
You Give Love a Bad Name

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A RESPONSE TO J. Brennan and P. M. Jaworski (2018), “Come On, Come On, Love Me for the Money: A Critique of Sparks on Brennan and Jaworski,” *Bus Ethics J Rev* 6(6): 30–35,

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ABSTRACT

Brennan and Jaworski (2018) accuse me of misunderstanding their thesis and failing to produce a counterexample to it. In this Response, I clarify my central argument in “Can’t Buy Me Love,” explain why I used prostitution as an example, and work to advance the debate.

THE MOST PROMINENT version of the Brennan–Jaworski thesis is that, if it is permissible to give away some good, then it is permissible to sell it. A corollary holds that, if it is permissible to receive some good as a gift, then it is permissible to buy it. (See Brennan and Jaworski 2015b.) It’s worth making this distinction, since – as we’ll see below – there may be cases where, though the permissibility of receiving some good as a gift implies the permissibility of buying it, the permissibility of giving it away does not imply the permissibility of selling it.

1

First, let’s distinguish the B–J thesis from their thesis in “Markets Without Symbolic Limits” (Brennan and Jaworski 2015a) where they claim that there are no cogent semiotic objections to markets. A com-

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mon complaint in the anti-commodification literature depends on what it means to buy or sell something. Many writers assume that market goods are necessarily thought of as impersonal, fungible, and valuable only in instrumental terms. They claim that it would be offensive to the dignity of some things, e.g., organs, to think of them as market goods. Against this, Brennan and Jaworski argue that what it means to buy or sell something is generally up for grabs. We already have a diversity of attitudes towards the things we buy and sell and those attitudes change over time. The attitude expressed by treating something as a market good is a socially contingent fact. You need not think of market goods as impersonal, fungible, or merely instrumentally valuable. There is no deep meaning to money or markets and thus there are no cogent semiotic objections to markets.

What's the connection between the 'no cogent semiotic objection' thesis and the B-J thesis? If there were cogent semiotic objections, then there would also be counterexamples to the B-J thesis. If you find a case where a market exchange is morally impermissible because of the *meaning* of the exchange, where that meaning depends on its being a *market* exchange, and where a non-market exchange of the same good is morally permissible, you've found a counterexample to the B-J thesis. The good would be, at least sometimes, permissible to give or receive but not to buy or sell.

2

In "Can't Buy Me Love" (Sparks 2017), I responded to the "no cogent semiotic objections thesis," not directly to the B-J thesis. I started from the idea that, when you buy or sell something, you always express a preference. I suspected that Brennan and Jaworski would be sympathetic to this claim.

Markets are commonly thought of as efficient means of satisfying and expressing preferences. If you didn't express a preference for the price over the good by putting something up for sale, or if you didn't express a preference for the good over the price by offering to buy it, common justifications of the market would collapse. I was careful to note that exactly *what* preference you express in any particular exchange is dependent on many factors. But though it's true that the meaning of a market transaction is a complex and contextually sensitive thing, the connection between buying or selling in a particular

instance and the preference expressed in that instance is not some socially contingent fact, but a necessary part of the meaning of a market action.

3

My next point was that there are important *non-market* goods: things that cannot be bought or sold. Examples include gratitude, approval, love and belief. It's true that you can buy and sell traditional signs of these non-market goods (e.g., thank-you notes, votes, sex, speech acts). You can also buy and sell the causes and antecedents of these non-market goods. But you can't buy or sell gratitude, approval, love, or belief directly because these attitudes are necessarily responses to certain kinds of reasons. Gratitude depends on finding reasons to be thankful. Even if you could somehow induce the *feeling* of gratitude, it wouldn't really be gratitude unless it was a response to features taken to merit thanks. If you are thankful to receive a monetary gift, then there is a sense in which money induces gratitude, but it is not a case of *buying* gratitude.

When I first started thinking about commodification, I would often ask people about their attitudes towards prostitution. The conversation would usually go like this:

Jacob: Suppose that prostitution didn't harm anyone, was completely non-exploitative, and totally safe. Would you be interested in buying sex?

Friend: No.

Jacob: Don't you enjoy sex?

Friend: Of course!

Jacob: So, if you like it, it's for sale and no one is harmed, why not buy it?

Friend (after some thinking): That's not the *kind* of sex I want.

My friends wanted *gifted* but not *purchased* sex. If they were describing what actions were consistent with their own preferences, they might say, "it's permissible for me to receive sex as a gift, but it's not permissible for me to buy it." An explanation for why they wanted gifted but not purchased sex is that they are only interested in *loving* sex – something that simply can't be bought. Brennan and Jaworski admit as much: you can't love someone to uphold your end of a market exchange. Again, what you can do as part of a market exchange is buy and sell sex and other traditional signs of love or its causes and antecedents: a potion, in Brennan and Jaworski's imagination.

I titled my paper “Can’t Buy Me Love,” because many people seem to recognize an important difference between sex, a market good, and loving sex, a non-market good. But I was careful to avoid any strong claims about the impermissibility of buying sex, love potions or anything else in the neighborhood. Nor did I claim that any of these cases constituted a counterexample to the larger B–J thesis. My main aim was to provide a recipe for generating semiotic objections that are immune to Brennan and Jaworski’s point about the contingency of the meaning of market exchanges. You look for a market good (like sex) and think about what attitude is being expressed towards a related non-market good (like loving sex) when people engage in that market. In some cases, engaging in the market (on the part of an individual) or allowing the market (on the part of society) involves a failure to value the non-market good appropriately. In such cases, there’s a semiotic critique that does not depend on the way we impute meaning to money or markets.

I should have titled the paper “Get Up, Stand up (But Not For Money),” since the strongest claim I made was about the impermissibility of vote markets. Consider the complex non-market good constituted by my vote connected to a certain kind of political approval. Buying or selling votes, I argued, expresses the wrong attitude towards this non-market good. From what I gather, Brennan and Jaworski would agree with me that you can’t buy approval or complex goods involving approval, but they would be quick to point out that exactly how a vote is bought or sold determines the buyer’s or seller’s attitude towards approval. Suppose, for instance, that I offered to sell my vote only to candidates I approve. Or suppose some candidate only wishes to buy votes from voters who approve of her candidacy. If such a buyer and seller found one another, Brennan and Jaworski might say, they wouldn’t express any objectionable attitude by engaging in the vote market. It’s not the market that’s the issue, it’s something else.²

I don’t think this response from Brennan and Jaworski can withstand scrutiny. Recall the difference between individual market transactions and what they indicate about the attitudes of individual market actors, on the one hand, and the general existence of a market and what it indicates about society’s attitudes, on the other. With

² Taylor (2017) makes a similar point. I respond in Sparks (2018).

regard to individual market transactions, the reasoning rehearsed in the case of prostitution is relevant; individuals may find cogent semiotic reasons to avoid certain markets, including vote markets. With regard to social policy, it doesn't follow that just because some individual can engage in the market without expressing a noxious preference that society lacks a semiotic objection to that market. Even if it's true that some cases of vote buying and selling don't involve inappropriate attitudes towards approval, it may still be the case that a society that legitimizes vote markets expresses the wrong attitude towards approval.

4

I maintain that there are cogent semiotic reasons for individuals to avoid certain markets (including markets in sex) and that there are strong semiotic reasons for society to ban vote markets, but I now suspect that only half of the B–J thesis is threatened by these examples.

Let's examine Brennan and Jaworski's vote seller. He offers to sell his vote – making his vote contingent on payment – while also restricting the class of potential buyers. He treats the vote as a market good disconnected from approval while he treats the eligibility to purchase the vote as a non-market good that he gifts only to those he approves. In threatening to withhold his vote without payment (something he must do to count as selling it), the voter may still express the wrong attitude towards approving-votes. But even if Brennan and Jaworski can argue that it's possible to have the right attitude towards approving-votes when making this threat, there's still an issue. The B–J thesis implies that if it's permissible for our voter to gift the eligibility to purchase the vote, it would be permissible for him to sell that eligibility. But selling the eligibility to buy a vote makes the eligibility contingent on payment, not approval. Even if we're convinced that it's permissible to sell a vote, the permissibility of gifting the eligibility to buy a vote does not imply the permissibility of selling that eligibility. Thus, the eligibility to buy a vote constitutes a counterexample to the 'permissible to give, permissible to sell' half of the B–J thesis.

Now consider the vote buying politician. Similar to the vote seller, she treats the vote as a market good but restricts the sellers with whom she will do business. She treats the eligibility to sell to her as a non-market good that she gifts only to those who approve of her. The

eligibility to sell, just like the eligibility to buy, constitutes a counterexample to the “permissible to give, permissible to sell” half of the B–J thesis. But for all this example shows, it can still be the case that if something is permissible to receive as a gift, then it is permissible to buy. If it would be okay for our politician to accept some vote as a gift – so far as I can tell – it might be okay for her to buy it.

5

Love, gratitude, and approval derive their nature and value from how they are given, not from how they are received. So it’s no surprise that sellers of related goods are susceptible to semiotic critique. It follows that the permissibility of giving something away does not, in general, imply the permissibility of selling it. Buyers of these related goods may be less susceptible to personal semiotic critiques and Brennan and Jaworski may be able to save the doctrine that the permissibility of receiving something implies the permissibility of buying it.³

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³ Many of the cases offered as counterexamples to the B–J thesis show the same kind of asymmetry between buyer and seller. See, e.g., Wells (2017), Dick (2018), and Stein (2018). It would be worthwhile to make a more exhaustive survey of such cases, to see if any of them work as direct challenges to the “permissible to receive, permissible to buy” half of the B–J thesis.

Sparks responds to Brennan and Jaworski

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