close family members, where the donation is direct and can be understood in terms of social bonds and the presumption of reciprocity. However, he argues that much modern gift giving is essentially organizational in a number of key senses. He calls attention to the fact that the recipient is generally a stranger, (a point also made by Titmuss), and that the intermediation necessarily occurs, therefore, via organizations of various types rather than direct person – to – person relations.² The key distinction to be made here, he argues, is that between individual persons and moral or legal persons (organizations) and those who act in their name.

With the intermediation via organizations market-like elements, power relations, and professional emotion management, (here the work of Hochschild is evoked), are introduced which extend the relational chain beyond the personal circuits of commerce envisaged by Zelizer. Tariffs and costs subject the gift transaction to criteria of economic efficiency, while the acceptability of the gift depends now on medical quality controls. We are a far cry, here, from the spirit of personal gift giving, where the expression “You don’t look a gift horse in the mouth” provides popular behavioral guidelines. Whether presumed consent prevails for post mortem organ donation or explicit consent is needed, (and here, it should be noted, the donor is the immediate family), the power of medical authority may be decisive in ensuring the gift. As in the case of market transactions, organizational gift giving also raises classical questions of trust.

Other forms of modern gift giving, such as charity or solidarity, are also best understood within this organizational analytical framework. Steiner (2015) cites a French report showing that 55% of French people in 2005 gave money, time or goods to charity or to causes which were overwhelmingly intermediated by organizations. Of particular note here is the Report’s

² With the development of assisted procreation there may be direct contact or knowledge of the donor by the recipient (or eventual children) but here again this is only possible through organizational intermediation.

conclusion that 90% of the funds received were spent to cover the costs of the organizations and only 10% reached the recipients.

The organizational gift therefore presents itself as an alternative response to market contestation for products whose value is considered to be incompatible with market transactions. Its relevance is not limited to traditional activities but extends to transactions in the frontier areas of technology, especially in the biomedical and informational spheres and is therefore likely to become an increasingly important arena of “commerce” in the future. Although Steiner would not view the organizational gift in this way we can perhaps situate it as the polar opposite to the emergence of illegal markets, where for different reasons the market exchange of products is also contested.

Conclusions

In this article we have discussed some leading contributions to the theme of contested markets. As we have seen, the most adequate framework for defining and exploring this field is still subject to debate. Nevertheless, there are solid reasons to suppose that contested markets will become an increasingly important area of study. In the first section of this article, we enumerate a series of features of contemporary society which suggest that contestation may become the ‘new normal’ in economic transactions. In this sense, contested markets can be situated within the broader recognition of the moral content of economic activity. At one end of this spectrum, we are dealing with blocked exchanges and prohibition which in their turn spawn illegal transactions. At the other, we see the emergence of the organizational gift as a way to negotiate values seen as inappropriate for exclusively market coordination. The moral charge infusing these activities and the greater involvement of non-market organizations and actors bring economic activity and markets closer to the dynamic of social movements, and this insight is increasingly informing research in this field. Steiner’s contribution on the organizational gift is a major step forward in identifying the heterogeneous mix of market and non-market forces which are becoming the hallmark of contemporary economic life.

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