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# Expressive Objections to Markets: Normative, Not Symbolic

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A COMMENTARY ON Jason Brennan and Peter Jaworski (2015), “Markets without Symbolic Limits,” *Ethics* 125(4): 1053–1077, <http://doi.org/10.1086/680907>

## ABSTRACT

Jason Brennan and Peter Jaworski reject expressive objections to markets on the grounds that (1) market symbolism is culturally contingent, and (2) contingent cultural symbols are less important than the benefits markets offer. I grant (1) and (2), but I deny that these points suffice as grounds to dismiss expressive critiques of markets. For many plausible expressive critiques of markets are not symbolic critiques at all. Rather, they are critiques grounded in the idea that some market transactions embody morally inappropriate normative stances toward the goods or services on offer.

## Two Kinds of Expressive Critiques of Markets

JASON BRENNAN AND Peter Jaworski (2015) argue that we should reject semiotic moral objections to markets. By ‘semiotic objections,’ they mean objections with the following character, which they take to be very common in the anti-commodification literature (see, e.g., Anderson 1995, Satz 2010, Sandel 2012).

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*Semiotics*: Independently of non-communicative objections, to engage in a market in some good or service X is a form of symbolic expression that communicates the wrong motive, or the wrong attitude toward X, or expresses an attitude that is incompatible with the intrinsic dignity of X, or would show disrespect or irreverence for some practice, custom, belief, or relationship with which X is associated. (Brennan and Jaworski 2015: 1055)

For instance, Michael Sandel criticizes adoption auctions this way: “Even if buyers did not mistreat the children they purchased, a market in children would express and promote the wrong way of valuing them” (Sandel 2012: 10; quoted at Brennan and Jaworski 2015: 1056). According to Brennan and Jaworski, this is a paradigmatic semiotic moral criticism of a market. They also offer the example of objections to the US government’s attempt to create a Policy Analysis Market (PAM), in which people could have placed bets on when and where terrorist attacks would occur. Many people objected to the proposed market on moral grounds. Sandel, for instance, urges that buying stakes in others’ deaths carries with it a “moral ugliness” (Sandel 2012: 151; quoted at Brennan and Jaworski 2015:1069).

Brennan and Jaworski’s argument against semiotic objections turns on the idea that economic symbols are contingent social constructs. According to Brennan and Jaworski, if selling a certain kind of good symbolizes something morally objectionable despite having no morally bad consequences, we should change our symbolism instead of limiting our market behavior. For observing a symbolic economic taboo comes at the cost of whatever mutual benefit traders might have gained by engaging in it. Moreover, if we cannot change the symbolism of an otherwise innocent market, we may ignore symbolic considerations and engage in it anyway.

I agree with Brennan and Jaworski that we should reject objections to markets that depend solely on what markets symbolize. If the only thing wrong with some kind of commercial transaction is that it does, as a matter of contingent social fact, possess objectionable symbolic content, then there is no moral reason to condemn it. Nevertheless, I believe that many arguments against commodification based on what commodification *expresses* are not really arguments about what commodification *symbolizes*. Rather, many intuitively powerful expression-based anti-commodification arguments turn on the idea that certain acts of commodification embody, or make outwardly pre-

sent in action, a practical stance toward the object of commodification that is at odds with the norms we ought to apply to it. According to these objections, it is the poor fit between (1) the practical stance taken toward the object and (2) the practical stance the object morally demands that makes it wrong to buy and sell it. Even if such buying and selling lacks cultural symbolic significance, it is nonetheless objectionable, because the practical stance it embodies is objectionable. Thus, symbolism is not germane to the kind of expressive objection I have in mind. We can state the kind of objection I have in mind as follows:

*Normative Embodiment:* Some markets are immoral insofar as they implicate their participants in taking up a practical stance toward the goods or services for sale that is at odds with the kind of valuation that those goods or services demand morally. Such a practical stance is expressed in the sense of being embodied in, though not necessarily symbolized by, the actions of participants in such markets.

I will not consider whether any particular expressive objections to commodification from normative embodiment are successful, much less what implications for law or public policy might follow from them. I will merely aim to show that such objections are safe against Brennan and Jaworski's critique of semiotic arguments, regardless of whether they are vulnerable on other grounds.

### **Moral Expression without Symbolism**

Consider once more Sandel's suggestion that "a market in children would express the wrong way of valuing them." Brennan and Jaworski interpret this claim as follows: a market in children would symbolize the wrong way of valuing them. If this were the only way to understand Sandel's claim, it would indeed be a very weak one. For it would hinge on one of two implausible assumptions: either (a) moral symbolism is not a social construct, or else (b) symbolic convention automatically creates moral obligations. However, I believe that on a more charitable reading, Sandel's point is this: the act of buying custodial rights to children expresses the wrong way of valuing them, not by symbolizing the wrong way of valuing them, but rather by embodying a practical stance toward children that constitutes morally problematic disrespect.

In order to understand what it is for an action to embody a norm, it will be useful to consider a homely example. Suppose that my father bakes me a pie. It is now up to me how to incorporate the pie into my deliberation. Most likely, I will incorporate it into my practical deliberation as a gift. This means that I will apply certain norms to it. For instance, I will take myself to have reason to thank my father for it. If thanking my father does not register with me as an appropriate thing to do vis-a-vis the pie, I have not incorporated the pie into the structure of my action as a gift, for I do not take myself to have a reason that would flow directly from seeing it as a gift. When I put the pie in a cool, clean place and thank my father for it because I have incorporated it into the structure of my action as a gift, we may say that my action embodies my valuation of the pie as a gift. This does not mean that I *symbolize* the pie as a gift. For this embodiment is nothing more or less than the outward manifestation in action of the practical deliberative stance I have taken toward the pie. Symbolism has nothing to do with it.

Now recall to mind Sandel's remarks about adoption auctions. If we read his critique of these auctions through the lens of normative embodiment rather than through the lens of normative symbolism, his point is not that buying custodial rights is wrong because it symbolizes disrespect. Rather, his point is that buying custodial rights is wrong because it constitutes disrespect insofar as it embodies in action the judgment that a norm of sale and price is an appropriate one to apply to children. So understood, this moral point might be true or not; nothing I have said here provides evidence either way. However, whether it is true must be settled by engaging with the substantive moral claim about appropriate valuation that it involves. It will not suffice to dismiss it by pointing out that contingent facts about symbolism carry little moral weight.

The same analysis is applicable to objections to the proposed PAM betting market. One way to read the claim that it is morally ugly to purchase (or to facilitate others' purchasing) stakes in people's deaths is that doing so symbolizes moral ugliness. If we follow Brennan and Jaworski in reading it this way, it falls prey to the same dilemma that afflicts the symbolic version of Sandel's adoption auction complaint; either it relies on an odd, essentialist theory of moral symbolism, or else it invests symbolic social constructs with

implausible moral significance. But it is much more charitable, and indeed more plausible, to understand the claim that PAM is morally ugly as the claim that taking part in or facilitating a market like PAM constitutes an improper valuation of others' lives insofar as it involves incorporating those lives into practical deliberation under the norms of betting. True or not, symbolism is irrelevant to this claim, so Brennan and Jaworski's critique of symbolism-based arguments fails to make contact with it.

### **Objections and Replies**

Some might object that the only way some action can constitute disrespect is by symbolizing disrespect. If this were true, the space between arguments from normative embodiment and arguments from normative symbolism would collapse. However, this objection misses the mark. Suppose I tell a cruel joke at my mother's expense. This action constitutes disrespect to my mother, but it need not symbolize anything in order to do so. Indeed, it constitutes disrespect even if I live in a strange symbolic culture in which people interpret cruelty to mothers as a symbol of morally noble strength and independence. The disrespect constituted by such cruelty would not cease to be disrespect in such a culture. To the contrary, certain disrespectful acts of cruelty would, in that culture, symbolize morally positive content despite constituting disrespect. By the same token, incorporating children or terrorism deaths into one's practical deliberation under commercial norms need not symbolize disrespect in order to constitute disrespect. Whether either practical stance does in fact constitute disrespect depends on substantive moral questions that I have not addressed. But in order to settle such questions, it will not suffice to appeal to the impotence of symbolic objections.

Another possible objection is that although normative embodiment can constitute disrespect without symbolizing it, whether an action embodying some norm constitutes disrespect is no less a matter of cultural construction than is moral symbolism. If this were true, Brennan and Jaworski's criticism of symbolic objections to markets would apply, *mutatis mutandis*, to objections to markets from normative embodiment. But this too is wrong. Suppose, at least for the sake of argument, that you believe PAM is morally ugly. Now imagine that over several years, attitudes shift, and people come to accept markets like PAM. The correct response to this cultural shift (assuming the ini-

tial judgment that PAM is morally ugly) would be that our culture has become morally worse insofar as it has become accommodating toward markets like PAM. If PAM really is morally ugly, it would not become morally innocent simply because people came to see it that way.

## Conclusion

Whether some markets express the wrong valuation of what they sell is not a dry academic question. As I write, millions of Americans are outraged by Planned Parenthood's alleged practice of selling aborted fetal tissue. These citizens judge that selling fetal tissue expresses a degrading valuation of fetal bodies. Whether they are right depends on deep questions about what we ought to value, and how. Since Brennan and Jaworski's critique of symbolic objections to markets fails to derail expressive worries about markets more generally, we must take such questions seriously and do the hard moral work of addressing them on their own terms.<sup>2</sup>

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