A number of the essays in this book take issue with the way a binary of either agency or coercion misframes the issues, encouraging us to think that one must be either a free agent or coerced and failing to recognise their mutual coexistence. This thought provides the background assumption to my chapter. Agency, in the sense of capacity to act and reflect, is a feature of pretty much anyone not bound and gagged and delivers too minimal a notion of what it is to exercise choice. Faced with repeated jibes about women being more passive, more submissive, less capable of acting and taking initiatives than men, we have spent too much time seeking out evidence of activity in order to substantiate our claims to equality. We should not, however, still be debating who has agency, for anyone not in a coma has this. The more taxing questions relate to what counts as coercion, and at what point the social pressures we can none of us escape turn into unacceptable coercion. Social relationships always involve pressure: they will always predispose us towards certain actions and away from others, and often actively push us in particular directions. Much of what we count as the exercise of (both individual and collective) agency is dealing with these pressures, working out at what point persuasion is turning into pressure, pressure into coercion, and coercion into something we need to resist. The aspect of this that concerns me here is what difference, if any, the body makes.

In one sense, the body is crucial, marking a clear boundary line between acceptable pressure and unacceptable coercion. For many people, we enter the realm of unacceptable coercion precisely at that point where we are subjected to the threat or reality of physical violence. Anything we ‘agree’ to under such circumstances cannot be counted as our own decision. We do not, on the whole, think the kidnapped person who manages to escape from her captor is morally bound to pay the sum she had agreed as a ransom; nor that the person who participates in a marriage ceremony because she has been told she will otherwise be killed is thereby committed to making the relationship work. Here, the very physicality of the pressure exerted makes it all too evident that this is coercion.
The body enters the story in another way, too, for even when we have freely agreed to a particular course of action – with no gun to the head – we will not normally be required to carry it out if the action involves some element of personal, bodily, subordination. The law treats bodies differently. If I renge on an agreement to pay you a particular sum of money, a law court might well order me to deliver the amount in question, and if I continued to resist, might simply sequester the funds. If I renge, however, on an agreement to perform certain services for you – services involving the use of my body – I am more likely to be ordered to pay damages. The court will not require a personal servant to serve out her time with an employer whose attitudes she can no longer stomach or a footballer to complete his contract when he has definitively fallen out with his manager. Ordering what lawyers call ‘specific performance’ is thought to edge too close to personal subordination. The body makes a difference.

In this chapter, I want to push this question further and consider whether there is also something about the intimate uses of the body that makes money pressure unacceptably coercive in the case of prostitution or surrogate motherhood, or familial pressure unacceptably coercive in the case of marriage. We do all kinds of things for money we would not otherwise choose to do: we get up earlier than we might like because we have to go to work, and even in using that language of ‘having’ to go to work, talk as if this were a matter on which we had no choice. We also reluctantly agree to particular courses of action because failing to do so would seriously disappoint family or friends. A weekend in the remote countryside with 16 warring relatives might be our notion of hell, but we go because we realise how much it means to our parents. In such cases, there is scope for doubt as to how much we are ‘really’ choosing, but we do not, on the whole, describe these as instances of coercion (and do not think the person reluctantly going along with the plan reveals herself as lacking in agency). Should we think differently about these pressures if what they pressure us towards involves a more intimate use of our bodies?

In the following sections, I consider the arguments for treating marriage, prostitution, and surrogacy differently and whether these arguments depend on contestable claims about there being something ‘special’ about the body. With marriage, I argue that the case is overwhelming: marriage is a long-term arrangement, involving bodily proximity and intimacy, and the very centrality of bodies to marriage imposes a high threshold for willing consent as well as unconstrained rights to renegotiate the terms. With prostitution and surrogacy, the arguments are less clear, and feminists, among others, have been divided on the issues. I argue, nonetheless, that here too the body makes a difference. This is, firstly, because both activities require of their participants a level of bodily regulation and control that exceeds the norm; secondly, because the reasons for ‘choosing’ one of these activities are intrinsically bound up with economic compulsion. We all have bodies; we could