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There are many ways in which people can try, acting alone or with others, to change the world for the better. They can engage in political activism or volunteer work, or provide financial support for others who do so. They can also act through the medium of the market by providing incentives for change—for example, through paying a higher price for fair-trade coffee—or threatening to withhold purchases in response to the wrongful conduct of other market actors.

Acting through the market has its advantages. If the aim of a consumer campaign is to change the behavior of some firm or state, it need not appeal to the better natures of these collective agents; it need only appeal to their concern for their material interests. Seeking social change through legislative change can be very difficult, and it can take a great deal of time and organization. This can also be true of acting through the market, but when consumers decide to support or to stop buying a product, this can trigger a quick response from the agents associated with it: such agents are often highly sensitive about their public image and will scramble to make changes to protect it. For this reason, the use of consumer pressure on various actors has become increasingly commonplace among those seeking social change.¹

Insofar as market activism promotes valuable social goals, it would seem a welcome form of action. However, like any form of activism, using the medium of the market through boycotts or other forms of organized market pressure can undermine rather than promote the common good. The effects of boycotts may be blunt and relatively indiscriminating—generating unintended and unfair consequences for innocent parties.² Although consumers

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¹ For a broad overview on how this has played out in various production sectors, see T. Bartley, S.Koos, H.Samel, G. Setrini, and N. Summers, *Looking behind the Label: Global Industries and the Conscientious Consumer* (Bloomington: Indiana University Press, 2015). The extent of ethical consumerism varies significantly across societies. For cross-country comparisons and analysis of some trends, see D. Stolle and M. Micheletti, *Political Consumerism: Global Responsibility in Action* (Cambridge: Cambridge University Press, 2013).

² C. Mills, "Should We Boycott Boycotts?," *Journal of Social Philosophy* 27 (1996): 136–48. This charge has been emphasized in recent criticisms of academic boycotts. See, for example, D. Rodin and M. Yudkin, "Academic Boycotts," *Journal of Political Philosophy* 19 (2011): 465–85; and M. Nussbaum, "Against Academic Boycotts," *Dissent* 54 (2007): 30–6.

engaged in market activism typically have good intentions, such boycotts can prove ineffective or counterproductive as means of bringing about positive social change.³ Moreover, consumers often have incomplete information or hold mistaken beliefs about the practices they are concerned about. Finally, some critics of ethical consumerism worry that encouraging people to engage in this form of activism may serve as a distraction from more meaningful political struggles that might bring lasting change through institutional reform.⁴ As with all other forms of activism, market activism is hardly a panacea, and should be used with caution and care.

This article will focus on another, arguably more fundamental, objection to practices of ethical consumerism, which we'll call the political objection. This objection is that there can be something inherently inappropriate or illegitimate about using the market to bring about social change. Andreas Føllesdal, for example, has pointed to concerns about the undemocratic or unaccountable character of “the loose networks or organizations behind such protests”—concerns that are intensified when consumer action is based on “Western consumers’ own values,” thus opening it to the charge of “cultural imperialism through market means.”⁵ Others have worried about the “possibly coercive character of a boycott,” since “boycotters are trying to induce others to act by means of what is arguably a threat: do x, or we will withdraw our business from you.”⁶ Individuals and NGOs that engage in market activism and associated forms of advocacy have often been criticized as being “unelected,” “unaccountable,” or “self-appointed.”⁷ The thrust of the political objection is that well-meaning activists who seek to promote the common good overreach when they try to substitute their own unilateral actions for more inclusive and democratically legitimate collective political procedures.

Market activism, on this account, is somehow improperly intruding into the political sphere in the absence of a legitimate democratic mandate, and should accordingly be restricted. While the political objection has often been made in passing, it has received a much more extended and nuanced articulation in an important recent article in this journal by Waheed Hussain.⁸ Hussain argues that the practices of ethical consumerism risk undermining critical procedural values—including security for basic liberties, political equality, and democratic

³ A. Føllesdal, “Political Consumerism as Chance and Challenge,” in *Politics, Products and Markets: Exploring Political Consumerism Past and Present*, ed. M. Micheletti, A. Føllesdal, and D. Stolle (New Brunswick, N.J.: Transaction Publishers, 2004).

⁴ R. Reich, *Supercapitalism: The Transformation of Business, Democracy, and Everyday Life* (New York: Random House).

⁵ *Ibid.*, p. 4.

⁶ Mills, “Should We Boycott Boycotts?,” p. 140.

⁷ As discussed in J. C. Rubenstein, “The Misuse of Power, Not Bad Representation: Why It Is Beside the Point that No One Elected Oxfam,” *Journal of Political Philosophy* 22 (2014): 204–30. See also K. Anderson and D. Rieff, “Global Civil Society: A Sceptical View,” in *Global Civil Society*, ed. H. Anheier, M. Glasius, and M. Kaldor (London: Sage, 2004), pp. 26, 37.

⁸ W. Hussain, “Is Ethical Consumerism an Impermissible Form of Vigilantism?,” *Philosophy & Public Affairs* 40 (2012): 111–43.

deliberation—that should inform the design of liberal democratic institutions. He concludes that many common forms of ethical consumerism should be rejected because they amount to an “impermissible form of vigilantism.”⁹ In place of market vigilantism, he offers a distinctive view of the scope and limits of ethical consumerism, which he calls the proto-legislative account.

Our aim in this article is to defend many common forms of market activism against the political objection. In defending ethical consumerism and developing an account of the principles that should guide it, we will engage in detail with Hussain’s critique, as well as his own constructive account of the appropriate constraints on ethical consumerism. To foreshadow, like Hussain and others who have raised the political objection, we affirm the importance of procedural values and do not think they can simply be overridden, even when doing so would promote the common good. We therefore reject the view, which Hussain calls “common good anarchism,” according to which individuals have authority to act privately in defense of the common good *whenever* they judge some activity to be damaging it. We argue, however, that the threat that ethical consumerism poses to procedural values has been overstated. We show that the constraints that such critics would put on the use of ethical consumerism in responding to the political objection are unduly restrictive, tending to undermine rather than protect procedural values. Indeed, one of our central conclusions is that ethical consumerism can in fact play an important role in *protecting* procedural values, by helping to counterbalance inequities of power or access within formal political processes, thereby enhancing the degree to which procedural values are realized in the political system as a whole.

1 The Proto-legislative Account

We begin by laying out the key elements of the approach to ethical consumerism that Hussain develops: the proto-legislative account.

Hussain characterizes ethical consumerism as a form of market activism that includes all practices of “choosing to buy certain goods and services at least partly on the basis of ethical considerations.”¹⁰ His target, however, is a narrower form of ethical consumerism, which he refers to as “social change ethical consumerism” (SCEC):

⁹ Ibid., p. 111.

¹⁰ Ibid.

[SCEC] is the practice of choosing to buy certain goods and services at least partly on the grounds that doing so will create an economic incentive for other agents to act in ways that will advance some moral, social, environmental, or other nonmarket agenda.¹¹

SCEC is distinguished from other forms of market activism by its *aims*; and, according to Hussain, the aims of the participants in practices of ethical consumerism can partly determine the permissibility of their conduct. Hence, purchasing Fair Trade coffee may, but need not, constitute an act of SCEC. If the consumer purchases it simply because they like its taste, for example, they will be engaging in price–quality consumerism. If, on the other hand, they purchase Fair Trade products with the aim of promoting the common good through social change, they are engaging in SCEC.¹²

Hussain holds that individual consumers have broad privileges to make purchasing decisions with the aim of removing themselves from implication in the purportedly immoral practices through which some goods and services are produced (he calls this form of ethical consumerism “clean hands ethical consumerism”).¹³ But he argues that people do not enjoy such privileges when their aims are to advance social and political agendas through their consumption decisions. His rationale for this restriction is based on his account of the distinctive roles that it is appropriate for economic and political institutions to play in the evolution of a society: some decisions within a society can be left to the market, but others should be made through a democratic legislative process; and when the aims of market activists threaten to encroach on decisions that should be made through a legislative process, their conduct becomes an impermissible form of market vigilantism.

Hussain maintains that concerted consumer efforts threaten, undermine, or overrule the results of legislative processes in a number of ways. The force of anti-discrimination legislation, for instance, could be undermined by concerted efforts by consumers to refuse to buy things from black or Jewish merchants;¹⁴ or the politically expressed desire by a community to support an environmentally damaging industrial development, as a means of creating jobs, might be undercut by activists threatening to boycott or otherwise pressure key project investors.

In view of such threats to the procedural values underpinning the justification of a liberal democratic social order, Hussain formulates a set of principles that he claims should restrict the use of SCEC and so protect procedural values:

¹¹ Ibid.

¹² Ibid., pp. 135–6.

¹³ Ibid., p. 113.

¹⁴ Ibid., p. 117.

- (1) The exercise of bargaining power does not deprive anyone of their basic liberties.
- (2) The exercise of bargaining power is directed at (significantly) advancing an agenda framed in terms of a reasonable conception of the common good.
- (3) The formal democratic process has not already addressed the issue in question.
- (4) The process that guides the exercise of bargaining power is appropriately representative and deliberative.
- (5) The process that guides the exercise of bargaining power generates standards and arguments that can be the basis of future legislation.
- (6) The overall effort aims to raise awareness of the issue and (if necessary) to put it on the formal legislative agenda.¹⁵

These principles limit the sphere of private choices in the market. Hussain calls the view expressed by these principles “the proto-legislative account of SCEC”; in his view, “Proto-legislative SCEC essentially creates arenas of informal democratic self-governance that operate below the level of formal democratic politics.”¹⁶ It serves as a “waiting room” for democracy,¹⁷ rather than a competing arena in which political outcomes are determined. In this sense, Hussain does not rule out ethical consumerism altogether, but rather argues that it must be subordinated and deferent to formal democratic politics—conceptualized within a broadly legislative framework, encompassing elements of both aggregative and deliberative collective decision making.

2 Ethical Consumerism as a Threat to Procedural Values

Hussain contrasts the proto-legislative account with what he regards as the dominant view among market activists: common good anarchism. The common good anarchist “thinks that we each have the authority to act privately in defense of the common good”.¹⁸ For such anarchists, restrictions on strategic use of the market are based entirely on whether or not our action can reasonably be expected to promote the common good, relative to available alternatives.

What can be said about the relative merits of common good anarchism and the proto-legislative view? Hussain attempts to provide intuitive support for the proto-legislative account against its competitors by invoking examples such as campaigns exhorting that consumers

¹⁵ Ibid., p. 126.

¹⁶ Ibid., p. 132.

¹⁷ Ibid.

¹⁸ Ibid., p. 128.

“don’t buy Jewish” or that private employers “don’t hire blacks.”¹⁹ Such campaigns certainly are objectionable. We take it, however, that the principal reason we object to them is that they cannot be seen as plausibly advancing the common good, and involve violations of basic individual rights or liberties. The first two principles of the proto-legislative account, which proscribe undermining basic liberties or promoting implausible conceptions of the common good, suffice to explain what would be wrong with concerted efforts to exclude minority groups. Clearly, however, these two principles are not unique to a proto-legislative account—rather, they are widely endorsed and usually incorporated into views that are much more permissive of market activism, including common good anarchism as Hussain defines it, and the account we outline below. And since these kinds of consumer campaigns can be judged impermissible by common good anarchists just as readily as by proto-legislators, they do not in themselves support the contention that the proto-legislative account is superior to less restrictive accounts.²⁰

While the first two conditions of the proto-legislative account require that market activism should be oriented to promoting the common good, the remaining conditions restrict the circumstances in which it can do so. It is here that the proto-legislative account becomes distinctive. Hussain contends that certain forms of ethical consumerism are impermissible, even when, unlike campaigns that seek to marginalize racial or religious groups, they respect basic liberties and advance a reasonable conception of the common good.

Hussain’s central worry is that, unless ethical consumerism is restricted along the lines of the proto-legislative account, it poses an important threat to procedural liberal values. For example, he claims that ethical consumerism may in some sense overrule formal political processes: “The third condition recognizes the privileged position of formal democratic politics and rules out attempts by citizens to use their bargaining power in the market to overrule the legislature.”²¹

It isn’t plausible, however, to treat engaging in a boycott or other form of market activism to change the behavior of some firm as a means of *overruling* the legislature, in ways that could genuinely be considered to threaten the integrity of governmental processes. In seeking to establish ethical consumerism as a threat to political processes, Hussain draws an analogy with a well-intentioned wealthy person who bribes political officials to promote the common good.²²

¹⁹ Ibid., pp. 117–18.

²⁰ The two principles do rule out one view that Hussain considers: “Unrestricted Authorization” to use SCEC—a view that allows people to use their market power in any way they wish. But this position, as Hussain seems to recognize, is not (unlike common good anarchism) one that many people are likely to be tempted by.

²¹ Ibid., p. 127.

²² Ibid., p. 115.

However, a bribe is a direct assault on a procedural value in a way that a consumer boycott that seeks to directly influence desired social changes is not. Bribery directly corrupts an input into the formal process. Using market pressure is not like paying bribes for votes; it does not directly distort the political process, but rather changes the effects of political decisions. A boycott may, for instance, cause a firm to implement labor provisions or environmental protections that far exceed what is legally required of it. Legislative *silence* is not the same as legislative *requirement*. Boycotts that encourage firms to break the law disrespect democratic decisions, but boycotts that encourage firms to exceed what the law requires of them do not.

Hussain does not suggest that unilateral action to promote collective purposes in the civic sphere is always impermissible. Rather, he insists that civic action be subordinated to formal political processes, which he understands within a broadly legislative framework. Civic association, and its pursuit of reasonable conceptions of the common good, is permissible so long as it defers to formal democratic processes in ways identified by the proto-legislative account. The proto-legislative account (in its third condition, above) thus requires that prospective ethical consumers should refrain from promoting the common good through market leverage whenever it is the case that the collective issue in question has already been “addressed” through the formal political process. To understand and apply this condition, we must know when a society can be said to have addressed an issue, and it is not clear what Hussain understands this to mean. We might take it to mean that the issue has been addressed by some kind of formal legislative or administrative action. However, in that case, nearly every major political issue that has achieved sustained presence on public agendas has been addressed by the political process in most modern societies. Or we might take it to mean that the issue has been *definitively* settled and will never again be up for revision. But in that case it is difficult to think of any examples that would meet this condition—even deeply settled constitutional features of democratic societies are typically revisable through the political process to some degree.

The kinds of social, environmental, or public health issues often of concern to ethical consumers are generally complex and multifaceted, and the formal political processes through which such policies are negotiated and implemented are often incremental and cumulative.²³ Achieving meaningful social change to these kinds of complex and contested political issues is rarely a one-shot game that can simply be resolved through a discrete political intervention. As a result, there simply is no clear point at which it can be said that any such policies have been fully

²³ Y. Papadopoulos, “Cooperative Forms of Governance: Problems of Democratic Accountability in Complex Environments,” *European Journal of Political Research* 42 (2003): 473–501.

addressed through government legislation. So, on one interpretation of the third condition of the proto-legislative account, there are few examples that would ever violate it—which would render it largely redundant.

Hussain claims that, while the value of political equality suggests that citizens should be able to participate as equals, in practice ethical consumerism implies that market actors who are better organized and control more valuable resources can apply enormous pressure on other market actors to advance a social agenda, while other affected parties cannot bring similar pressure to bear.²⁴ To be sure, the capacity of different individuals and groups to act effectively through market pressure varies significantly. But in the majority of cases, the power of ethical consumers is derived from many small spenders acting together. On this count, we should be much more concerned about the power of large retailers to issue unilateral instructions to their buyers—about whether or not they should purchase from sweatshops in particular countries, for example—than we should be about the actions of individual consumers. Indeed, consumers often seek to use their market leverage precisely to challenge the highly concentrated forms of market power possessed by corporate market actors. In this sense, ethical consumerism often serves to redress rather than aggravate power imbalances in the economic sphere, enabling individuals to join together to act in opposition to concentrations of power—a point to which we return below.²⁵

To further explore the application of the proto-legislative account, consider an example that Hussain employs, that of so-called “sweatshop” labor in the supply chains of factories in the Philippines: human rights violations are occurring,²⁶ and consumers in the UK have market leverage through retailers that can bring about changes in manufacturing practices, thus promoting the common good. Both the UK and the Philippines governments have actively considered stronger labor protections in trade agreements between their countries and they have not pursued this option. It seems that the formal political process has already addressed the issue. Yet consumers are still pushing for substantially better labor conditions in factories by pressuring firms to adopt them. Now, they may be mistaken in exerting such pressure, since it may turn out that such conditions would hinder productivity or growth in ways that hurt rather than help Filipino workers on the whole, or are counterproductive in some other way. But let us suppose that is not the case: assume that there would be substantial improvements in the lives

²⁴ Hussain, “Is Ethical Consumerism an Impermissible Form of Vigilantism?”, p. 118.

²⁵ The importance of enabling individuals to so act is emphasized in R. Goodin, “Acting in Combination,” *Philosophy & Public Affairs* 45 (2017): 158–94 at pp. 175–6.

²⁶ For a recent example, see R. Francisco and K. Lema, “Factory Fire Puts Spotlight on Working Conditions in Philippines,” Reuters, May 16, 2015, available at <http://www.reuters.com/article/us-philippines-fire-labour-idUSKBN0O105Q20150516> (last accessed August 17, 2017).

of Filipino workers without countervailing costs to other vulnerable people, and that activists have very good justification for believing that this is so—they are acting in ways they recognize will promote the common good. Would it be wrong for UK consumers to exert market pressure in this manner?

On the proto-legislative view, using market power in this way is impermissible because it would disrespect or otherwise undermine formal democratic processes. According to this view, these consumers fail to show adequate respect for Filipinos' views about labor safety and for their processes of democratic decision making.²⁷ But is this claim plausible? Note that these consumers are seeking to get firms to adopt labor standards that are more stringent than those required by Filipino law. They are not demanding that firms act in contravention of the law. Rather, they are pressuring firms to adopt particular practices that fall within the range of those which are legally permissible. To suggest otherwise would be to interpret Filipino law as establishing the particular standards that ought to be adopted by every firm, rather than establishing minimum requirements that must be respected by all.

Much international market activism has precisely this form. Consumers pressure retailers to purchase goods and services only from producers that abide by regulations that exceed the legally required minimum in that jurisdiction. Hussain seems to think that a democratic decision not to impose some standard must be respected in the same way as a democratic decision to impose it. But surely the two cases differ. In the one case, we must do what the law requires. But in the other case, the law requires nothing, and hence everything is permitted (including bringing economic pressure to bear to get a firm to comply with the standard, even if the legislature declined to require that as a matter of law).

Perhaps there are other cases where using market pressure to bring about changes in another country would be tantamount to showing inadequate respect for the people in that country. Consider a modified version of the case Hussain offers: UK consumers pressure not particular firms to change their practices, but the government of the Philippines to amend labor law. They do so by signaling their unwillingness to purchase goods that are produced for export pursuant to current practices.

In cases when there is no independent basis to decide which labor safety provisions should be employed, whatever decision is chosen through the democratic procedures in the Philippines could be deemed morally preferable, and influencing politics through market pressure might show inadequate respect for them. There may also be a range of equally justified labor safety provisions, and it would not then be possible to identify a uniquely correct way of fixing them

²⁷ Hussain, "Is Ethical Consumerism an Impermissible Form of Vigilantism?", p. 142.

independent of democratic procedures. These might be regarded as instances of “pure procedural justice,” in Rawls’s sense.²⁸ Insofar as the labor safety regulations enacted in the Philippines fall within that range, then again the UK consumers might not show adequate respect if they nevertheless used market pressure to try to bring about change in Filipino regulations. The identity of many putative ethical consumers as foreign nationals may also be relevant here, if such a position means they lack the information or contextual understanding necessary for making credible judgments about the requirements of justice for Filipino workers.

However, with respect to many political decisions, it seems that it would be wrong to enact certain policies, even if arrived at through democratic means—they are not matters of pure procedural justice. Moreover, while moral judgments about some highly context-specific outcomes may require special kinds of local knowledge, we assume that Hussain would allow that consumers can sometimes possess sufficient information and understanding to make reliable moral judgments of this kind. Insofar as this can be true of labor safety provisions, and insofar as regulations in the Philippines fall into this category, it is not clear that exerting market pressure to change them shows a failure of respect. We can respect people, but think that for various reasons they have been led into error, or have knowingly violated important moral principles in pursuit of other ends. When errors or competing motivations lead to harmful conduct, such as exposing workers to an unjustifiably high risk of injury, then respect for others does not require us to refrain from interfering with them through the use of market power. Ethical consumers should question the reliability of their own beliefs that provide the basis for the prospective exercise of market pressure; should seek additional information (including about the beliefs of others) as a basis for informing and revising these beliefs; and should refrain from using market influence when these beliefs lack reasonable grounds. However, none of this is sufficient to justify the strong restrictions on ethical consumerism incorporated into the proto-legislative account.

There is also a deeper problem with the argument that ethical consumerism interferes with the domestic political process in this case. Note that the labor safety provisions that are adopted through a democratic process in the Philippines will reflect an assessment of the value of different policies by those participating in that process. This may involve a complex balancing of objectives. A Filipina voter may, for example, care about protecting the safety of workers, but also be concerned that labor safety provisions not be so demanding that they undermine the prospects of economic growth driven by export-oriented production. Ethical consumers should not be viewed as attempting to interfere with that process. Rather, they are

²⁸ J. Rawls, *A Theory of Justice* (Cambridge, Mass.: Belknap Press, 1999), pp. 85–6.

collectively sending signals, through the market, about their willingness to buy products manufactured under conditions of certain labor safety provisions. Information about the preferences of such consumers may no doubt figure in the political assessment of different options concerning labor safety provisions in the Philippines. In particular, it may provide decision makers in the Philippines with evidence that adopting laxer protections may not be as conducive to boosting export earnings as might otherwise have been supposed, and hence that they do not really face a trade-off between ensuring stronger protections for workers and economic growth.

When ethical consumers refuse to buy products made in certain ways or commit themselves to buying goods produced under certain agreed standards, they are not subverting democratic decisions. They are, rather, changing the calculus of costs and benefits that attach to policy options on which people must collectively decide. Indeed, when consumers fail to send such signals and make their consumption decisions on price–quality considerations alone, they may actually undermine the real freedom of countries to undertake reforms such as improving worker safety protections. Insofar as such measures increase labor costs, countries that adopt them will risk losing out on trade and investment to countries that do not take such actions—a process sometimes referred to as “regulatory chill.” By signaling a willingness to buy goods that are produced under improved labor safety provisions, consumers do not interfere with the democratic determination of such provisions; they simply reduce the financial disincentives to adopting them.²⁹ Things would be different, perhaps, if Filipino manufacturers had an antecedent right that UK consumers buy their goods. But we take it that producers in a market system do not typically possess any such right.

One additional basis for the concern that ethical consumerism threatens procedural values rests on the worry that because it does “not require participants to engage democratically with the wider community,” it may lead to forms of “social disengagement” that fail to express democratic respect for fellow citizens.³⁰ In response to this concern, Hussain seeks to *expand*

²⁹ See K. Bagwell and R. Staiger, “The WTO as a Mechanism for Securing Market Access Property Rights: Implications for Global Labor and Environmental Issues,” *Journal of Economic Perspectives* 15, no. 3 (2001): 69–88; C. Barry and S. G. Reddy, *International Trade and Labor Standards: A Proposal for Linkage* (New York: Columbia University Press, 2008) pp. 73–7.

³⁰ Hussain, “Is Ethical Consumerism an Impermissible Form of Vigilantism?”, p. 127. Whether participation in ethical consumerism does indeed lead to forms of political disengagement is a contested empirical claim. Margaret Willis and Juliet Schor, for example, find that for American adults in general, engagement in ethical consumer campaigns tends to be associated with higher levels of political engagement more generally. See M. Willis and J. Schor, “Does Changing a Light Bulb Lead to Changing the World? Political Action and the Conscious Consumer,” *Annals of the American Academy of Political and Social Science* 644 (2012): 160–90. Stolle and Micheletti provide a broader evaluation of the links between ethical consumerism and political advocacy. Noting that there are very difficult measurement problems associated with such studies, they conclude, “political consumerism does not crowd out other forms of political participation; indeed, political consumerism is an additional tool of participation

rather than restrict the obligations of market activists to generalize their social change goals to society “as a whole,” as opposed to more restricted civic or market contexts. These obligations are articulated in the fifth and sixth conditions of the proto-legislative account, which require that ethical consumers “generate standards and arguments that can be the basis of future legislation,” and, if necessary, seek to place the issue on the formal legislative agenda.³¹

Sometimes it seems appropriate that market activists might be so oriented—for example, regarding serious human rights abuses such as bonded or forced labor. But there are also many examples of market activism where consumers seek to promote what they consider to be desirable forms of wider social change without seeking to impose these goals coercively and universally through a legislative agenda or regarding it as appropriate to do so. Consumers might, for example, seek to oppose the manufacture and marketing of children’s toys that they regard as reinforcing objectionable gender norms, and they may engage in market activism as one means of promoting social change.³² There are many reasons why ethical consumers also committed to liberal principles of pluralism might consider it inappropriate to legislate on such issues, yet it is not clear what procedural values they would violate by engaging in market activism to promote these goals. Even if these activists hope for their desired social changes to ultimately receive endorsement and support from judicial, legislative, or administrative authorities, it is not clear why they should be *obliged* to either pursue broad-based legislation or refrain from promoting their valued social cause.

3 Procedural Values and the Formal Political Process

In the previous section we sought to counter some key criticisms of ethical consumerism, based on concerns that it undermines procedural values. In this section, we show how, on the contrary, ethical consumerism tends to protect such values, at least under present social conditions.

Consider circumstances in which formal political processes themselves fail adequately to embody or protect procedural values.³³ Pressuring a government through market activism to

for those who are already active, particularly in other new types of participation.”: Stolle and Micheletti, *Political Consumerism*, p. 85.

³¹ Hussain, “Is Ethical Consumerism an Impermissible Form of Vigilantism?”, pp. 126–7.

³² See, for example, the recent “No Gender December” campaign, encouraging parents to “boycott Barbie,” together with other children’s toys regarded as perpetuating harmful gender stereotypes. We consider this campaign to be an instance of SCEC, on Hussain’s definition, since it aims to end the segregation of toys along gender lines in order to shift societal attitudes toward gender roles more generally. See <http://www.playunlimited.org.au/about-the-campaign/our-aim/>.

³³ This is precisely what occasions calls for vigilante justice in the classic case, of course: courts are either absent or untrustworthy.

change its policies cannot easily be construed as failing to take the views of citizens seriously, if the process by which such policies are chosen involves undue influence by economically powerful actors and disregard for the disadvantaged; yet such patterns of elite political capture commonly characterize relevant contexts of policy formation—such as the case of labor safety provisions in the Philippines that we considered earlier. Hussain affirms that formal political institutions in liberal democratic societies such as the U.K., the U.S.A., and Canada are equipped to uphold procedural standards to an adequate degree, and that, as a result, we should usually defer to these political institutions as the means of pursuing collective or political goals of valuable social change.³⁴ However, he develops his argument about the privileged status of formal political institutions with reference to a highly idealized and unrealistic portrayal of the capacity of such institutions to safeguard procedural values.

To help us reflect on this issue, let us imagine there has been a public debate about health care. For familiar reasons linked to the power of corporate lobbyists, corporate campaign financing, corporate advertising, and so on,³⁵ measures that would have provided better basic health protection to less advantaged people have not been enacted. Suppose that some insurance companies have had a significant influence on the evolution of these debates and are singled out for boycott by activists. On the proto-legislative view, this would seem to be a form of impermissible vigilantism. Yet this seems counterintuitive. Consumer action serves in this case to rebalance a highly skewed political contest and thus counters objectionable forms of political inequality.

The failure of the legislative process itself to adequately protect procedural values surely weakens the degree to which we can justifiably defer to this process, when parallel action through the market could promote the common good. It is open to Hussain to say that in such a case the third condition of the proto-legislative account does not apply. He could claim that we have a duty to respect the legislative process only when it embodies fully, or nearly fully, the procedural values. However, this would be at odds with what he claims elsewhere. He is quite clear that the procedural credentials of the legislative process in countries such as the U.S.A. and the U.K. are indeed sufficient to entail that activists should not be permitted to use ethical consumer campaigns to undermine the effects of their decisions. In contrast to his stance in relation to market power, Hussain seems willing to tolerate significant shortfalls from ideal

³⁴ Ibid., p. 135.

³⁵ J. Quadagno, “Interest-group Influence on the Patient Protection and Affordability Act of 2010: Winners and Losers in the Health Care Reform Debate,” *Journal of Health Politics, Policy and Law* 36 (2011): 449–53.

procedures within formal political processes, including the fact that differently situated people and groups have significantly divergent capacities to influence decision making.³⁶

Hussain acknowledges that significant injustices in both laws and political processes exist in liberal democratic countries. Indeed, there is evidence that such countries are rife with the kinds of corporate influence on the political process suggested in our example above.³⁷ Nonetheless, he claims that such injustices do not rise (for the most part) to a level where influencing strategies that themselves fail to meet his idealized procedural standards should be permitted to challenge them.³⁸ If we were to more significantly restrict the application of the third condition to the vanishingly small category of real-world societies in which these procedural values are robustly protected within the legislative process, we could avoid this worry; however, this would substantially shrink the domain in which the principles of the proto-legislative account can be applied—for all practical purposes, it would make this position align pretty closely with common good anarchism.

The procedural value of political equality is routinely flouted within the democratic process of liberal democracies, and the value of democratic deliberation is realized to a very limited extent. Hussain claims that the value of democratic deliberation requires collective decisions to be guided by the strength of arguments about what would serve the common good.³⁹ It is widely recognized that many of the most important decisions within the political systems of existing liberal democracies, across a number of prominent issue areas, often result from deals cut between powerful interest groups behind closed doors, and from associated processes of public debate in which normative deliberative standards are grossly distorted by the agenda-setting and discursive power of corporate interests.⁴⁰

Hussain acknowledges that market processes can often violate relevant procedural values, but he does not take seriously the ways in which market power penetrates and influences political processes—the two mutually constituting one another and limiting the autonomy of either “sphere” from the other. While he recognizes that market power is underpinned by state power, he does not acknowledge the reciprocity of this relationship, whereby state power in

³⁶ Hussain, “Is Ethical Consumerism an Impermissible Form of Vigilantism?”, p. 135; D. M. West, D. Heith, and C. Goodwin, “Harry and Louise Go to Washington: Political Advertising and Health Care Reform,” *Journal of Health Politics, Policy and Law* 21 (1996): 35–68.

³⁷ C. E. Lindblom, *Politics and Markets: The World’s Political–Economic Systems* (New York: Basic Books, 1977); L. M. Salamon and J. J. Siegfried, “Economic Power and Political Influence: The Impact of Industry Structure on Public Policy,” *American Political Science Review* 71 (1977): 1026–43; A. J. Hillman, G. D. Keim, and D. Schuler, “Corporate Political Activity: A Review and Research Agenda,” *Journal of Management* 30 (2004): 837–57.

³⁸ Hussain, “Is Ethical Consumerism an Impermissible Form of Vigilantism?”, p. 135.

³⁹ *Ibid.*, p. 120.

⁴⁰ S. Bell, “The Power of Ideas: The Ideational Shaping of the Structural Power of Business,” *International Studies Quarterly* 56 (2012): 661–73; D. Miller, “Public Relations and the Subversion of Democracy,” in *Thinker, Faker, Spinner, Spy: Corporate PR and the Assault on Democracy*, ed. W. Dinan and D. Miller (London: Pluto Press, 2007).

general, and formal democratic mechanisms of public choice in particular, are themselves shaped and constrained by structures of market power. One might counter such observations by claiming that these forms of business power over government are not legitimate either, but then his argument would apply only in a world that bears little resemblance to the forms of market capitalism in which ethical consumer campaigns are practiced.

Relevant shortfalls in the capacity of formal political processes to protect liberal procedural values become all the more apparent if we consider the fact that, while there are examples of consumer boycotts within a single democratic jurisdiction (such as the California grape boycott in the 1970s, which sought to protest unjust treatment of migrant workers), many real-world examples of ethical consumerism do not occur within the boundaries of national political jurisdictions where well-developed, formally democratic institutions exercise relevant forms of authority. Rather, prominent examples of ethical consumerism—such as “ethical” product-certification schemes, targeting sweatshop factory conditions or unfair trading terms with poor farmers—seek to bring about social change within global markets. In examples such as these, the relevant political decisions that ethical consumerism seeks to influence are settled in a complex way by multiple agents in multiple jurisdictions, including business actors in transnational supply chains and corporate headquarters, civic and governmental actors across numerous jurisdictions, and sometimes also intergovernmental organizations. In such cases, routine violations of standards of political equality and public deliberation are typically even more significant than at the domestic level.⁴¹

Under such conditions, protecting the autonomy of civic and market actors to continually question and challenge formal political processes can play an important role in mitigating excessive forms of social and economic power that themselves undermine procedural values. Such power imbalances are a ubiquitous if not inherent feature of social and political life in modern societies.⁴² There is good reason to guard against the dangers of concentrations of power, and therefore to defend the autonomy of the social and market spheres continually to challenge the political sphere and hold it to account.⁴³ In this sense, market activism offers a distinctive means of strategic action through which social and market actors can “alert” political

⁴¹ M. Zürn, “Global Governance and Legitimacy Problems,” *Government and Opposition* 39 (2004): 260–87; D. Held and M. Koenig-Archibugi (eds.), *Global Governance and Public Accountability* (Oxford: Wiley-Blackwell, 2005).

⁴² For these reasons, it is somewhat puzzling that in Hussain’s account of procedural values there is no specification that bargaining power should be even approximately equal, or “appropriately” distributed.

⁴³ See related discussion in J. Shklar, “The Liberalism of Fear,” in *Political Liberalism: Variations on a Theme*, ed. S. P. Young (Albany, N.Y.: State University of New York Press, 2004); R. W. Grant and R. O. Keohane, “Accountability and Abuses of Power in World Politics,” *American Political Science Review* 99 (2005): 29–43.

decision makers to social problems that have been neglected by the state, and challenge political processes that have become “stagnant, unfair or repressive.”⁴⁴

It is important, moreover, to counter background power imbalances as a strategic means of producing enabling conditions to support the proper functioning of democratic processes. For example, in the context of deliberative democratic processes, Joshua Cohen has argued that “it is sometimes necessary to resort to destabilization, threats and open conflict as answers to people who won’t reason in good faith.”⁴⁵ Others have made similar arguments about the justification of civil disobedience or public law litigation as means of generating enabling conditions within which collective decision making may subsequently be carried out on more just, equal, or democratic terms.⁴⁶ In this sense, forms of civic or market activism that might otherwise be regarded as intruding on the proper space of democratic politics should be viewed as corrective or remedial interventions.

One might respond that such activities could simply be pursued through ordinary civic organizational forms, without somehow contaminating their integrity by taking advantage of access to market power. But this would fundamentally misunderstand the ways in which ethical consumerism operates as a vehicle for social change. The capacity to draw on the market—as a means of not only influencing companies or governments, but also of activating awareness and civic responsibility among individuals and groups within society—can facilitate the desirable forms of social change that market activists seek to bring about. This may be for several reasons. Some people may be differently motivated to participate in market as opposed to civic action on a given issue because of feeling “tainted” by their purchases in ways that they do not by sheer political inaction. Organizational structures created for the purpose of facilitating ethical purchasing through the market can also play an important role in facilitating associated forms of social organizing and political campaigning, as in the case of the Fair Trade movement.⁴⁷

We conclude that allowing only those forms of ethical consumerism that accord with the proto-legislative account would impede valuable forms of civic action that can enhance the functioning of the liberal democratic system by strengthening the capacity of the civic and

⁴⁴ T. Hove, “The Filter, the Alarm System, and the Sounding Board: Critical and Warning Functions of the Public Sphere,” *Communication and Critical/Cultural Studies* 6 (2009): 19–38, at p. 20; J. Habermas, “Three Normative Models of Democracy,” *Constellations* 1 (1994): 1–10.

⁴⁵ J. Cohen, “Reflections on Deliberative Democracy,” *Contemporary Debates in Political Philosophy*, ed. T. Christiano and J. Christman (Oxford: Wiley-Blackwell, 2009), p. 256; see also J. S. Dryzek, “Democratization as Deliberative Capacity Building,” *Comparative Political Studies* 42 (2009): 1379–402.

⁴⁶ C. F. Sabel and W. H. Simon, “Destabilization Rights: How Public Law Litigation Succeeds,” *Harvard Law Review* 117 (2004): 1015–101; J. Bohman, “Cosmopolitan Republicanism: Citizenship, Freedom and Global Political Authority,” *The Monist* 84 (2001): 3–21; W. Smith, “Democracy, Deliberation and Disobedience,” *Res Publica* 10 (2004): 353–77.

⁴⁷ K. MacDonald, *The Politics of Global Supply Chains* (Cambridge: Polity Press, 2014).

market spheres to scrutinize and progressively reform the democratic character of the political process as a whole.

4 The Public and the Private Spheres

One way to try to characterize the threat posed by market activism to procedural values is through an underlying account of the principles that are appropriate for regulating the public and private spheres.⁴⁸ Hussain, for example, maintains that what individuals do in the market lies within the private sphere, and such activity remains free from the distinctive requirements applicable to action in the public sphere. Within this private sphere, individuals need not focus, for instance, on the common good when making decisions concerning what to buy and where to buy it, or engage in deliberation with others. However, as soon as consumers “make choices based on social change considerations,” then, according to Hussain, their activities are no longer considered part of the private sphere, and they become subject to the demands of political morality outlined above.⁴⁹

Of course, allowing individuals freedom when it comes to their conduct in the market will mean that some central features of social life arise from processes that involve bargaining, in which some exert much more influence than others. *Prima facie*, this is a problem, since Hussain considers this to be in conflict with the procedural aims of a liberal democracy.⁵⁰ He argues that such freedom within market exchange processes is nonetheless justified, because of the beneficial impacts of such patterns of behavior on aggregate social welfare, understood in terms of fully utilizing available opportunities for Pareto-improving transfers. The market process facilitates “profound improvements in people’s lives, improvements that meet the very high threshold necessary to justify certain departures from procedural ideals.”⁵¹ He writes:

Under the right conditions, the market process will generate all of the Pareto improving transfers that make up this social opportunity, but in order for the process to work, consumers must actually make buying decisions based on their price-quality preferences. If they do not signal their price-quality preferences and pursue these preferences through their purchasing decisions, the market exchange process will not achieve its justifying end.⁵²

⁴⁸ We’re grateful to an associate editor of this journal for drawing our attention to this issue.

⁴⁹ Hussain, “Is Ethical Consumerism an Impermissible Form of Vigilantism?”, p. 138.

⁵⁰ *Ibid.*, p. 136.

⁵¹ *Ibid.*

⁵² *Ibid.*, p. 137.

So consumers are not only permitted to act self-interestedly within processes of market exchange, but this is practically a *precondition* for their freedom to engage in processes of market exchange unencumbered by the demands of proto-legislative duties.⁵³

The economic logic of this sort of argument is flawed. If we insist that consumers make purchases on the basis of price–quality considerations alone when they value goods partly in terms of other characteristics, this will limit rather than expand opportunities for mutually beneficial exchange.⁵⁴ Suppose Bill can buy t-shirts from two firms at the same price of \$25. He prefers the look and feel of the shirt produced by Firm 1, but all things considered he prefers the shirt produced by Firm 2, since he regards it as an engine of social change in his society, due to its treatment of its workers and regard for the environment. In such a context, his making purchasing decisions on the basis of price–quality considerations alone will block rather than enable an opportunity for mutually beneficial exchange. If Bill buys the shirt produced by Firm 1, he will be worse off than were he to purchase the other shirt from Firm 2 at the same price. Consequently, the allocation of resources in a system in which people make purchasing decisions solely on the basis of price–quality characteristics will not be Pareto superior to a system in which consumers are free to engage in market exchange on the basis of all of the characteristics that are relevant to their overall preferences. To be sure, Firm 1 would be worse off if characteristics other than price–quality figured in Bill’s choices. But, symmetrically, Firm 2 would be worse off if he chose only on the basis of price–quality considerations.

Elsewhere Hussain claims that price–quality consumerism is “internal” to the market exchange process, implying that various forms of ethical consumerism are somehow external to it.⁵⁵ But it is not clear what this could mean. Both forms of consumerism involve individuals choosing to purchase goods and services in virtue of characteristics that they possess, that they take to be valuable. There is no particular characteristic of a good or service that is somehow more internal to the market process than any other. Characteristics, whether aesthetic, moral, or functional are just features of goods that people may or may not value. How something is produced and whether purchasing it can be seen as a means of promoting social change is, for people who care about that, part of its overall choice-worthiness. Welfare economics is concerned with preference satisfaction, and preferences can be about anything: they are not

⁵³ He allows limited exceptions to this, including the practice of politically expressive ethical consumerism, which we discuss below.

⁵⁴ We are using the term characteristics in the sense used by Lancaster in his pioneering work on consumer choice theory. He observed that goods are not desirable in themselves, but only in virtue of the fact that they have characteristics that are valued by (and hence give utility to) the consumer. These characteristics could be aesthetic, nutritional, ethical, and so on, and goods can possess characteristics to different degrees. See K. J. Lancaster, “A New Approach to Consumer Theory,” *Journal of Political Economy* 74 (1966): 132–57.

⁵⁵ Hussain, “Is Ethical Consumerism an Impermissible Form of Vigilantism?”, p. 137.

confined to some subset of attributes that products possess. It may be true that we could still realize much of the value of markets if consumers chose in ways that disregarded what they perceive to be the ethical characteristics of goods and services. But that may also be true of many other characteristics that play a significant role in consumer choice. We could realize much of the value of markets in motor vehicles even if consumers refrained from letting their preferences as to color factor into their choices.

Hussain points out that “the social change preferences of individual consumers tend to conflict with the social change preferences of workers, investors, and other consumers.”⁵⁶ The thought here seems to be that allowing consumers to choose on the basis of these preferences will reduce the level of preference satisfaction overall, relative to what would occur if consumers made choices on price–quality grounds alone. But this too is mistaken. Price–quality consumerism also influences societies to change in ways that may conflict with the preferences of a great many people. There is no economic basis, at least, for assuming that if consumers choose on the basis of a restricted set of the characteristics they consider to be valuable, this will result in a social order that satisfies the preferences of members of society better than were they instead to make their choices in the market on the basis of *all* of the characteristics they value, including what they regard as their potential to promote social change.

Hussain maintains individuals should be exempt from the requirements that apply to SCEC when they engage in other areas of individual choice, such as charitable giving or politically expressive consumerism.⁵⁷ He thus needs to explain why these domains belong to the private sphere of protected choice, while SCEC does not. Charitable giving can have quite significant effects on a given society. Clearly not everyone is positioned to equally influence their societies through such action, and people do not typically comply with the requirements that apply in the political sphere when they engage in private giving. Indeed, imposing the proto-legislative account’s restrictions on charitable giving would be a very radical departure from current practice. Hussain is reluctant to accept that these restrictions apply to the case of charitable giving. He argues that the relevant difference between charitable giving and SCEC is that, in the charity case, people sacrifice their own welfare through charitable giving.⁵⁸

This assumption seems deeply flawed, in view of significant positive effects that the act of charitable giving may have on an individual’s identity or social status, or the manner in which it

⁵⁶ Ibid.

⁵⁷ We are grateful to an associate editor of this journal for drawing our attention to this feature of the argument.

⁵⁸ Ibid., p. 139: “charitable contributions are different from purchases because they do not involve Pareto improving transfers: when donors donate, they sacrifice their own welfare in order to improve the lives of others through a charitable organization.”

helps realize their preferences about the societies in which they wish to live.⁵⁹ Hussain might say that such giving nevertheless impacts negatively on their material welfare. But then the same could be said of much SCEC—we may pay more for clothing, foodstuffs, and so on, when we make our choices in the market on the basis of ethical considerations. Perhaps Hussain would grant that, if someone did benefit from charity, it would be impermissible, since it could then be classified as part of market exchange. But he would then be left with a deeply counterintuitive view that holds that the mere fact that someone gets satisfaction from their charitable acts means that demanding restrictions apply to their charitable giving.

Why would politically expressive consumerism, such as participating in “buy nothing” day, be exempt from the requirements that apply to ethical consumerism aiming at social change? Hussain argues that “when citizens engage in this (expressive) kind of consumerism, they are essentially participating in social deliberation about important issues of public concern,” but he provides no explanation of why it follows from this that the restrictions of the proto-legislative account are not necessary in this case, given that it too can have substantial social effects.⁶⁰ It cannot be that, by meeting one of the requirements of the proto-legislative account (deliberation), politically expressive consumerism is indemnified against obligations to meet the other requirements. A more plausible account for why political expressive consumerism should be permitted is simply to view this as part of a commitment to individual freedoms within a private sphere that includes price–quality consumerism, but also extends quite significantly beyond it.

5 Principles for Market Activism

Throughout the article, we have been defending forms of ethical consumerism that focus on social change against the political objection. In doing so, we have departed from common good anarchism by stressing the importance of procedural values. Indeed, concern with protecting procedural values played a central role in our objections to the proto-legislative account of ethical consumerism. In this section we draw together three principles that can guide ethical consumers in a way that addresses concerns about procedural values, without unduly restricting their ability to promote the common good.

⁵⁹ See for example: Lalin Anik, Lara B. Aknin, Michael I. Norton, and Elizabeth W. Dunn, “Feeling Good about Giving: The Benefits (and Costs) of Self-Interested Charitable Behavior,” Harvard Business School Marketing Unit Working Paper No. 10-012, August 6, 2009. Available at SSRN: <https://ssrn.com/abstract=1444831>.

⁶⁰ Hussain, “Is Ethical Consumerism an Impermissible Form of Vigilantism?”, p. 141.

1. Ethical consumers should respect basic liberties and advance a reasonable conception of the common good.
2. Ethical consumers should question the reliability of their own views and seek additional information (including about the views of others) as a basis for informing and revising their beliefs about appropriate objectives of social change.
3. When engaging with the views of others, ethical consumers should remain sensitive to power disparities that may exist between them and those whose lives they seek to influence.

First, as noted earlier, we endorse the basic commitments to procedural values that underpin the proto-legislative account, and agree that the actions of ethical consumers should not violate rights or undermine freedoms, and should promote a reasonable conception of the common good. Many ethical consumer campaigns are objectionable precisely because they fail to abide by such a principle. That is what seems objectionable, for example, in a recent boycott of the film *Star Wars* in the U.S.A because of its multiracial casting and involvement of Jewish producers and writers, or the boycott of Marks & Spencer in the U.K. because it allows its Muslim employees to refrain from serving pork products and alcohol.⁶¹

Of course, what this principle means in practice is contestable, given disagreements about the precise definition of basic liberties and the limits of what should count as reasonable conceptions of the common good. And our assessments of whether particular initiatives by ethical consumers express this principle will also depend on our interpretation of the aims that actually animate them. For example, some of the disagreement about the ethical status of the Boycott, Divestment, Sanctions (BDS) campaign, which calls (among other measures) for boycotts of goods produced in Israel, appears to center on whether the movement truly is aimed at compelling Israel to comply with international law or instead is attempting to single out Jews for exclusion from various aspects of social life.⁶² Or consider another example. For those who understand a woman's right to an abortion as a fundamental requirement for protecting her autonomy to control her own body, a boycott of a health insurance provider that covers abortion

⁶¹ S. Kestenbaum, "Is 'Star Wars' a Sinister Jewish Plot to Promote Diversity? 'Alt-Right' Says Yes," *Forward* (December 5, 2016), retrieved from <https://forward.com/news/356088/is-star-wars-is-a-sinister-jewish-plot-to-promote-diversity-alt-right-says/>; N. Fifield, "M&S Faces Furious Backlash from Customers over Muslim Policy," *Telegraph* (December 22, 2013), retrieved from <http://www.telegraph.co.uk/finance/newsbysector/retailandconsumer/10533728/MandS-faces-furious-backlash-fromcustomers-over-Muslim-policy.html>.

⁶² There are, of course, other controversial aspects of the BDS, including the means it has sought to employ (including academic boycotts of Israeli researchers), which some have argued are disproportionate and unlikely to be successful.

services, or of firms that support organisations such as Planned Parenthood that offer abortions services, may appear to violate this condition.⁶³ Conversely, a boycott of health insurers who refuse to cover abortion services may appear to violate this condition in the judgement of someone who believes that an abortion involves the murder of an innocent unborn child. Alternatively, regardless of an individual's beliefs about these fundamental assumptions, they may consider that there is scope for reasonable disagreement on this complex issue, and therefore consider boycotts of either kind to be permissible forms of political engagement in a plural, liberal society.

Second, in seeking to advance their desired projects, market activists should make reasonable efforts to acquire readily available information about the effects of their behavior on others, and use it to inform their consumption choices. Part of this involves making reasonable efforts to learn about and consider the beliefs of those most significantly affected by concerted consumer pressure. The requirement not only reflects recognition of the epistemic value of the information and understanding that others possess, but also expresses respect for the beliefs and agency of others.

This requirement may have implications for the processes through which consumers make decisions about the specific goals or targets of the market activism they choose to pursue. For example, while it may be permissible for consumers to engage in boycotts in solidarity with those affected by sweatshop conditions in offshore factories, such efforts will likely misfire if the consumers involved fail to reflect critically on the limits of their own contextual knowledge regarding the needs and preferences of the supposed beneficiaries of their actions. At least where information about the expressed preferences of intended beneficiaries is reasonably accessible to consumers, they should be willing to take this information into account in making judgments about appropriate market strategies, and should consider such information to provide weighty reasons for acting through the market in a particular way.⁶⁴ It is not difficult to find examples of past consumer campaigns in which some consumers have failed to respond adequately to the knowledge and perspectives of significantly affected groups, resulting in campaigns that have focused disproportionately on issues such as underage workers, while

⁶³ Life Decision International, for example, organizes boycotts of firms that support Planned Parenthood because it offers abortions services—"so those who care about life are not funding its deadly agenda —directly or indirectly." Life Decisions International, Corporate Funding Project, retrieved from <http://fightpp.org/projects/cfp-boycott/>

⁶⁴ M. Koenig-Archibugi and K. Macdonald, "Accountability-by-Proxy in Transnational Non-State Governance," *Governance* 26 (2013): 499–522.

neglecting issues that have often been publicly identified by affected workers to be of greater concern, such as a living wage.⁶⁵

The practical implications of such obligations will be influenced importantly by the capacities of market activists to acquire relevant forms of information. In many practical circumstances, the capacities of individual consumers to engage even indirectly in deliberative forms of communication with other groups affected by their consumption choices will be constrained by barriers associated with geography, language, cultural difference, socioeconomic disadvantage, and so on. Indeed, the social and institutional fragmentation and distance that often characterize connections between many consumers and those affected by their market behavior often make desirable forms of communication practically difficult, if not impossible to access, *qua* individuals.

However, limited capacity at the individual level does not weaken this obligation so much as it transforms the practical strategies through which it should be discharged, requiring the search for strong epistemic foundations for consumer choices to focus on investigation of the credentials of key intermediaries such as NGOs or ethical certification and assurance schemes. These actors often have a greater capacity to engage in communication with affected groups, through transnational activist networks or formal multi-stakeholder organizations designed to oversee ethically produced products. For example, the international Fair Trade system provides formal representation for workers and producers within Fair Trade's global governance arrangements, extending significant voice to regional producer networks and local worker organizations and producer cooperatives.⁶⁶ Such mechanisms provide opportunities for affected groups to communicate their views with others within the Fair Trade system.⁶⁷ Even though consumers are often not in a position to directly seek relevant information from the source, they at least have the capacity to seek and evaluate information about the credibility of these kinds of intermediary organizations. If sufficient information cannot be obtained to provide reasonable grounds for beliefs about appropriate directions of social change, then consumers should refrain from using market influence. The question of what constitutes reasonable grounds is clearly a difficult one, but we see this threshold as being the same as that guiding any other kind of civic, collectively oriented action.

⁶⁵ N. Kaber, "Globalization, Labor Standards, and Women's Rights: Dilemmas of Collective (In)action in an Interdependent World," *Feminist Economics* 10 (2004): 3–35.

⁶⁶ E. Bennett, "Fairtrade International Governance," in *The Handbook of Research on Fair Trade*, ed. L.T. Reynolds and E. Bennett, pp. 80–101 (London: Edward Elgar, 2015).

⁶⁷ K. Macdonald, *The Politics of Global Supply Chains: Power and Governance beyond the State* (Cambridge: Polity Press, 2013).

One significant challenge confronting efforts to take into account the knowledge and perspectives of others is the vulnerability of relevant communicative processes to distortion, deriving from the significant power imbalances between ethically motivated consumers and others with a stake in the relevant forms of social change. This highlights the importance of the third principle: that processes through which the views of others are accessed and responded to should be sensitive to such power disparities. What this requirement means in practical terms will vary significantly, depending on the degree of market power that an individual consumer, or organized group of consumers, is able to exercise. For individual consumers, making ethical consumption choices in ways that are not coordinated with others, the weakness of their market power will mean that the practical obligations associated with this consideration will usually be very weak. In most cases, such requirements will have greater significance for institutional actors such as NGOs engaged in market activism. Such actors enjoy greater market power, resulting from their capacity to orchestrate individual consumer behavior, such as when highly visible organizations—Oxfam, for example—publicly encourage their supporters to buy Fair Trade products, or when campaigning organizations call publicly for boycotts of particular companies, services, or products.

In order to guard against systematized disparities of power, when market activism is exercised by these relatively powerful groups of organized consumers, it should be accompanied by efforts to actively seek out the views of other affected groups, particularly those who occupy structurally disadvantaged positions within the social and market relationships through which market activism operates.⁶⁸ The means through which such communicative opportunities are provided should be attentive to power imbalances and challenges others face in communicating their views. Obligations of this kind have often been advocated in the context of broader discussions of power relations within NGO activist networks. For example, Lisa Jordan and Peter van Tuijl have proposed holding activist NGOs to a standard of “political responsibility,” which requires managing agenda setting and communication in ways that seek to mitigate power inequalities, and respecting the different positions of other actors in the network. Similarly, Jennifer Rubenstein has highlighted the importance of NGOs being receptive to those they seek to help, through actively listening to such groups and seeking authorization from them where feasible.⁶⁹

⁶⁸ Consequently, individual consumers should ally themselves only with NGOs that make such efforts.

⁶⁹ J. Rubenstein, “Accountability in an Unequal World,” *Journal of Politics* 69 (2007): 616–32. See also Føllesdal, “Political Consumerism as Chance and Challenge”; L. Jordan and P. van Tuijl, “Political Responsibility in Transnational NGO Advocacy,” *World Development* 28 (2000): 2051–25.

In some cases, power imbalances may be appropriately managed by directing processes of collective decision making through the formal representative structure of legislative processes. However, as we discussed earlier, often this may be neither necessary nor useful, as in the obvious case when affected people are located in other jurisdictions, or when formal democratic processes of representation and deliberation foundational to law making are themselves distorted by being embedded in wider social and economic relationships characterized by significant structural inequalities of power.

This highlights the need for ethical consumerism to take place in a way that supports the balancing of power and access to decision-making processes shaping social change *not only* in the context of particular decision-making episodes, such as production of a given piece of legislation, but also via longer-term influence over the enabling, structural conditions for balanced decision making to be possible. In stark contrast to the proto-legislative account, procedural values may therefore be respected in the pursuit of market activism without in any way deferring to an external legislative process. Indeed, there are many circumstances in which challenging the outcomes of legislative decisions may be reasonably interpreted as a necessary means of fostering such enabling conditions—whether by exposing, contesting, and counterbalancing power exercised by other private actors (such as corporate lobbyists) in particular decision-making episodes, or by promoting broader awareness and debate about the legitimacy of legislative practices in which such power imbalances are structurally embedded and socially normalized.

6 Conclusion

In this article, we have argued against procedural restrictions on ethical consumerism, on the grounds that they misconstrue the multiple and differentiated forms of political engagement that market activism entails, and wrongly privilege formal democratic processes over other forms of civic and political action. The view that we have defended also protects procedural values by ensuring that, in promoting their own reasonable view of the common good, ethical consumers make reasonable efforts to enable the contestability of their own views through both responsiveness to the reasons of others and restraint in the exercise of their own power. In this way, our account provides a way of understanding what is wrong with reckless and ill-informed actions by disproportionately powerful consumers, helping to make sense of the concerns that motivate the proto-legislative account. Yet our account can make sense of these intuitions in a manner that takes into consideration the way that actually existing markets and political processes tend to operate.

Vigilantism typically takes as its premise that established authorities are somehow falling short in their performance of desirable social functions, and that individuals therefore need to step in. We are advocating a form of vigilantism, in the sense that we are endorsing the individual and joint action of consumers to try to promote the common good outside the formal institutional framework of the legislative process. We have defended a form of vigilantism that is animated by a “democratic ethic” as well as a concern for substantive justice.⁷⁰ This particular form of market vigilantism seeks to strike a balance between substantive and procedural concerns in a principled way that the formal legislative political process is often unable to achieve, within the real-world conditions in which ethical consumerism has risen to global prominence.

⁷⁰ R. L. Howse and K. Nicolaidis, “Democracy without Sovereignty: The Global Vocation of Political Ethics,” in *The Shifting Allocation of Authority in International Law: Considering Sovereignty, Supremacy and Subsidiarity*, ed. T. Broude and Y. Shany (Oxford: Hart Publishing, 2008), pp. 163–91.



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