

# COMMODIFICATION VIEWED TRANSNATIONALLY: A COMPARATIVE ASSESSMENT OF THE LIMITS ON WHAT CAN BE BOUGHT AND SOLD

**By:**  
Kellye Y. Testy  
Seattle University

## **I. Introduction**

- A. A Decanal Perspective on Incorporating Transnational Law Into the First-Year Curriculum
- B. An Renewed Argument for a Year-Long Contracts Course
- C. Pedagogical Goals Served by a Focus on Transnational Law in First-Year Contracts
  - i. Interest
  - ii. Relevance
  - iii. Normative Thinking

## **II. Commodification**

- A. A Brief Overview of Commodification
- B. Pedagogical Opportunities from Focusing on Commodification
  - i. The Public/Private Dichotomy
  - ii. Autonomy and Consent
  - iii. Commercial v. Family Context and the Bargain Theory of Contracts
  - iv. Contract Law and Inequality
  - v. Contract Remedies in Practice

### **III. Comparative Assessment: Some Examples to Use in Teaching Contracts**

#### **A. Contracts Involving Children**

- i. Surrogacy Contracts
- ii. Adoption Contracts
- iii. Child Labor

#### **B. Relationship Contracts**

- i. The Marriage Contract, including Polygamy
- ii. Pre-Marital Agreements
- iii. Meretricious Relationships
- iv. Mail Order Brides
- v. “Consensual” Sexuality, including Prostitution
- vi. End-of-Life Directives

### **IV. Concluding Remarks and Audience Discussion**