
Semiotic Arguments and Markets in Votes: A Comment on Sparks

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A COMMENTARY ON Jacob Sparks (2017), “Can’t Buy Me Love: A Reply to Brennan and Jaworski,” *J Philos Res* (Online First): <https://doi.org/10.5840/jpr2017425101>

ABSTRACT

Jacob Sparks has developed a semiotic critique of markets that is based on the fact that “market exchanges express preferences.” He argues that some market transactions will reveal that the purchaser of a market good inappropriately prefers it to a similar non-market good. This avoids Brennan and Jaworski’s criticism that semiotic objections to markets fail as the meaning of market transactions are contingent social facts. I argue that Sparks’ argument is both incomplete and doomed to fail. It can only show that some preferences are morally problematic, not that the transactions that they lead to are immoral.

IN A RECENT and important paper Jacob Sparks argues that Jason Brennan and Peter Jaworski are mistaken to hold that all semiotic critiques of markets (the claim that the commodification of some good communicates an inappropriate attitude towards it) fail. Against such criticisms Brennan and Jaworski have offered an argument from di-

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versity: the meaning of any market transaction is a contingent social fact and so no market transaction will necessarily communicate an inappropriate attitude to the good being traded (Brennan and Jaworski 2016: 62–68). In response to this Sparks (2017: 1) identifies a “part of the meaning of a market transaction that is not socially constructed”: that “market exchanges express preferences.” He argues that engaging in some market transactions (e.g., buying sex, or votes) reveals that the purchaser inappropriately undervalues the non-market version of the purchased good that is available to her. Since persons should not undervalue the non-market good in question this revelation indicates that the purchaser has an inappropriate attitude towards the good in question. This grounds a semiotic critique of the relevant transaction. Sparks then illustrates this argument by offering a semiotic critique of markets in votes. I will argue that neither Sparks’ general response to Brennan and Jaworski nor his semiotic critique of markets in votes succeed.

I. Sparks’ Arguments

Sparks (2017: 2) begins with the observation that “When you buy some good, you express your preference for that good.” He then notes that some goods cannot be bought and sold because their nature precludes their distribution except by non-market means. Purchased sex, for example, is a different kind of good than “sex with a partner who *wants* to have sex with you and is willing to give gratification as *a gift*” (Sparks 2017: 3, emphasis in the original). The purchase changes the nature of the good itself. Sparks (2017: 3) then observes that “When we engage in certain kinds of markets, we are expressing our preference for the market good over a related good that we could otherwise get but that can’t be bought and sold.” If, continues Sparks (2017: 4), “we think that this preference is not in line with the relative value of the two goods, then we will have the beginning of a cogent semiotic argument against the market in question.” And such an argument could ground an objection to allowing certain markets if we think that by allowing them we would “collectively express the wrong attitude” towards the relevant non-market good (Sparks 2017: 7).

To illustrate this Sparks develops a semiotic argument against markets in votes. Sparks (2017: 9) notes that “Selling a vote precludes giving it away” and that a bought-vote and a gifted-vote resemble each other for “both can get you elected.” He then holds that a gifted-

vote, unlike a bought-vote, maintains a connection between votes and “a certain kind of political approval” (Sparks 2017: 9). Hence, to allow markets in votes would be to express “the wrong attitude towards this important kind of political approval” (Sparks 2017: 9). There is thus a semiotic reason to object to markets in votes.

II. Comments on Sparks’ General Semiotic Critique

There are two problems with Sparks’ general semiotic critique.

First, it is incomplete. It is based on the claim that a person’s disposition to prefer a certain market good over its non-market counterpart evinces a failure properly to appreciate the “relative value of the two goods” (Sparks 2017: 4). To support this claim a proponent of this critique would have to establish the relative objective values of the market good in question and its non-market counterpart. Moreover, she must establish the relative objective *intrinsic* values of the goods in question; she cannot merely establish that the non-market good would (objectively) have greater *instrumental* value than its market counterpart. This is because semiotic critiques of markets are *moral* critiques. Establishing that the non-market good has (objectively) a greater instrumental value than its market counterpart would only show that persons have a *prudential*, not a *moral*, reason to choose the non-market good over its commodified counterpart.

Given that this type of critique is based on holding that it would be more appropriate to be disposed to prefer the non-market good to its market counterpart it would be natural for its proponents to endorse a “fitting attitude” analysis of intrinsic value to establish the relative objective values of the market good in question and its non-market counterpart (Broad 1930: 283; Ross 1939: 275–276). On such an analysis something is intrinsically valuable to the degree that it is fitting to have a pro-attitude towards it, where the fittingness of this pro-attitude is explicable as a response to the (non-normative) property on which the goodness of the thing in question supervenes. With this analysis of intrinsic value in hand a proponent of Sparks’ semiotic critique must identify the property possessed by both the non-market good at issue and its market counterpart upon which their respective goodness supervenes. She must then show that this property is possessed to a greater degree by the non-market good. Finally, she must show that a failure to appreciate the intrinsic su-

periority of the non-market good to its commodified counterpart constitutes a *moral* failure rather than (e.g.) merely an epistemic one. A critic of markets thus has considerable work to do before she can draw on Sparks' semiotic critique to object to the commodification of any good.

Second, even if a proponent of Sparks' critique could fill the lacunae in his argument it would still fail to be a moral criticism of market transactions. Sparks (2017: 4) holds that certain goods should not be commodified because if they were then some persons would prefer them to their non-market counterparts, where this preference "is not in line with the relative value of the two goods." But even if this critique was sound it would not show that the *market transactions* that it was aimed at were morally problematic. Instead, it would only show that the *preferences* of the persons who engaged in these transactions were morally problematic. It would not show that the transactions that *satisfied* these preferences were morally problematic. Thus, unless Sparks can show that allowing the market transactions that he objects to causes persons to have these morally problematic preferences prior to their subsequent satisfaction of them he has not provided a semiotic objection to markets (see Brennan and Jaworski 2016, 91).

III. Comments on Sparks' Semiotic Critique of Markets in Votes

Just as Sparks' general approach to developing a semiotic critique of markets is flawed so too is his application of it to markets in votes. Sparks (2017: 9) bases his semiotic objection to vote-buying on the claims that unlike a bought-vote a gifted-vote maintains a connection between votes and "a certain kind of political approval" and that this connection should be maintained. Sparks does not elaborate on what this "political approval" consists of, but presumably he thinks that a person should only use her vote to express approval of the candidate (or policy) that she is voting for. (This does not commit him to the view that the results of an election in which votes were cast in this way are necessarily expressive of the views of the electorate.) While one would gift one's vote only to a politician whose platform one approved of, if the price was right one might sell one's vote to a politician whether one approved of her platform or not. Thus, to maintain the connection between votes and the type of political approval that Sparks endorses markets in votes should be prohibited.

But this argument is mistaken. To hold that a person who sells her vote to a candidate does not thereby express her approval of him overlooks the possibility that vote sellers can engage in price discrimination between candidates. A potential vote-seller could offer her vote at different prices to different candidates with the differences in her asking price reflecting the differing degree to which she approves of them. (She could also refuse to sell her vote to some candidates to indicate her strong disapproval of them.) If a price-discriminating vote-seller sold her vote to a candidate for whom she would not have cast it in the absence of a vote market this would not show that the connection between her political approval and the casting of her vote had been severed. Instead, it would show that she approved of the package of Price-P-for-Her-Vote-and-Candidate-X. Moreover, allowing vote-buying could enhance the ability of some persons to express their political approval of their preferred candidates. (Note that this is not the claim that allowing vote-buying would result in the outcome of an election better reflecting voters' preferences.) Most obviously, voters who strongly supported a candidate could buy additional votes to cast in her favor. And, depending on how the vote market was organized, persons who faced high opportunity costs to cast their votes (e.g., workers on a hourly wage who could not afford to take time off work to vote) could transfer them to third parties who would cast them as their original possessors desired. The connection between the kind of political approval that Sparks seems concerned with and votes could thus be maintained (even strengthened) if vote-selling was allowed. Thus, neither Sparks' general approach to developing a semiotic critique of markets nor his development of a semiotic critique against markets in votes are successful.

Received 29 May 2017 / Posted 4 December 2017

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