Markets with limits

Interpersonality and autonomy in the context of markets.

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Abstract

This thesis explores the philosophical implications of commodification, focusing on the claim made by Jason Brennan and Peter Jaworski in Markets Without Limits (2013) that ”if you can have it, you can buy it; if you can give it away, you can sell it.” Their thesis argues for the moral permissibility of commodifying any good or service that is already permissible to exchange without monetary compensation. They evaluate the arguments by examining three major objections to commodification: semiotic objections, corruption concerns, and issues of exploitation, harm, and misallocation.

We conclude that Brennan and Jaworski's arguments suffer from not only logical fallacies bu also problems of ambiguity and burden of proof. Special attention is given to Elizabeth Anderson's mere commodity objection, which according to them asserts that commodification can diminish the intrinsic value of certain goods and distort the norms governing their proper valuation. The thesis further highlights Brennan and Jaworski's failure to accurately represent Anderson's objection and adequately address the moral and interpersonal dimensions of markets as part of the interpersonal objection. It aims to demonstrate how commodification relates to persons and undermines democratic principles. This is discussed in the context of vote selling.

Ultimately, this thesis argues that markets, while effective tools for resource allocation, are not morally neutral. It defends the view that some goods and relationships must remain outside the market to preserve autonomy, dignity, and social cohesion. By critiquing the assumptions and defenses of Brennan and Jaworski, this work supports the anti-commodification stance, emphasizing the ethical necessity of maintaining clear boundaries for markets in modern societies.

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1 Introduction

The issue of commodification has long been a debated issue within philosophy and most commonly revolved around topics such as the sale of organs, prostitution or slavery. Despite the many years of debate, philosophers still disagree on what is permissible to sell or buy. Libertarian philosophers, such as the ones discussed in this paper, tend to argue that restricting people's right to sell is morally wrong. Although this does not necessarily mean that certain commodities are morally reprehensible to sell, it does however imply that hindering the sale of commodities, regardless of moral content, is always and ultimately indefensible. Critics, however, highlight how the commodification of particular goods or services can erode moral values, exploit vulnerable populations, and damage the social fabric. This essay will specifically look at the arguments presented Brennan and Jaworski (2015) in their book *Markets without limits: Moral Virtues and Commercial Interests*. In it, they put forward the following thesis

> If you can have it, you can buy it; if you can give it away to someone, you can sell it to her. [...] if it is permissible to do X for free, then you may do X for money.(16,17,21,26 and 156).

According to Brennan and Jaworski, the mere act of introducing monetary exchange does not make an otherwise permissible action immoral and thus there are no inherent moral limits to what can or may be commodified. Despite its apparent simplicity, their argument raises profound philosophical and ethical questions. Are markets truly neutral arenas for voluntary exchange, or do they carry implicit moral signals that influence how we value goods, relationships, and societal institutions? Can the introduction of market mechanisms undermine principles like political equality, autonomy, or human dignity?

This thesis will challenge Brennan and Jaworski's claims and their defense of commodification. We begin by defining what the debate is really about and offer some smaller demarcations in an effort to narrow the scope if this essay. Section 3 gives an account of the three relevant objections to commodification as presented by Brennan and Jaworski, with the exception of some relevant commentary. This covers semiotic critiques, such as Elizabeth Anderson's mere commodity objection, which, according to the Authors, argues that market exchanges can devalue the intrinsic worth of certain goods and distort the social norms that underpin their proper valuation. Additionally, they look at corruption objections, which suggest that markets may cultivate morally defective preferences or behaviours, and exploitation concerns. Section 4 is concerned with the problems with their argumentation and in an effort to narrow the scope of this thesis, focuses on *the mere commodity objection* as well as what I will refer to as *the interpersonal objection* in context of the issue of selling your vote.

Ultimately, I argue that while markets may serve useful in allocating resources, markets are not amoral. Certain goods and services are subject to values that cannot—and should not—be commodified. By critiquing the underlying structure of Brennan and Jaworski's argument, as well as showcasing how they fail to address the relevant issues of commodification and furthermore, present an argument that they do not consider this essay aims to strengthen the anti-commodification view as well as dispel some of the existing dogma amongst pro-commodification theorists.

2 What the debate is really about.

Brennan and Jaworsk's third chapter discusses the circumstances that surround the debate of commodification and the authors claim that people are often mistaken about what the debate is really about. According to the authors, the issue often cited with commodification is the goods themselves. This issue pertains to the type of good being "commodified" and not what commodification in and of itself is. Commodification is the process by which goods are assigned a value in a market, therefore, commodification is not a debate about what goods are permissible for sale or not. It is rather a debate about whether the transactional nature of a commodity contains some moral value. In short, it is not a debate about whether selling sex services, surrogacy or drugs is morally permissible, but rather if the act of trading those goods adds some sort of moral reprehensibility. For the sake of argument, I will agree with the authors on this point regardless of whether I do or not (although I am inclined to do so, it does not serve any purpose in answering the research question).

The issue with this common objection to commodification, according to Brennan and Jaworski is that many of the goods are already illegal or morally bad in some respect. Therefore trading in them is by default also reprehensible, the more interesting question is whether trading in them is **more** wrong than only possessing or using them. The authors obviously disagree with this notion based on their statement on the previous page and this is what moral philosophers like Deborah Satz and Michael Sandel as well as myself disagree with. They do however, acknowledge two types of limits to markets. The first are limits due to *the principle of wrongful possession*. This covers cases like the one described above. Secondly, there are *incidental* limits to markets as a result of particular circumstances. For example, if I have explicitly promised to not sell certain things or if certain goods or services are dangerous due to some pre-existing conditions. In their acknowledgement of these limits, they therefore raise the question of whether there are any *inherent* limits to markets (Brennan and Jaworski, 2015, p.15)?

Brennan and Jaworski highlight three main objections to commodification, firstly what they refer to as semiotic objections. Secondly, they look at corruption objections and lastly, they handle the issue of exploitation, harm and misallocation.

3 An account of the pro-commodification view.

3.1 The Semiotic objections.

As described by the authors, the semiotic objection to commodification attempts to show that markets and the trading of certain goods or services signal some sort of moral value. They consider three types of semiotic objections. *The Mere Commodity objection*, *The Wrong Signal objection* and *The Wrong Currency objection*.

The Mere Commodity objection aims to show that buying and selling certain goods or services shows that one regards them as possessing only an instrumental value. The argument is presented as follows,

1. Some things are not mere commodities. They have a non-instrumental value that cannot be captured in their market price.
2. To offer certain goods for sale necessarily shows that one regards those things as mere commodities
3. If 1 and 2, then it would be wrong to offer certain goods and services for sale.
4. Therefore, it is wrong to offer certain goods and services for sale.

This argument is proposed by philosophers like Elizabeth Anderson (1993). According to her, a commodity is something whose production, distribution or enjoyment is governed by norms that are market specific. By this definition, she aims to provide a connection between trading something on the market and in doing so also expressing an attitude towards that thing.

The issue according to Brennan and Jaworski is that by distinguishing between commodities and *mere* commodities is that we ascribe moral status to goods and services where there isn't any and simply referring to a commodity does not carry a moral judgement about it. However, by introducing *mere* commodities we create the possibility for goods and services being viewed as merely possessing instrumental value and in turn as a tool to satiate the desires and preferences of the buyer and seller. Further Brennan and Jaworski go on to claim that the mere commodity objection is not really an objection to commodification in and of itself but rather a misguided argument against the attitudes and moral values buyers and seller might possess or lack whilst trading on a market. In extension, this means that, as long as buyers and sellers are committed to the "right" attitudes, there is no limit to what could be sold and bought (Brennan and Jaworski, 2015, p. 55). Despite this, one might still claim that one does not need to act in alignment with these attitudes and that even if we do not harbour negative moral judgement about a good the act of trading in it might still signal it.

In arguing their point, Brennan and Jaworski bring three main counterexamples to the *mere commodity objection*. First, they consider the markets for pets and art as an example of a market in which persons ascribe a monetary value to an object that we might still consider to be a holder of some value beyond an instrumental one. Goods like pets and art highlight the differences that Brennan and Jaworski wish to emphasise in their defense, and aims to show that instrumental value is independent of intrinsic value (Brennan and Jaworski, 2015, p.59).

Next, they bring the case of markets vs *schmarkets* and aims to show the issue of buyers and sellers possessing the ”correct” attitudes. Brennan and Jaworskis are adamant in their definition of a market as a place where goods and services are exchanged voluntarily for valuable consideration but claim that some argue that in order for it to properly qualify as such it has to exhibit some other characteristics. This characteristic could be that persons who engage in the market must view the goods and services as missing intrinsic value. They reject the idea that such a characteristic would be relevant and simply make the same case as before in the pets and art case. Furthermore, they claim that ascribing these additional characteristics will create ”schmarkets”, in which persons can trade goods and services in absence of these characteristics. They arrive at this example by claiming that by ascribing such a characteristic as the one considered earlier, anti-commodification theorists make it impossible for people to exhibit respect for the goods and services traded. The question then becomes an empirical one where we must ascertain if trades happened under ”proper” market conditions or in a so-called ”schmarket” in order to make statements about the morality of it. Since we cannot properly determine this and since we, to our knowledge, can not rule out that all markets might be ”schmarkets” the ascribing of additional characteristics serves no purpose. The authors therefore come to the conclusion that the objection is not towards markets in and of themselves but rather towards morally questionable attitudes that persons within the market hold (Brennan and Jaworski, 2015, p.60).

The wrong signal objection focuses on what markets actually signal and not what they *intend* to signal. The argument is presented as follows

1. Buying and selling certain objects tend to express certain morally deplorable attitudes or tends to fail to communicate proper respect for something that deserves respect.
2. This expression occurs independently of any attitudes that the person commodifying the object may happen to have.
3. If so, then commodifying certain objects is wrong.
4. Therefore, commodifying certain objects is wrong.

The issue with this argument according to Brennan and Jarkwoski is that it is completely dependent on circumstance. Societal norms and cultures hold different moral values and depending on those values it might very well be permissible to trade in certain goods. Brennan and Jaworski fail to provide any real rebuttal and in turn they seem to concede that ”we should refrain from making that gesture in places where it will express contempt” when talking about the meaning of giving a thumbs up in different cultures (Brennan and Jaworski, 2015, p.59-61).

Instead, they choose to continue by looking at the *The wrong currency objection*. The objection states that introducing money into relationships carries a signal of disrespect that in turn spoils or offends the conditions of said relationships. The argument is constructed as follows.

1. Offering money for services communicates estrangement.
2. There are some relationships - romantic partners, between fellow citizens, friendships, and so on - where it would be morally wrong to communicate estrangement.
3. If so, then offering money, or commodifying certain services within certain kinds of relationships is wrong.
4. Therefore, commodifying certain services within certain kinds of relationships is wrong.

Brennan and Jaworskis response to these objections is that they try and target a different issue. They argue that these objections arise as result of social construct that are relative to norms and cultures and that if markets can improve outcomes, the semiotics are not relevant since they are relative. The meaning we attach to markets is not a question of morality and according to the authors, it should not be. In the case of organ trade, a market for such might very well improve the over all outcome and they propose that in the matters of markets, one should be a consequentialist (Brennan and Jaworski, 2015, p.61-72).

Their response to *the wrong currency*- and *wrong signal-objection*, the argument of markets being a reflection of cultural-specific norms and social constructs, relies heavily on studies from sociology and social anthropology highlighting different customs that we, in the West, might consider deplorable. More interestingly they consider a thought experiment put forward by Michael Sandel (2012) in his book *What Money Can't Buy*. In it, the reader is asked to imagine the following scenario. Your best man holds a very emotional and eloquent speech at your wedding which bring you to tears. Later on, you find out that your best man actually paid a professional writer to ghostwrite it for him. This should plausibly make us very upset as such should express your friendship and therefore be written by the best man himself. In response to this, Brennan and Jaworski poses the following, imagine that there are two twin earths, each one with an America. The ”normal” America is just as the one in real life. However, in twin America, it is customary to hire the most expensive and well-renowned ghostwriters to write one's speeches. Writing your own would be considered cheap. The example goes on, with wedding cakes being baked by the bride's parents as opposed to being bought at a fancy bakery and so on. In conclusion, the authors leave us with a dilemma. Either we chose the philosophical point of view and label cultures with, by our standards, morally deplorable market characteristics as immoral or we side with the empirics provided by sociology and anthropology (Brennan and Jaworski, 2015, p.65-66).

3.2 The Corruption objection.

The second objection brought forward by market critics is the idea that markets corrupt. It shows that taking part in some or any market will tend to cause us to harbour morally reprehensible or defective preferences. In short, participating in markets makes us worse people. The authors consider five iterations of the corruption objection.

1. *The Selfishness objection*
2. *The Crowding out objection*
3. *The Immoral Preference objection*
4. *The Low Quality objection*
5. *The Civics objection*

These five variations aim to respectively highlight one aspect in which markets corrupt humans. (1) Is precisely what it sounds like, participating in markets makes humans more selfish. (2) Asseerts that offering monetary compensation for certain services removes intrinsic incentives. (3) says that information markets corrupt people by rewarding betting on bad outcomes. (4) Says that the quality of goods and services is worse under "for-profit" conditions as producers seek to increase margins. Lastly, (5) states that markets causes less civic engagement (Brennan and Jaworski, 2015, p.89).

Brennan and Jarkowksi reject every version of the corruption objection against commodification on the grounds that, in many cases, the objections provided do not actually cause corruption but only reveal corruption, claiming that markets are not corrupting by definition but rather act as a way to reveal corrupt behaviour. Moreover, they claim that anti-commodification theorists are wrong to assume that since markets, by definition, are a place in which people are meant to act in their own interests, the market will also make people act selfishly. The authors bring forward empirical evidence showing that these objections fail to provide ample reason to reject commodifying certain markets and they rather argue the contrary (Brennan and Jaworski, 2015, p.91-103, 128-138,139-144).

Although these arguments might be strong, they have nothing to do with this topic's philosophical aspect, and thus I will not consider them in my response later on. Furthermore, I would like to ponder if a few cherry-picked studies provide a strong enough foundation for the authors to reject these objections. Moreover, I would argue that even if all of the empirics were to be in favour of Brennan and Jaworski they do not necessarily justify the moral consequences of certain markets. Consider the case of prostitution. A market for prostitution might very help bring people out of poverty and one might consider this a case infavour of prostitution market but in reality, it isn't a case for the moral permissibility of such a market. One could consider this line of argumentation somewhat Humean. By this I mean that there is an apparent *is-ought fallacy* present when arguing what ought to be permissible on the grounds that some things are. The current state of the world might not necessarily align with what ought to be morally permissible or not and thus rejecting these objections solely on the premise of empirics is not viable.

In regards to the *The Immoral Preference objection* and *The Crowding Out objection*, the debate is largely focused on the work of Sandel (2012). In Sandels' 2008 book *What money can buy: The moral limits of markets* he considers information markets, markets in which people could make bets on if certain events would come to pass. One of Sandel's main objections to this market is that it would corrupt people by giving them a stake in potentially bad outcomes and the other is directed at the issue of pricing life and death.

Beginning with the *immoral preference objection*, Brennan and Jaworski reject the idea that holding a stake in bad outcomes is morally bad in the sense that it curates immoral preferences. The authors provide two counter-objections.

First, we consider the "all things considered preference"- objection. Consider you are faced with three choices.

- (A) A terrorist attacks Lund, and you get 500 SEK
- (B) A terrorist attacks Lund, and you get 0 SEK
- (C) A terrorist does not attack Lund, and you receive 0 SEK.

Immediately we one should prefer C over the other two. However, when faced with the remaining two, the terrorist attack is inevitable and therefore one should prefer A. Brennan and Jaworski mean that objection raised by Sandel is only effective if the market causes people to prefer A to C i.e. it corrupts an agents preference. When given the choice, most people will prefer C to A and in turn A to B. Preferring A to B is non-controversial in the sense that what you are implying is that you prefer having 500 SEK to 0 SEK.

We turn instead to what we will refer to as incommensurability objection. This objection has long been proposed by philosophers like Satz (2010) in her book *Why Some Things Should Not Be for Sale: The Moral Limits of Markets* in addition to Michael Sandel and relies upon the idea that some things are nonsubstituable. In the case of life insurance, the case is made that there is no amount of money that can make up the loss of life, either because you deem life to be of such worth that a dollar amount can not compensate for it or because you simply can not equate the worth of life to money in the sense that they are non-comparable.

This in turn is part of a much larger and separate philosophical debate whose conclusions impact not only the question of commodification. In line with Brennan and Jaworski, Eyal and Tieffenbach (2016) argue that this notion is wrong. Returning to the example of life insurance, they both argue that a life insurance policy is not in fact putting a value on life itself and makes no claim as to the fungibility of life. Rather, they argue that a life insurance policy or placing monetary value upon life simply reduces the *instrumental* value of life and leaves the *intrinsic* value of life unchanged. Assuming this is correct, it is entirely reasonable and compatible to regard life as a holder of intrinsic value in for example a Kantian sense wherein people are ends in and of themselves whilst still ascribing an instrumental value to someone's life.(Brennan and Jaworski, 2015, p.120-127).

Regarding the crowding-out objection, Brennan and Jaworski claim that paying for good behavior leads to more good behaviour and that worries about virtuous behaviour being "over-justified" by monetary incentives are misguided. They find support for this not only by citing a study on students who received money for good grades but also by arguing the difference between believing one to be guided by one's own choices and internal motivators as opposed to being coerced by external rewards. The question then arises whether external motivators weaken intrinsic motivation. Such a line of questioning invokes other questions about, moral internalism or externalism, something the authors seem to disregard. (Brennan and Jaworski, 2015, p.104-119).

3.3 Exploitation, harm, and misallocation.

Finally, in part IV of their book Brennan and Jaworski consider three remaining objections to commodification relating to exploitation, harm and misallocation. This chapter reverts back to the discussion in section two, what the debate is really about. The authors present the idea that most objections to commodification is misguided and that these objections are not fundamentally about the question of commodification. Remember that the question at hand is whether markets introduce moral wrongness in places where there weren't any, to begin with. Objections aimed at THE exploitative consequences are, according to the authors, in fact, objections aimed at the object or action in and of itself and not the market. The same can be applied when considering markets in which people might engage in self-destructive behaviour. This paternalistic objection provides no critique of the market but rather to the act itself regardless of accepting payment. Lastly, they consider the argument that engaging in certain markets might create inequity or unjust allocation.

In regards to exploitation, Brennan and Jaworski consider kidney sales as an example. In this case, the worry amongst anti-commodification theorists is that people will be susceptible to exploitation. Poor individuals with little means might be forced to take part in the market because they are not able to lead prosperous lives by any other means. This is according to them not a question of whether organ sales are morally permissible but rather a question of whether organ sales under exploitative circumstances is permissible, which they agree it is not. The same applies to prostitution, although in many cases exploitative neither are *necessairly* exploitative. The worry amongst critics is therefore not if kidneys or sex should be for sale or not but if kidneys are being sold in a morally defensible way.

The case of harm is similar in the sense that what we find objectionable is not the market itself but the goods and services themselves. In the earlier section of the book they refer to drugs but instead turn to the case of cigarettes. The argument proposed is that a market for cigarettes is not morally permissible since cigarettes themselves are bad and harm their users. The act of selling them does not add to any additional moral wrongness. Fundamentally, the objection is not really aimed against selling cigarettes but rather at possessing and using cigarettes. In section two the authours already concede that objects that are morally reprehensible to own are also morally bad to trade in under what they refer to as the *principle of wrongful possession*. This principle covers many cases that anti-commodification theorists tend to use but is not an argument for commodification but rather a resort of refugee for commodification proponents.

Misallocation is, according to Brennan and Jaworski also not a strong argument against commodification. They consider the case of education. High-quality private education is expensive and only offered to those who can afford it, naturally, the price of such an education increases the demand for high-quality education and therefore the market creates unjust social and educational conditions. At the same time, we are asked to consider a market which produces large quantities of food. Some people, as a result of some other independent circumstance, might not be able to partake in this market. Naturally, we would not oppose this market in a moral sense and thus why should we oppose the case of education furthermore the food market problem can be solved with government intervention so why should the market for education be any different (Brennan and Jaworski, 2015, p.145-157)?

3.4 Where does this leave the anti-commodificationists?

After the account of Brennan and Jaworski's view on the issue of commodification, one might be led to believe that the outlook for anti-commodification proponents like myself is sombre and that there are not many ways in which we can retort. I, however will. The next sections provide arguments for why I find Brennan and Jaworski unconvincing in their efforts to justify commodification by questioning not only, the structure of their argument but also the validity of their response to Elizabeth Anderson's mere commodity objection and lastly by presenting an argument which I believe Brennan and Jaworski fail to consider.

4 Fallacies, Ambiguity, The Mere Commodity Defense and The Interpersonal Objection.

Although exhaustive and extensive Brennan and Jaworsk's argumentation is flawed in a few senses and can be questioned at several points in their argumentation. Brennan and Jaworski are correct in claiming that we today live in market societies and that markets have in a sense ”won” (Brennan and Jaworski, 2015, p.3). This then begs a normative question of to what extent markets should be used to allocate goods and services. If they are correct, any remaining hesitancy about the morality of markets is then unfounded and anti-commodification theorists need not fret the implications of commodification. Generalized their argument can be summarized as follows;

i. It is either the case that one can show that there are things that are given and received for free that they do not in turn have the ability to trade, or we must admit that people can trade freely what they are able to give and receive for free.

ii. Attempts to prove such a case all fail.

iii. Thus, people may trade freely what they can receive or give for free.

Firstly, I would like to note that this argument suffers a rather basic problem, one usually referred to as *modus tollendo ponens*, in other words, affirmation through denial. In formal notation, it looks like this;

$$P \vee Q, \neg P \dashv Q \tag{1}$$

The problem with this type of argumentation is that it does not provide a reason or argument for the author's view and only relies on dispelling the opponents. This is not a way to argue in favour of something and in fact, does little damage. Furthermore, the fact that there are remaining intuitions about the reprehensibility of certain markets seems to suggest that there is still more to question. In arguing their defence of markets, Brennan and Jaworski struggle with ambiguity. Moreover, I believe that the second premise does not hold since they fail in answering the *The mere commodity objection* which in turn exposes a wider objection not considered by the authors.

4.1 Fallacies and Burden of Proof.

As previously mentioned this type of argument does not in fact provide a reason for anti-commodification theorists to abandon their view. It is, at best, a reason for anti-commodification theorists to maybe revise, or consider other avenues to strengthen their view. As I pointed out this is at best what Brennan and Jaworski can achieve.

Another problem is that Brennan and Jaworski seem to set a very high bar for anti-commodification theorists, a bar that I do not agree with and thus am not worried about fulfilling. In arguing for their point of view, they repeatedly make the case that there are no *necessary* features of certain markets that are morally objectionable. Instead thy imply that it is the consequences of said markets that are in some cases morally deplorable, maybe even the most cases, but it is not contingent upon the market itself.

My objection to markets that are non-contingently exploitative does not rely on a necessary link between for example organ sales or prostitution and exploitation. In most cases, this link exists, and the authors admit as much but the idea that in order for an argument against these markets **must** show a necessary connection to exploitation or corruption is a far to high burden of proof. The fact that prostitution or organ sales, is in most cases, but not all, tied to exploitative circumstances provides ample reason to object to them as the relevant question is not, how many cases exhibit these attributes? But rather, are the circumstances morally bad enough in which these attributes exist?

We might very well consider such a market wherein there is no connection to the problems raised by anti-commodification theorists, and indeed Brennan and Jaworski ask us to find such cases, they claim that we must ”demonstrate that there is no way of designing the market that would overcome the objection (Brennan and Jaworski, 2015, 225).

Our ability to ponder a market without problems so that our objections are effective in all cases is not the main question. Even if markets are not universally contingent upon exploitation or corruption the cases that do exist are, and the objections provided by anti-commodification theorists should not need to be universal for them to be effective in meeting the pro-commodification thinkers like Brennan and Jaworski.

This extremely high burden of proof set by Brennan and Jaworski also introduces another problem. In many cases, one could question who carries the burden of proof and Brennan and Jaworski are quick to assign it to the anti-commodification theorists. In doing so they affirm their view on the basis that anti-commodification theorists fail to provide a good enough argument against it. This seems to be an apparent fallacy and is made clearer when considering that the authors themselves claim that if anti-commodification theorists cannot prove the necessary connection between the market and exploitation or corruption we should not assume that there is one. However, this does not imply that we can assume that there isn’t.

4.2 Ambiguity

In their thesis, it is not apparent what moral theory underlies it or what moral theory they appeal to. Again, consider their thesis.

> If you can have it, you can buy it; if you can give it away to someone, you can sell it to her. [...] if it is permissible to do X for free, then you may do X for money.(16,17,21,26 and 156).

The ”can” in their thesis refers to some idea of moral permissibility(deontics) and the condition ”if” bears no causal claim about the previous being a satisfactory condition of the latter. And furthermore, the ”may” in the last sentence refers to some Humean idea that ”one ought to be able to”. Although one thesis, it really states two questions about permissibility, one pertaining to possessing and buying, and the other about giving and selling. Two things that are inherently different.

Then there is that matter of what type of permissibility we are actually considering, legal or moral. What is morally permissible to do has no connection to what is legal and makes no claim as to what legal system should govern. Their thesis seems largely focused on the matter of legality whilst they argue on the moral matter. Arguments in either realm do not translate and if we are to properly evaluate the effectiveness of the arguments they must first define the relevant realm and subsequently what legal system or moral theory we use to test their thesis. This is never addressed by Brennan and Jaworski and it may be that they assume that we already have a clear understanding of these matters, however this is not the case.

4.3 Anderson and *The Mere Commodity Objection*

In their chapter about *the mere commodity objection* they argue against a semiotic objection to commodification, mainly proposed by Anderson (1993). In short, they put forward an argument that explores three avenues of attack. Firstly, the interpretation of a commodity is entirely dependent on the attitudes of the person, the act of trading on a market does not imply that it is a *mere* commodity. Secondly, If there are norms governing the markets it is ambiguous whether any given exchange was done in a market or *schmarket*, where such norms do **not** govern. And lastly, if there are reasons to ascribe norms onto a market, these reasons are a result of culture-specific social constructs.

This is all sound if we accept the version of Anderson's argument that Brennan and Jaworski provide. If we instead turn to the argument in question, we discover that the objection is misinterpreted in many ways.

Anderson's argument is based on the idea of Kantian autonomy. Kantian autonomy refers to the capacity of a rational being to govern themselves through reason, free from external influences or inclinations. In the context of markets, Anderson provides the following definition

> Call a person free if she has access to a wide range of significant options through which she can express her diverse valuation. Individuals require social settings, governed by social norms recognized and endorsed by others, to develop and express their different valuations. Because people value different goods in different ways, their freedom requires the availability of a variety of social spheres that embody these different modes of valuation (Anderson, 1993, p.141).

In brief, Anderson's argument against commodification is concerned with maintaining the autonomy of persons and society. She states that freedom requires that one differentiate between spheres, spheres being the institutions or social practices governed by a unique set of norms eg. friendships, science, and religion. According to her, a person is considered autonomous if she confidently governs herself by principles and valuation which she also endorses. This autonomy can be put into question as a result of many different things, primarily mental states which inhibit a person's ability to follow these principles and valuations. Therefore, Anderson argues that in order for us to achieve autonomy, we may need restrictions to the extent that it helps us protect the "wide and significant range of options through which people express a wide range of valuations (Anderson, 1993, p.142).

Furthermore, it is worth noting that Anderson's argument does not rest on the same assumptions when it comes to markets. Brennan and Jaworski seem to propose that people have or in some sense **should** have the same understanding of what a market is. In their argumentation, it is clear that what they are proposing presumes a universal understanding of this concept. Anderson on the other hand aims to provide a theory which allows for plurality in *spheres* (Anderson, 1993, p.144).

Anderson states that different spheres have different way of valuation, the market sphere, according to Anderson, is one where participants assign value based of "use". "Use-valuation" entails that we value something in relation to its' *use* something in serving our ends, irrespective of its intrinsic values. Anderson proceeds to provide five norms that govern the market sphere while noting that although these five norms are not universal, they are features of the market that are "recognised by every experienced participant" (Anderson, 1993, p.145). (I) Markets are **impersonal** to the extent that markets consist of strangers who trade freely amongst each other, who you trade with and what you trade in on so on is only determined by money. (II) Markets are governed by **egoism** in the sense that markets allow participants to pursue their own interests regardless of others. (III) Markets exhibit exclusivity as the good's use or purpose is only available to its' buyer. (IV) Markets are **”want-regarding”** i.e. the exchange of commodities happens as a result of people’s desires and irrespective of potential reasons for wanting. (V) Lastly, participants do not influence the commodities, how they are produced, designed or marketed and allows for **exit rather than ”voice”** (Anderson, 1993, p.145-146).

Anderson explains that this can be interpreted as ”the ideal type” of economic goods. This ideal type is determined by way of its valuation and its market norms. Governing market norms may be extended to include other norms and customs after thorough consideration and empirical study. In extension, Anderson offers the extension of a ”pure economic good” as a commodity which is governed by the five market norms and whose valuation is done by way of ”use”.(Anderson, 1993, p.146).

Now, the formalised argument provided by Brennan and Jaworski (see page 3) is clearly not the same as the one presented by Elizabeth Anderson. Formalised here the argument goes;

I One is considered free if ”she has a wide range of options in which she may express her valuation.”

II One is considered autonomous if ”she can confidently govern herself by principles she endorses.”

III One can express different valuations if there are restrictions in place that ensure differentiation of spheres.

IV ”ideal type” analysis shows that the market spheres make use of use-valuation and are governed by norms such as; impersonality, exclusivity, egoism, ”want-regarding” and that they encourage exiting a market instead of allowing participants to influence it.

V Certain objects’ value is not captured or expressed through use-valuation

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VI In order to preserve the freedom and autonomy of persons, commodification should be restricted, and such restriction requires differentiation of *spheres*.

Now clearly, Brennan and Jaworski do not provide an accurate representation of Andersons argument from Kantian autonomy. Their definition of ”*the mere commodity objection*” is not what is put forward although they claim it. According to them, Anderson makes the claim that by trading in certain goods and services one fails to take into account the intrinsic value of that thing. This is not at all what Anderson’s argument suggests. In reality, Anderson’s argument only makes the claim that certain markets restrict the autonomy of persons if people are not free to express their valuation in their appropriate spheres. Since Brennan and Jaworski do explicitly derive their formalisation of the mere commodity objection one must be forced to conclude that is not in fact the *true* mere commodity objection they are providing and answer to and in doing so fail to provide any meaningful retort.

Because Anderson's argument allows for plurality and different social interpretations of goods and markets in different spheres Brennan and Jaworski's example of a market for art or pets is also weak. In the strongest case, Brennan and Jaworski may refute to the mere commodity objection in markets where a universal understanding might exist. But when an ideal type analysis as the one used by Anderson the question of intrinsic vs instrumental value becomes irrelevant. Anderson does not claim that buyers or sellers fail to recognize non-instrumental values, she simply claims that they express their these in other spheres than in the market one.

The main argument provided by Brennan and Jaworski against all types om semiotic objections is the argument that norms and attributes which we ascribe to markets and goods are social constructs and since they are of such nature markets and goods cannot be holders of such attributes in and of themselves. This line of thinking is completely misguided and fails to address the relevant question if one were to refute Anderson's objection, the relevant question is pondering if the norms provided by Anderson are socially constructed or whether they are an inherent part of the market sphere.

In the case of impersonality and egoism. There is nothing to suggest that they are socially constructed. Regarding impersonality, one might argue that it is not present or even contingent upon the market, however, when present there is no question or norm subject to interpretation. This feature of the market, when present, is just that. A feature of the market, not relative and open to interpretation. Similarly, egoism might not be a feature of every market but is at the same time not a subjective matter. Either people are free to pursue selfish interests or they are not. The same case can be made for the want-regarding and exit cases but more convincingly the exclusivity norm is, in addition to being contingent on the market, also contingent on the good or service itself.

Norms in the sense that they govern the way we interact are unavoidable. Norms define the parameters of the playing field and are set by institutions, not by the people. This is not open to interpretation or revision since the institutions are either there or not and the question of whether they are present in all markets is not required when making the mere commodity objection.

4.4 The Interpersonal objection.

In light of the failure to provide a strong argument against the mere commodity objection, I wish to highlight another aspect in which we can prove that (ii) is wrong. Not only is the mere commodity objection still viable, they also leave themselves open to new a objection which they fail to discuss.

In their thesis and throughout their discussion of semiotic and corruption objection they connect people partaking in these markets to the goods and services provided. As for the semiotic objections they describe peoples attitudes towards goods and services, and in the corruption objection, they relate how goods and services relate to the people trading in them. It is only in the third objection, the one about fairness and exploitation, that they consider the interpersonal aspect of commodification. But there is another objection that relies on the idea of how we relate people to other people.

In short, there is a way in which commodification relates people to each other in a morally reprehensible way. When we consider buying and selling there is no real difference between how a buyer or seller relates to the thing being commodified, there is however a difference in how a buyer or seller relates to other persons through buying or selling.

This discrepancy underlines most worries about markets and is never addressed by Brennan and Jaworski. To exemplify this consider the case of a market for organs. The main worry is not necessarily the attitudes expressed towards the human body (semiotics), it is not about corruption or exploitation, but rather that it relates persons in a morally reprehensible way. Obviously, in the case of a market for organs, the problem is one that relates buyers to sellers in a morally questionable way. As for organ sales this is wrong because buyers view sellers as the commodities, not the organ itself. To buyers, the sellers of their kidneys are means and not ends. To them, they possess a price not worth and so on. This also holds for other cases like prostitution.

Brennan and Jaworski's previous refuge of contingency and necessesity is a potential answer to this worry but is not very effective of dispelling this it as it is almost unavoidable.

4.5 The issue of selling your vote.

Building upon the idea in the previous section we take a look at the topic of selling your vote. Clearly, Brennan and Jaworski see no issues with people selling their right to vote in an election or any type of democratic process. This is clearly stated in their thesis as a vote is something that someone may do for free. Although with a few caveats. As Brennan and Jarkwoski clearly states that voting can be seen as type of interpersonal coercion and should therefore be done responsibly and with adequate information etc. (Brennan and Jaworski, 2015, p.185-188).

The authors admit to this but fail to consider its implications and misses the mark, the mark being that buying and selling votes gives power over other people and the ability to exercise that power and furthermore failing to fulfil the prerequisites of political equality. This argument not only focuses on the moral questionability of how buyers relate to sellers but also how sellers relates to others.

In defense of vote selling the authors argue that such a market would not corrupt people's preferences but, this misses the point. In regards to corruption it is not about the people, it is about the political system. A market for votes would undermine the very purpose of democracy and the right to fair and free elections. If one believes a democratic political system worth defending, which most people do. Then, defending that system, in a moral sense, is entirely incompatible with the idea of a market for votes. One can still argue, much like Brennan and Jaworski, that it is morally negligible to sell your vote. From this view, they argue that a person is not committing any moral wrongdoing in undermining the political system or aiding in the coercion of other unwilling citizens when selling or buying votes.

They do so based on what they call the "*The clean hands principle*". This principle refers to the collective responsibility involved in voting and they liken this collective responsibility to that of a firing squad. Now they claim this can be derived from several moral theories like Kantianism and consequentialism. The use of Kantianism is quite ironic as I would argue that they would agree on very little since Kant's ideas about personhood and autonomy stand in stark contrast to Brennan and Jaworsk's arguments about the instrumental vs intrinsic value of persons and so on. This analogy of the firing squad and voting highlights another topic, causal overdetermination. This has at length been discussed by philosophers and even if Kantians and consequentialists might agree thinkers like Derek Parfit would disagree. In Parfit (1984) the question of overdetermination arises when Parfit provides an account of what he believes to be mistakes in moral mathematics and he concludes that in cases where multiple people are involved, we ought to look at the individual as part of a group with a collective will and that individual intent is irrelevant with respect to permissibility. Thus the moral value is judged on the consequences of the entire group that that individual is a part of (Parfit, 1984, p.180-188).

Not only does the problem of selling your vote highlight the issue of how persons relate to each other from a buyer's perspective but also from a seller's perspective. That buyers and sellers on markets relate to each other in the act of trade is a foundational feature of a market and is thus unavoidable. To this, Brennan and Jaworski might claim that we are essentially resorting back to a type of semiotic objection where we appeal to the attitudes and values that persons harbour towards economic goods, or commodities. I consider this misguided as how people interact and relate to each other is not a matter of semiotics, it is rather an inherent part of engaging in the market. And even if this were to be true, their arguments against "*the mere commodity objection*" fail.

5 Conclusion

This thesis has examined the arguments against the commodification of goods and services, as presented by Brennan and Jaworski in Markets Without Limits. The validity of their thesis — that anything permissible to give or receive for free can also be sold — is contingent upon three primary defenses: rebutting semiotic objections, countering corruption arguments, and addressing concerns about exploitation, harm, and misallocation.

This thesis argues that Brennan and Jaworski's approach suffers from ambiguity and an excessively high burden of proof placed on anti-commodification theorists, one that they can not satisfy themselves. The assumption that markets are universally adaptable without harm fails to consider the tangible moral implications of commodification in practice.

While Brennan and Jaworski offer compelling critiques of some anti-commodification arguments, their position relies heavily on assumptions about the moral neutrality of markets and cultural relativity. This leaves key objections, such as Anderson's mere commodity objection, inadequately addressed. Anderson's account, grounded in Kantian autonomy is misrepresented and aims to prove that certain things should not be commodified in the interest of preserving freedom and autonomy. It highlights the moral and interpersonal dimensions of markets that Brennan and Jaworski overlook. Markets are not merely arenas for exchange; they influence the ways individuals relate to goods, services, and most importantly, to each other, often in morally significant ways.

Ultimately, while markets may have "won" and, serve as effective tools for allocating resources, the expansion of markets touches the realm of interpersonal morality and begs normative questions about the limits of such markets. This thesis supports the view that certain markets, by their nature, conflict with principles of autonomy and equality, making their commodification morally indefensible. On these grounds, I find it plausible to reject Brennan and Jaworski's thesis, as (A) they cannot maintain the high burden of proof set by themselves, they (B) fail to provide a compelling response to the mere commodity objection, and (C) they do not consider the interpersonal objection.

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