SEMIOTIC OBJECTIONS TO MARKETS: DEFENDING SANDEL AGAINST BRENNAN AND JAWORSKI

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ABSTRACT

Benjamin H. Schwartz: Semiotic Objections to Markets: Defending Sandel against Brennan and Jaworski
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Do semiotic considerations place moral limits on the reach of markets—that is, should certain goods be kept off the market because marketizing them would express the wrong way of valuing them? Sandel argues that putting certain goods on the market can change their meaning and that this sometimes expresses bad attitudes and corrupts our values. Brennan and Jaworski argue that the meaning of markets is largely contingent, so putting goods on the market need not change their meaning in morally problematic ways.

In this paper, I argue against Brennan and Jaworski’s criticisms of semiotic objections to markets (such as Sandel’s) while concurrently defending Sandel. Specifically, I argue that Brennan and Jaworski frame the debate incorrectly; that markets necessarily express commensurability; that Brennan and Jaworski provide flawed arguments for their contingency thesis; and that one key suggestion they make (instituting ‘schmarkets’) is both unfeasible and objectionable on their own terms.
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1. Introduction

In “Markets without Symbolic Limits”, Brennan and Jaworski argue against a certain class of objections, which they label “semiotic objections”, to the moral acceptability of certain markets. (Brennan and Jaworski (B&J), 2015: 1055) To defend their claim that semiotic objections (i.e. objections due to the meaning or expressive function of a good, activity, or practice) to markets fail, the authors engage in a multifaceted attack. After explaining what they think the semiotic objection is, they argue against several versions of it. As part of this process, they argue for the positive thesis that the meaning of markets is largely socially constructed and contingent, which leads them into defending the further position that if semiotic limits to markets have harmful consequences, then these limits should be discarded (if possible). (B&J, 2015: 1062)¹

The positions and arguments Brennan and Jaworski stake out in their paper respond to philosophers, such as Michael Sandel, who have argued that sometimes introducing a market for a certain good, activity, or social practice can change the meaning of those goods (or closely associated goods or practices) in morally problematic ways. In particular, Michael Sandel argues that in a wide variety of cases, such as gift giving, line-standing, and blood donations, creating a market for a good or social practice often has a negative moral impact on the meaning or value of that good. Inserting a market into these domains is in this sense “corrupting” of that good or practice. (Sandel, 2012: 33-35, 103, 110-113, 124) While Brennan and Jaworski make some

¹ The specific markets under consideration could vary, but Brennan and Jaworski’s main focus is on “contested…markets”, such as markets in kidneys and surrogacy services. (B&J, 2015: 1054)
plausible points and raise some interesting criticisms about views like Sandel’s, I ultimately find their arguments in “Markets without Symbolic Limits” to be unpersuasive.

In what follows, I will discuss and critique Brennan and Jaworski’s arguments against semiotic objections to markets. Here is how I will proceed. To start, I will provide some exposition of Sandel’s position in What Money Can’t Buy, since his view is one of Brennan and Jaworski’s primary targets; I will defend his view while using it as a key foil for theirs. Next, I will examine what I consider to be the most worrisome criticisms that Brennan and Jaworski raise for Sandel’s view (or similar ones) that markets can sometimes be corrupting. First, I will argue that they frame the debate in a misleading way. Then, I will raise some doubts about their argument against the Mere Commodities Objection. After that, I will examine and criticize their position that the meaning of markets is contingent. Following that, I argue that there are reasons to be skeptical of their claim that we can institute markets that are not disrespectful, impersonal, etc. Finally, I will use this analysis to unearth the weaknesses in their claim that consequences should take moral priority over the semiotics of markets.

By examining Brennan and Jaworski’s arguments and showing where they seem to go astray, I hope to provide strong support that Sandel’s position about markets is still a viable one. As I will argue, Brennan and Jaworski fail to produce a strong reason to reject the view that markets can change the meaning of certain goods and practices in morally problematic ways.

2. Sandel’s Position

Let us turn to Sandel’s position, particularly his thesis that markets can sometimes corrupt the meaning of certain goods and practices. Sandel illustrates this thesis with a plethora of examples, including voting and having children. Sandel argues that buying and selling these
things is not in line with our best understanding of what the thing in question is. (Sandel, 2012: 9-11) For instance, votes are about being a citizen in a society and voicing one’s opinion in a public process; votes are *not* about being an economic actor seeking to maximize one’s private financial gain, although people may sometimes vote with an eye to their own personal interest. Likewise, the proper attitude to have toward children is one of “love and care”; a market in which children are bought and sold by prospective parents, even if they are not mistreated and even if the market is well-regulated, “express[es] and promote[s]” a morally bad attitude—it suggests that children are to be primarily valued as “consumer goods”, which is an inappropriate way to value them. (Sandel, 2012: 10) For Sandel, when we put a monetary value on these things and buy and sell them on the open market, we degrade what they are supposed to be and what they are supposed to be for. Markets shift our focus about the way in which we can have and obtain these goods, which is corrupting of our best understanding of what they are and why they are valuable.

Sandel admits in multiple places that his view about how markets can sometimes corrupt certain goods and practices is contestable: whether they corrupt these things will depend on one’s “vision… of the good society and the good life”. (Sandel, 2012: 11, see also 202-203) So, debate is needed to determine what our best understanding of these things should be. (Sandel, 2012: 14-15) Properly conducting this debate would involve examining whether there are types of value that cannot be captured in economic terms (i.e. in terms of monetary value). The question is whether we would corrupt or lose the value of, say, civic solidarity or loving kindness if the goods and practices that involve them were put on the market.

As I read him, it seems that Sandel is committed here to (at least) two distinct claims: 1) Putting certain goods or practices on the market can change the meaning or value we assign to
them; 2) This is sometimes a morally bad thing, since there is a right way of valuing these goods or practices that isn’t captured by markets (which “treat [goods] as commodities, as instruments of profit and use”). (Sandel, 2012: 9) In other words, the way we think about goods or practices can be changed by markets, and this is sometimes morally problematic. These two claims are tied together, because if 1) isn’t true then 2) is irrelevant. What Sandel is arguing is that markets can change the meaning (including the assigned value) of a good. If my interpretation is right, then what Sandel thinks is even more contestable is his claim that these shifts of meaning and valuation can be a morally bad thing. So, even though Sandel wants to convince the reader of both claims, he would probably be satisfied if he convinced the reader of 1) and that, therefore, moral debate needs to be had about whether introducing markets in certain domains (e.g. surrogacy) would be a bad thing. (see Sandel, 2012: 13-15, 202-203) It’s quite possible that some people will disagree with Sandel’s position that there are better ways than markets to handle certain goods. However, at least they will be forced to argue for their view that the change of meaning is not morally problematic. Of course, Sandel’s opponents might also argue against Sandel’s first claim that markets can change the meaning or value of certain goods.

3. Analysis: Brennan and Jaworski’s Criticisms & Responses to Them

Let’s turn to Brennan and Jaworski’s criticisms of semiotic objections to markets (including Sandel’s) in their article “Markets without Symbolic Limits”. I will examine and respond to their criticism of Mere Commodity and Wrong Signal objections, as well as their related argument that the meaning of markets and market-exchanges is contingent.

According to Brennan and Jaworski, the “semiotic objection[]” to markets is the claim that placing a good or practice on a market can negatively affect either the meaning of it—what
it “expresses” or “communicates”—or the meaning of closely associated practices, relationships, etc., which are negatively affected in that the marketization expresses “wrong attitude[s]” or “disrespect” towards them. (B&J, 2015: 1055) That is, the meaning given by society to these goods or practices by endorsing the buying or selling of them expresses a morally incorrect attitude towards them. We can see Sandel’s two claims in this objection: 1) markets can change the meaning of goods or practices and 2) this can be a bad thing. Further, Brennan and Jaworski claim that this objection is conceptually distinct from objections based on moral considerations such as “wrongful exploitation”, “rights violations”, “harm to others”, and “corruption”. (B&J, 2015: 1053-1055)

A. Connection between the Semiotic and Corruption Objections to Markets

First, since one of Sandel’s major objections to markets is based on the notion of corruption, it is important to consider Brennan and Jaworski’s framing of the debate here. According to Brennan and Jaworski, the corruption objection is that some markets may “cause us to develop defective preferences or character traits”; they claim that this type of “character corruption” is “independent” of semiotic worries that certain markets “express or symbolize the wrong motive or attitude”. (B&J, 2015: 1055, my emphasis)

However, this taxonomy immediately raises a problem: Sandel would presumably object to Brennan and Jaworski’s claim that the corruption and semiotic objections to markets are separable in this way. For Sandel, developing and having improper preferences and character traits is intricately connected to the degraded meaning or attitude that is expressed by marketizing a certain good or practice. This is because, at least in part, the type of meaning of a good or practice that Sandel is concerned with is its broad and normative meaning—it includes
the values, purposes, and attitudes that are involved with the good. As I interpret Sandel, when the broad, normative meaning of a concept or practice changes, this meaning shift can negatively affect and corrupt the values, attitudes, and preferences of the society’s members who employ the changed concepts.

For example, the meaning of sex that Sandel cares about is not simply a physical description of the act, but it also involves conceptions of what is good (or bad) about it, how we ought to think about it, and what its social and moral purposes are. So, my interpretation of Sandel is that ‘sex’ is to be thought of as a broad, normative concept, which is shaped and informed by our attitudes and values. If markets in sex would negatively affect its meaning, then it also seems that markets in sex would corrupt our attitudes toward it.

The corrupting impact of meaning and expressive attitude shifts (via instituting markets) on the values, preferences and personal attitudes of individuals is at the core of Sandel’s corruption objection: the former are very tightly connected to the latter. In this way, Brennan and Jaworski’s separation of the corruption objection, which is based on how markets affect our preferences and character, from the semiotic objection seems to be an unfair characterization of Sandel’s objection to markets. For Sandel, our preferences and character traits (which involve our attitudes and values) are affected by and help constitute the meaning of the debated goods and practices. We can’t separate corrupted attitudes from degraded meaning (because these reflect one another), and the corruption of certain goods is intricately linked to the corruption of our valuation of them. So, there is a direct link between these two types of objections, and therefore these two types of concerns cannot be cleanly separated into distinct categories.

David Dick makes the related point that Brennan and Jaworski fail to consider “impure semiotic objections” that object to semiotic shifts because they “cause[, constitute[, or involve[,] a nonsemiotic wrong” such as character corruption. (Dick, 2018: 227, 237) Sandel is not always entirely clear about how exactly semiotics affects character, but he does think that there is a tight connection between them.
Consider an example of how attitude corruption and meaning change are intricately tied together. Imagine that the practice of vote selling is instituted. This type of case is mentioned by Sandel (2012: 10, 15), so it will hopefully provide some illumination if we expand upon his suggestion. Presumably, in a society that implements vote selling, the meaning of voting would change, because votes would be primarily an instrument of profit or gain. The vote totals would no longer express the collective opinion about who will do the best job governing, based on a range of criteria; instead the vote totals would express the amount of money that a candidate was willing to pay for the number of votes they received. Moreover, these expressions are not the same thing: the former expression is about “public responsibility”; while marketizing votes treats them “as private property”. (Sandel, 2012: 10)

In this case, an individual’s values toward voting would presumably shift as well. It would no longer be thought of, in general, as a public good or a civic duty. This is the line that Sandel takes: “selling [votes] values them in the wrong way and cultivates bad attitudes”. (Sandel, 2012: 15) It is very plausible that the meaning of a practice, such as voting, isn’t created in a vacuum. Instead, it depends on the attitudes and conceptions that the people in a given society have about it. If enough people take a certain attitude toward the practice (e.g. that it is tradable on the market and fungible), then the meaning of the practice would shift (and vice versa). Moreover, in the voting case, these changed attitudes are arguably corrupted because voting is supposed to be valued as a public good. If it is correct to think of a vote as a public good, then the attitude that it is a private instrument of profit is a degraded one. So, this example illustrates how shifts in attitudes and values go hand in hand with shifts in meaning; it also shows that meaning shifts can sometimes corrupt certain values and attitudes by degrading them.
I’d like to emphasize that the above analysis matters to the overall debate because Brennan and Jaworski try to isolate semiotic objections from all other moral considerations. Moreover, they use this supposed distinction to bolster their later claims, such as the moral insignificance of semiotic concerns (e.g. expressing disrespect) when they may lead to harmful consequences. But the attitude we hold toward a good or practice is, I have suggested, part of its broader meaning, including its significance and value. If this is right, then whenever the meaning of a good or practice changes, the attitudes held in a society will shift at least a certain amount. We wouldn’t be able to have a substantial change in meaning without people’s attitudes necessarily changing as well, sometimes in a way that is degrading. So, contrary to Brennan and Jaworski, changes in meaning alter and potentially corrupt our preferences, character, and attitudes after all—these features are tied up together. If we think that these further features deserve moral consideration, then we should be wary of Brennan and Jaworski’s attempt to disconnect them from the semiotic objection.

B. Brennan and Jaworski on the Mere Commodity Objection

The above analysis connects to the next topic I will examine, Brennan and Jaworski’s rebuttal of what they label “The Mere Commodity Objection”, which is one subtype of semiotic objections to markets. (B&J, 2015: 1057) Brennan and Jaworski’s characterization of the Mere Commodity Objection is that buying certain goods and practices on the market expresses that one thinks of it as merely instrumentally valuable, which is the wrong way to view certain goods and practices (viz. the ones that are intrinsically valuable). (B&J, 2015: 1057-1058) Brennan and Jaworski’s response is that people can buy or sell things without necessarily thinking of them as merely instrumentally valuable; for instance, people buy and sell animals as pets without
thinking of them as merely instrumentally valuable—the monetary price they pay for the animals does not encapsulate the extent of how much they value them or what their attitudes are towards them. (B&J, 2015: 1059) This is supposed to illustrate that an individual can buy or sell a good on the market without the meaning of it changing for him or her. There is some plausibility to this point, but I think it also shows that Brennan and Jaworski might not have captured the full thrust of the commodification objection in the first place.

As I read Sandel, he would most likely respond to Brennan and Jaworski’s critique by agreeing that buying or selling a good or practice on the market does not require a person (or a society) to think of it as having merely instrumental value. The practice of buying or selling a good would, however, change people’s attitudes towards it, at least a certain amount—we would start to think of it as being at least partially, and perhaps primarily, of instrumental value. (Recall the previous analysis about how attitudes and meanings are intricately linked.) For Sandel, thinking of something as partially, or even primarily, instrumentally valuable can be a degrading and improper mode of valuation, if our best understanding of the good is that it is solely or primarily intrinsically valuable (or valuable based on a different set of norms).

Here’s one case: to think of marriage (or gift-giving) primarily or solely in instrumental terms, by subjecting it to a monetary cost-benefit analysis as some economists have suggested, would not be the proper way to think about or assign value to the marriage (or gift-giving) relationship. (see Sandel, 2012: 50-51, 102-104) Even if subjecting marriage to such a cost-benefit analysis does not necessarily force someone to completely ignore the non-instrumental value of it, it plausibly shifts his or her focus away from those values, such as love, trust, and belonging, and towards its monetary and instrumental value. So, I think that a response available to Sandel is that trading certain goods and practices improperly shifts our focus towards their
market value and away from other reasons why they are valuable, which would inculcate an improper valuation of these goods or practices. A further but related point, which I will discuss below, is that thinking of some goods or practices (e.g. a child) as having a monetary value is to place them, at least in part, on the same scale of value with other goods (e.g. a toaster oven) in an inappropriate way, given what makes them valuable.

C. Is the Meaning of Markets Contingent?

I will now consider another argument that Brennan and Jaworski make. In order to respond to the related semiotic objection that certain markets send the “Wrong Signal” (via expressing the wrong attitude or valuation), Brennan and Jaworski argue that the meanings associated with money and marketization of a good or practice are largely or entirely socially constructed and contingent. (B&J, 2015: 1060-1061) They think that this claim, if true, establishes that there is no objectively right or wrong way to think about using money and markets to trade a certain good; if so, the semiotic objections about how money necessarily expresses the wrong signal and trades in the wrong type of currency with respect to certain goods (e.g. having children) will fail, since the meaning of using money need not express disrespect or bad attitudes (it will depend instead on the culture). (B&J, 2015: 1061-1063, 1066) However, I will endeavor to show that their account and argument for it contain some serious flaws.

C.1 The Merina People. To support their claim, they provide examples of how different cultures have different attitudes and meanings associated with using money. For example, there is a culture, “the Merina people”, where a husband is “expected to give” his wife money after sex. (B&J, 2015: 1064) The point here is supposed to be that paying for a good or service is not
thought of as devaluing it, at least in certain cultures, such as the Merina society. Note that this is a sociological, empirical observation, and so it is a descriptive account of the practice in question.

However, it is not quite clear whether observing a monetary exchange establishes that the husband is using money to express his love for his wife instead of paying for the activity. Instead, it seems plausible to suppose that a Merina husband and wife do not view this as a transactional exchange, where the husband buys the sexual act from his wife; rather, it seems more likely that it is thought of as a gift or as a way of honoring one’s spouse. Moreover, this type of interaction does not occur on any kind of market—it’s not as if the wife’s sexual services are available to anyone in the society that is willing to pay for it. Basically, this example seems very suspicious: it’s supposed to be an example of a market transaction that doesn’t express improper attitudes, but it’s doubtful whether the husband and wife view it as transactional and it does not take place on some kind of economic market. The other people in the society cannot buy sexual services from this woman. If I am correct about this, then it is doubtful that this case serves as a counterexample to the view that market exchanges have necessary meaning.

C.2 Commensurability. Now, we just examined one reason to be skeptical of Brennan and Jaworski’s claim that the meaning of money is almost entirely contingent and socially constructed. This was because the sociological evidence did not provide strong reason to think of these practices as market exchanges that express proper attitudes.

Let’s consider another reason to be skeptical of their key claim. There are two important features of the use of money in a market that seem to be independent of social constructions: that is, wherever money is used as a means of exchange, these features are necessarily present. First,
money assigns a quantitative value to the thing being traded; this allows the item in question to be compared to other things that have been assigned a quantitative monetary value. Second, and relatedly, when two goods or practices are each assigned a monetary amount, this implies that the values of the two items are to be treated as commensurable, at least in part. For example, if surrogacy services are given a $20,000 price tag, per pregnancy, and a new sports car costs $40,000, the value of these two items are treated as being commensurable (at least in part), and the sports car is thought to be twice as valuable as the surrogate mother’s pregnancy (at least in part). Moreover, when two women command different market prices for the same type of surrogacy service, it seems that this necessarily implies that one women’s service is more valuable than the others. These types of comparative valuations, which are necessary features of market exchanges, could be morally problematic for a variety of goods, especially contested ones such as surrogacy. We might not want to express differing, comparative valuations about surrogacy, since pregnancy might be better thought of as an expression of love or a gift.

Further, I’m confident that Sandel would support these points about quantitative valuations and commensurability being necessary features of markets. For instance, in his book *Justice*, Sandel discusses the case of the Ford Pinto. Now, it was realized after many Pintos had been sold that the cars’ gas tanks were explosion-prone. Of course, Ford was sued as result of the injuries and deaths from these explosions. During the court proceedings, it was discovered that Ford knew in advance about the defect, had calculated the expected number of deaths and injuries due to the gas tanks, and had put an expected monetary loss on each lawsuit involving them; since the monetary cost to fix this deadly flaw in each Pinto’s engine was determined to be higher, the company decided not to recall the vehicles. Sandel points out that “the jury was outraged about this…perhaps [because it] assigned a monetary value to human life”. (2010: 44)
Not only this, but Ford determined, via their cost-benefit analysis, that the benefit of saving these lives wasn’t worth the cost of the repairs. (Sandel, 2010: 43-44) Sandel gives many other examples, including a study where many people said they would not accept any amount of money to live on a farm in Kansas for the rest of their life (2010, 46-47), which provide reasons to think that monetary exchanges express commensurability between different goods or values and that sometimes this is problematic. (see Sandel, 2010: 41-48)

So, given the above analysis, Sandel and other proponents of semiotic objections, could respond that the best understanding of certain goods or practices is that they are incommensurable with other goods. For example, a woman’s pregnancy, which involves an intimate mother-child relationship, or a happy marriage is not valuable in the same way that a sports car is valuable. To assign a monetary value to, say, a marriage or a pregnancy is to treat it as being measurable by the same standard of value as a sports car is. But, Sandel would probably say, marriages or pregnancies should not be thought of as being valuable in this way—if we assign monetary values to these things, we degrade them by failing to value them in a manner appropriate to the kind of good they are. (See e.g. Sandel, 2012: 111-113) Sure, a semiotic objector might say, sex has some instrumental value in that it satisfies a human desire for sexual pleasure, but it is inappropriate to focus on that aspect by assigning a monetary value to it or to socially endorse it, say, via the legalization of economic markets in sex-work. It should instead be treated as something higher or distinct from the monetary value the market assigns it—perhaps as an expression of a loving and caring relationship between two human beings. So, to echo a point made above, the nuanced response here for Sandel would be that, when sex is marketized, the commensurable part of the practice of sex (that is, the satisfaction of a basic
appetite) is over-emphasized and the incommensurable part (that is, the expression of love and care) is under-emphasized in a morally problematic way.

C.3 The Twin Earth Thought Experiment. Brennan and Jaworski also introduce a thought experiment that is supposed to illustrate the social relativity and contingency of the meaning of money and markets. I’d like to analyze and respond to it in some detail, since I think it serves as a good example of some of the key issues involved in Brennan and Jaworski’s argument, as well as why there is reason to think it goes astray. In the thought experiment, the reader is asked to imagine a “Twin Earth” where the social practices of giving a wedding speech and providing a wedding cake for the dinner party are reversed: instead of the expectation being that the wedding cake is purchased and the groomsman writes and gives a heartfelt toast, the expectation is that the wedding cake be carefully and thoughtfully baked by relatives and the wedding toast be purchased on the market; Brennan and Jaworski claim that on “Twin Earth” we can imagine a “Twin Michael Sandel” arguing that purchasing a wedding cake is degrading to the attitudes that should surround providing a cake for the wedding. (B&J, 2015: 1065-1066)

This is supposed to be in direct response to Sandel’s argument in What Money Can’t Buy that a bought wedding toast is arguably degraded and devalued compared to one that is painstakingly written by the groomsman; this is because, Sandel argues, a bought toast does not express the norms of care and thoughtfulness appropriate to the relationship of friendship. (Sandel, 2012: 96-98) Brennan and Jaworski are trying to put pressure on Sandel’s claim by suggesting that if our society were set up differently, we wouldn’t express disrespect or value wedding toasts improperly if we purchased them. The conclusion the reader is intended to reach
is that, in this case at least (and, by extension, in a more general sense), the meaning of money is socially relative and so are the associated norms about what things we should not buy.

There are multiple responses available to Sandel regarding this thought experiment and its intended upshot. First, we will focus on the meaning of these particular practices; then, we will broaden our scope and examine what the meaning of markets in (more or less) everything would be.

As a first response, Sandel could argue that our practices on the actual Earth surrounding weddings, particularly how we treat wedding toasts and cakes, are a better way to express respect and friendship between the groomsman and groom. This line of argument would maintain that writing a toast requires a lot more of the right kind of thoughtfulness involved in a deep friendship than putting effort into baking a cake does—writing a toast requires knowing what the person is like, telling them how you feel, publicly praising them and wishing for their happiness, etc., while baking a good cake likely only partially satisfies these plausible criteria of friendship. The idea is that, if you only change which of the two practices goes on the market (and the related social expectations), while holding everything else the same (such as the work involved for each practice), then values such as love and respect are better expressed via wedding toasts. While someone might object that a thoughtfully baked cake does express how one feels about a friend, it is plausible that speech is still a better vehicle for such expression: language provides the capacity for more relevant nuance and detail in this type of situation. If this is on the right track, then the seeming interchangeability and relativeness of our valuations are not so relative after all: this Twin Earth is not a morally equivalent twin.

Now if you have doubts about that, then here’s another line of response. Let’s consider a different possible world, call it ‘Triplet Earth’, where both the wedding toast and the cake are
bought on the market. At first glance, there is something lacking in this world, namely a proper appreciation and expression of friendship from the best man to the groom. This is a real loss because now neither practice involves the kind of personal labor required to express friendship.

Brennan and Jaworski might respond that the expression of friendship would have to come from a different practice involved in the wedding, because they think expressive norms such as showing respect are valuable across cultures even if they are expressed in different ways in different cultures. (see B&J, 2015: 1063) However, I think that this response fails because it gives us reason to think that market purchases are not the best way to express friendship. Instead, it states that a different practice would be needed to do so on Triplet Earth. Moreover, even if Brennan and Jaworski are right that we can shift the non-market practice that expresses friendship, they are in trouble. This is because Brennan and Jaworski want to expand, not just shift, the reach of the market, and Triplet Earth is ultimately an allegory for what would happen if more and more wedding practices became marketized.

To see this more clearly, we can extend the Triplet Earth example by imagining that now all aspects of the wedding—the cake, the toasts, the gifts, etc.—involve monetary exchange. This is a world where everything, wedding-related at least, is bought and sold. For example, suppose that all the guests are expected to bring cash instead of gifts for the couple and, instead of vows, the bride and groom are simply supposed to give each other money and then pledge to invest it in a joint mutual fund account. (I’m not claiming that such a world is very likely, but it is at least a conceptual possibility.) This new world seems to involve even more inappropriate expressions of friendship and loving relationships than the original Triplet Earth. This is because buying all of these things doesn’t leave room to adequately express the thoughtfulness, care, and other considerations that are properly associated with the value of friendship. I think that in such a
world, social institutions such as friendships and family, as well as our conceptions of them, would change in a morally problematic way—as Sandel would concur, people in such a community wouldn’t be thinking about friendship and engaging in friendships in a morally appropriate way.

So, this fanciful example hopefully shows that the value of our social life might shift, and in a morally undesirable way, if we let market norms into too many aspects of our society. Perhaps switching certain practices of expressing friendship for other ones would not lessen the value of them, but if friendship practices only involved market exchanges, then it does seem like something of value would be lost. This illustrates a point that Sandel makes in his book about the difference between market economies and market societies—it might not matter as much if some isolated practices become marketized, but it would be morally problematic if too many parts of our communal life become market-based. (Sandel, 2012: 10-11, 202-203) This is a reason that at least some goods and practices should be kept off the market, even if it less important which ones are.

In this way, extending Brennan and Jaworski’s Twin Earth example undermines their point that bringing markets everywhere would not be problematic (at least for semiotic reasons). Implicit in their claim that the way to express friendship could just shift on Twin Earth is the idea that there is something important that is incompatible with markets. On Twin Earth, friendship is expressed via a thoughtfully baked wedding cake, not one bought on the market. The non-market ways for these expressions could shift, but if there were markets everywhere then there would be no medium left for this type of expression. It might not matter whether I pay someone to sing happy birthday to my mother and express my love for her via a thoughtfully written note, or vice versa. But if all of the goods and practices in our lives were marketized, there would not be a
way to appropriately express my love. Even in our society, there is an analogous trend: when it’s
the norm to buy gifts in stores, it becomes more embarrassing to give someone a thoughtfully
homemade gift, such as hand-knitted scarfs; this closes off an avenue for expressing love and
care for loved ones. Now, there are still other ways to express love and care, but as more goods
and practices are marketized it becomes harder to do so.3

To sum up, the two ways of responding to Brennan and Jaworski’s Twin Earth example
are: a) certain practices (e.g. thoughtfully prepared wedding toasts) are better vehicles to express
love and friendship than others, which puts pressure on their point that we could just shift to a
different practice; b) there need to be some ways in a society to express values such as love, care
and respect, and that markets in too many goods would limit (or eliminate) the ability to
appropriately express these values. If love and respect are important underlying values that are
not socially contingent, which is plausible, then the above discussion should motivate why there
need to be non-market ways to express them.

D. Markets vs. Schmarkets

I have just argued against Brennan and Jaworski’s thesis that the meaning of markets is
contingent and socially constructed. I will now examine a closely related point. Brennan and
Jaworski claim that the features we commonly associate with markets—that it “communicates
estrangement…selfish motivations” or instrumental valuation—need not be part of the essential
meaning of what it is to be a market. (B&J, 2015: 1060-1061) From this, I infer that they would
make the same argument about the similar claims that markets are necessarily impersonal,
amoral, or transactional. Instead, they want to define markets as simply the mere exchange of
money for “goods and services”; attaching further features (e.g. instrumental valuation) isn’t

3 Sandel would agree that this is a problem. (See his criticism of gift cards. 2012: 104-107)
necessary, since they think that there can be market exchanges, in this broad sense, without them. (B&J, 2015: 1059) To those who think that markets are necessarily impersonal, “selfish”, transactional, etc., Brennan and Jaworski would respond that it seems like there could be “schmarkets”, which don’t have these features and “lack all the bad attitudes some may wish to say are essential to markets”. (B&J, 2015: 1060) This is what the marital practices of the Merina people are supposed to illustrate: as Brennan and Jaworski interpret the sociological evidence, “the Merina men do buy sex, but they do so in order to express respect for their wives.” (B&J, 2015: 1064, my emphasis)

This is an important consideration because Brennan and Jaworski rely on it to rebut the “Wrong Signal” (communicates disrespect) and “Wrong Currency” (“communicate[s] estrangement”) objections to markets: they claim that if markets send the wrong signal and trade in the wrong currency (regarding the value or meaning of the good), then people should “revise their social practices” so that these exchanges will instead have the features of schmarkets; which wouldn’t do this—schmarkets would be respectful, personal etc.. (B&J, 2015: 1060-1062)

The first thing to point out is that, if my above criticisms are on target, then there is reason to doubt that markets have only contingent meaning. If there are some necessary meanings attached to markets, such as commensurability—which might in turn signal disrespect toward certain goods—then it wouldn’t be possible to create a schmarket that lacks these meanings. This would significantly weaken, if not negate, their suggestion that we could institute a schmarket when our current market signals disrespect or estrangement.

However, even if we were to temporarily grant Brennan and Jaworski their claim that there are only contingent meanings to markets, we should still be suspicious of their schmarkets point. For starters, we arguably have markets in the stronger sense (and not schmarkets) in our
society, or in any Western, free-market, capitalist society. Most markets involving the exchange of money for goods and services (if not all of them) in our society are impersonal, amoral, transactional etc. These are the types of markets that most people are debating about, and (I presume) these are the markets that Brennan and Jaworski are most interested in defending from objections, such as the semiotic objection. To the extent that this is where the debate lies—and, further, to the extent that the surrounding social practices and semiotics surrounding markets are not particularly malleable—Brennan and Jaworski’s schmarkets vs. markets point seems to be somewhat of a diversion.

Now Brennan and Jaworski might admit that markets in our society express some of these negative features, such as estrangement. They would likely respond, though, that when limiting markets for these semiotic reasons leads to harmful consequences, we should either change our semiotics or, if we can’t do that, “reject [our] culture’s social practices and instead participate in those contested markets.” (B&J, 2015: 1062) For instance, they think that a society that believes anesthesia “express[es] contempt for a divine will” is making a moral mistake, because “people will suffer needlessly”. (B&J, 2015: 1067) However, I will continue to argue that, even if it were possible, it would not be easy to change the meaning of markets in our society. Moreover, I will contend that Brennan and Jaworski, on consequentialist grounds, most likely wouldn’t be happy with changing markets into schmarkets, even if our society could do so.

In the next section (below), I will more directly examine the question of whether we should reject the semiotics of markets when they conflict with consequentialist considerations.

Even if we assume that markets have largely contingent meaning, the meanings of many markets in our society would not be very malleable. To see this, imagine a hypothetical schmarket in corn, where attitudes and values were respectful, personal, non-instrumental, etc.
This would appear to be vastly different from most actual, typical markets in modern society. To begin with, having one type of currency, such as U.S. dollars, involved in a wide range of transactions between self-interested and impersonal trading partners is how the actual market in corn is able to function so efficiently.

In this context, introducing monetary exchanges into a traditionally non-market-based sphere (such as a marital relationships) to create a schmarket would seem to immediately make such a schmarket unstable; the fact that it would be part of the larger economy—via the use of U.S. currency—would seem to push the individual’s values and the attitudes expressed by monetary exchange away from schmarket values and into market values. Of course, certain markets could be restricted in terms of its participants—e.g. an elderly couple may only want to sell their home to young families. However, the use of U.S. currency, which can be traded for many goods that are sold on markets open to an unrestricted number of participants, would make it hard to prevent the restricted exchanges from expressing some amount of estrangement. The sellers receive money, which carries impersonal associations through its use in other non-restricted economic markets. The use of money would connect the exchange, even if at a slight remove, to a much larger, impersonal group of market participants. If this is so, it is a reason to think that the meanings attached to markets in our society, such as estrangement, are not very malleable—and this would constitute a good reason not to institute one where these supposedly contingent but persistent features of our society would make marketization morally problematic.

Moreover, if Brennan and Jaworski wished to avoid this problem, by claiming that the entire society could be schmarket-based instead of market-based—hence avoiding the collapse of individual schmarkets into impersonal and transactional ones—then the type of society that would result would be much more economically inefficient than our current one. It would be
concerned with respect, intimacy, and close relationships, even in monetary exchanges. This would put non-consequentialist moral limits on how and when exchanges would take place or be morally acceptable. This is because there would be other considerations involved in such exchanges beside preference satisfaction and efficiency, such as respect and non-estrangement. Presumably, this is not the type of society that Brennan and Jaworski would want to join. Since they claim that semiotics should be subjected to a cost-benefit analysis and discarded if the consequences are harmful (B&J, 2015: 1062, 1067), efficiency and other beneficial results seem to be of primary importance to them. A society with schmarkets would have a culture focused on things like respect and friendship, instead of a market culture in which efficiency and utility are highly promoted. This schmarket system would lack certain benefits, particularly the maximum social surplus that an efficient economic system would provide.

It is reasonable to think that schmarkets would result in deadweight loss, which is the lost social surplus (utility) that occurs when, for a particular good, buyers who would buy at higher prices or sellers who would sell at lower prices are not able to do so; a subset of society does not receive the benefits they would have gained via trading. Schmarkets would cause these inefficiencies, because, for instance, there would be very little price gouging—sellers would feel personally connected to the buyer and would not want to mistreat them by jacking up the prices on essentials like bottled water during a crisis. But this would lead to a shortage due to significantly increased demand at relatively stable prices—supplies would quickly run out and buyers who would be willing to pay more would not be able to find sellers at this price, resulting in unrealized trades. This is one type of case, but it is plausible that, by similar reasoning, there would be deadweight loss in many other situations.
Further, consider what a corn schmarket would look like. How would a large group of actors be able to coordinate prices efficiently, if they had to make sure their trading partners were treated with respect and the norms of friendship and intimacy? It is difficult to imagine what this would be like, at least on a large scale. Perhaps what this shows is that schmarkets are only possible (or at least, only feasible) in non-industrialized, small-scale societies and economies, such as the Merina people (presuming that the exchange of money for sex in a marital relationship is a schmarket). Potentially, it could also take place within very niche and isolated groups in a larger, modern society. But these practices would start to look very different, and much less efficient, than traditional markets, since they would involve features such as a limited number of members, a lack of free entry or exit, barter, different norms governing exchanges (such as the seller caring about who the buyer is), etc. This suggests that it wouldn’t be possible (or feasible) to have a schmarket instead of a market in the national and international economies we have today.

To sum up, Brennan and Jaworski’s schmarket response, which depends on their bare-bones account of the concept of a “market” and their claim that this concept’s meaning is contingent, seems like a diversion from the debate about contested markets in our actual society (or any other relevant one). We don’t have anything near a schmarket in our society; people are probably using a fuller conception of the term “market”, including its impersonal, transactional connotations, in most of these moral debates; and Brennan and Jaworski, along with many economists, would presumably balk at both instituting schmarkets in particular goods and at living in a society with a schmarket-based economy (even if these options were possible), because schmarkets fail to yield efficient outcomes.
E. Do Consequences Have Complete Moral Priority Over Semiotics?

Brennan and Jaworski’s “view is that when there is a clash between semiotics and consequences, consequences win…[and] consequentialist considerations allows us to judge the semiotics of market transactions.” (B&J, 2015: 1062) A key pillar for this view is their claim that the meaning of money and markets is socially constructed. (see B&J, 2015: 1066-1068)

However, I endeavored to show above that Brennan and Jaworski’s arguments against semiotic objections contain serious flaws. So, when we now examine their argument for the moral priority of consequentialist concerns over semiotics, we should be able to see the questionable nature of the assumptions they employ. Particularly, if I have provided some good reasons to doubt their key claim about meaning, then we should be less inclined to accept this moral prioritization.

Given their assumption about the cultural relativity of the meaning of a social practice, Brennan and Jaworski go on to argue for the following claim: if a ban on practices like organ sales is causing harm (e.g. in terms of suffering and death), then a society’s semiotics-based aversion to putting them on the market should, if nothing else is morally amiss, be discarded. This is because semiotics is not only trumped by consequentialist considerations, but it is morally unimportant. (B&J, 2015: 1068-1069, 1062) As I interpret this argument, the reason semiotics is morally unimportant is based on the assumption that the meaning of money and markets is culturally relative—the only thing that matters, in a non-relative sense, is the pain and suffering the market ban (or limitation) is causing.

Recall that the cultural relativity of meaning has been argued to be on shaky ground: the Merina people example is questionable, markets arguably express commensurability, and the Twin Earth thought experiment displays how markets in everything would eliminate our ability to express important values. Here, I also want to point out that the argument Brennan and
Jaworski are making relies on a consequentialist moral framework that appears to prioritize well-being above all else. In this framework, the meaning and values we attach to our social practices are not even on the same playing field as their beneficial and harmful consequences. But, Sandel could respond that there are other viable moral frameworks and that debate is needed to decide which is best. For instance, a virtue ethicist could say that the social meaning of a good or practice (such as being an organ donor) is tied up with character development, which is morally important; while a deontologist could say that our attitudes and motivations towards certain actions matter morally (e.g. whether we give a kidney out of love or we sell it for profit). In these frameworks, these features could be seen as valuable independently of how much well-being results from them.

Recall from earlier that there is a very tight connection between the meaning of a good and one’s attitude towards it. If we assume a deontological or virtue ethical framework, then the way we relate to certain things, both as an individual and as a society, has independent value, which could then shift as our attitudes and meanings shift. For example, thinking of sex as an instrument for desire satisfaction, at least in a part, would have a different and, arguably, lower value than primarily thinking of it as involving intimacy, closeness, and intrinsic dignity. On this view, it matters, morally speaking, that our attitude towards sex and our valuation of it is different than how we think about a new sports car. Now, this is a deontological or virtue ethical consideration, since it appeals to motives and character instead of consequences; so it might not appeal to Brennan and Jaworski. (Although, if these attitudes actually enhance our overall well-being, then a consequentialist should care about them as well.) But the main point here, which is one that Sandel is trying to get across in What Money Can’t Buy, is that we can’t just assume without argumentation that these types of distinct values or meanings aren’t important.
Brennan and Jaworski’s implicit moral commitments are displayed again when they argue that the only time we should take semiotics into consideration is when there are no harmful consequences or opportunity costs involved; in this way, respecting the semiotics of culture is basically like respecting culturally relative manners such as hand gestures—there is no inherent value in our semiotics (it only matters to the extent that, all things being equal, we shouldn’t offend people). (B&J, 2015: 1075-1076) But, once again, this seems to beg the question: a consequentialist framework is assumed here. This is only convincing if we already agree that consequentialism has something like lexical priority over other moral frameworks—i.e. if the consequences are the same, then we are permitted to use another framework.

Moreover, what hand gestures we use are one thing; how we treat our children is, plausibly, a morally different kind of activity: a virtue ethicist or deontologist would probably argue that there are better and worse ways to value children (independently of what our society thinks) and that market-based exchanges for them would express the wrong attitude towards them and degrade our character. Further, as pointed out above, expressing respect is valuable even if the manner in which it is expressed might vary in different cultures. To the extent that the semiotics of certain actions are not malleable, respecting them does carry real moral weight.

The above discussion provides some reasons why Sandel’s view, which is that markets can sometimes alter the meaning of goods in a corrupting way, might be attractive, at least to those who are not consequentialists. It also challenges Brennan and Jaworski’s claim that consequences have complete moral priority over the semiotics of markets.
4. Conclusion

This concludes my critique of Brennan and Jaworski’s article and my concurrent defense of Sandel’s position on the moral limits of markets. To do so, I argued for the following claims.

First, because there is a necessary connection between meaning changes and attitude shifts, the semiotic and corruption objections to markets (as Brennan and Jaworski formulate them) cannot be cleanly separated. Second, Brennan and Jaworski’s response to the Mere Commodity Objection is overstated, because Sandel can still claim that markets will shift the focus of its participants toward viewing market goods as instrumentally valuable. Third, I argued that markets necessarily express commensurability. Fourth, some of Brennan and Jaworski’s main evidence for the contingent meaning of markets—i.e. the sexual practices of the Merina people and the Twin Earth thought experiment—can be rebutted. There is reason to doubt that the Merina people case is a good counterexample, and there are ways to modify the Twin Earth thought experiment to show that the meaning expressed by having markets in too many domains is morally problematic. Moreover, Brennan and Jaworski’s point about schmarkets diverts attention from the core of what’s at stake in the debate over the semiotics of markets. Not only is the meaning of markets in our society not very malleable, but also Brennan and Jaworski should object to schmarkets on their own consequentialist terms. Finally, I used my analysis to challenge Brennan and Jaworski’s moral prioritization of consequences over the semiotics of markets.

In this way, I have tried to provide some strong reasons to think that Brennan and Jaworski’s principal arguments against semiotic objections to markets are unpersuasive and likely off the mark. Through examining why these arguments are unconvincing, I have endeavored to show that Sandel’s view about the moral limits of markets remains a viable one.
REFERENCES


