Branding and liberal autonomy
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Citation for published version (APA):

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1 Scope and Structure of the Argument

In this chapter I prepare the ground for the argument that will be developed in this thesis. In a first step I argue for the political relevance of autonomy as my standard of normative evaluation. I do so by presenting a number of arguments that have recently been developed by Ben Colburn for thinking that the liberal state has the obligation to protect and promote autonomy. As good reasons for this position will count that it follows from commitments to widely shared principles in liberal political philosophy. As such, I will present an argument to the effect that those who are committed to anti-perfectionism (but are not anarchists) must accept that the liberal state is to promote and protect autonomy. Moreover, perfectionist theories of the liberal state that claim to be able to do without autonomy will be shown to either implicitly rely on a commitment to autonomy or to be seriously unattractive. If this argument is correct, and if branding were shown to undermine autonomy, then the liberal state would have a pro tanto reason for acting against it (1).

Whether branding in fact undermines autonomy has been the subject of a protracted debate in business ethics. I will, and this is the second step, briefly run through the arguments for and against this position in order to learn not so much from the arguments themselves as from the strategies that have been pursued. On the basis of an evaluation of the appropriateness of these respective approaches I make a case for a more comprehensive design that will structure my argument in the remainder of this thesis (2).

1 Why the Liberal State Must Promote and Protect Autonomy

If we want to know whether autonomy violation in branding calls for action by the liberal state, then we must first know whether autonomy violation in general is a reason for state action. For autonomy violation to be a reason for state action it must be true that the state has an obligation to protect autonomy. There are two ways to make such a case. First, it can be argued that it is intrinsically valuable to promote and protect autonomy, and that the liberal state should act on the basis of this value. However, this approach is suboptimal because intuitions about the value of autonomy are ambivalent. A more convincing type of argument is one that would show that the obligation to promote and protect autonomy arises from a commitment to uncontroversial liberal values. In this section I will present an argument to this effect that has been developed by Ben Colburn. Although I will argue that most
Why Autonomy is Compatible with Anti-Perfectionism

A common objection against the demand for the promotion of autonomy by the liberal state is that this demand would be perfectionist (i.e. that it would impose upon citizens a version of the good life). Because anti-perfectionism is one of the central tenets of liberal political philosophy this is a serious objection. However, as Colburn demonstrates, a commitment to both anti-perfectionism and autonomy is not only coherent, it is also the case that anti-perfectionism follows from a commitment to autonomy. In order to demonstrate why this is so, Colburn makes a distinction between first-order values and second-order values.

First-order values can be made sense of by discovering states of affairs in the world. Such values can be either content specific or content neutral. Content specific first-order values tell us what is valuable for someone in a straightforward way, in the sense that there is no need to relate the prescription to properties of the individual whose life is assessed by the value. To say that it is valuable to be able to play the piano sonatas by Schubert is an example of such a value. If you know what it means to play the piano and are familiar with the piano sonatas by Schubert, then you know what is meant by this prescription and you can say whether your life is valuable by this standard. Content neutral first-order values, on the other hand, tell us what is valuable but require us to apply it to an individual’s life. If I say that it is valuable to satisfy desires, then even if you know what is meant by desires and by satisfaction, you still do not know whether your life is valuable. To this end, you must find out what your desires are (or, if you want to know whether the life of another person is valuable, you must know what her desires are). The ultimate test for establishing whether you are dealing with a content neutral value or a content specific value, Colburn maintains, is to fill in the details that are required to be able to say whether the life of an individual is valuable. If by doing so the truth value or meaning of the value changes, then you are dealing with a content neutral value. If nothing of the sort occurs, then you are dealing with a content specific value. Thus, if my desire is to play computer games, and the value under investigation is the satisfaction of desires, then I cannot change the latter prescription into ‘playing computer games is valuable’. If not everybody desires to play computer games, then the truth value changes. And even if everybody desired to play computer games, then the meaning of the prescription would change. For what is valuable here about me playing computer games is not contingent on some intrinsic property of computer games, but derivative of the satisfaction of desires that I bring about by playing computer games.

Second-order values are a special subset of content neutral values. They are different from first-order values in that in order to know what is meant by them it is of no use to learn anything about states of affairs in the world. Instead, one is referred to other values. The example Colburn gives is the difference between the content neutral prescriptions ‘What is valuable is to satisfy your desires’ and ‘What is valuable is to do what your parents value’. In the first case, if I want to know what is meant by the prescription I must know about states of affairs (i.e. my desires), whereas in the second case I must know about values (i.e. the values that my parents entertain). The value of my parents can be both content specific (e.g. what is valuable is to play Schubert’s piano sonatas) or content neutral (e.g. what is valuable is to satisfy desires). If the latter is the case, then the second-order value (i.e. ‘do what your parents value’) contains within it a content neutral value (i.e. ‘satisfy your desires’). Thus, according to Colburn, it is characteristic of second-order values that they can have content neutral values inside of them.
It can be contested whether the nesting of content-neutral values is really what is driving
the argument though, for nothing seems to prevent a desire from referring to a content-
neutral value (such as a desire to act ethically). If that is true, then the first-order value that
desires must be satisfied can refer to another content-neutral value (e.g. ‘it is valuable to act
on the basis of ethical rules’) and as such has the relevant nested structure as well. What
makes second-order values different may be rather that they prescribe not what to do (e.g.
play Schubert’s piano sonatas) or where to look for prescriptions about what to do (e.g. one’s
desires), but that they prescribe by which type of processing the prescription should be gen-
erated (i.e. the valuing process).

If either one of these versions of the distinction between first and second-order values is
correct, then it seems reasonable to say – with Colburn – that anti-perfectionism means only
that no first-order values should be promoted. That is, anti-perfectionism prescribes that the
state should not tell citizens which first-order values they are to pursue. Autonomy, by con-
trast, would be a second-order value. That is, if I say that it is valuable to be autonomous (i.e.
to make decisions for yourself), then you are referred not to a state of affairs but to the speci-
fication of values by your valuing process. If so, then it is coherent to say that it is true both
that the state should promote (the second-order value) autonomy, and that it should not
promote any (first-order) values. What is more, if the liberal state were to promote autonomy,
then this is a reason for it to be anti-perfectionist. After all, if one wants to stay true to a
second-order value (such as autonomy) one cannot fill in the first-order value to which it
refers, since that would change its meaning and possibly its truth value. Hence it is true that
if autonomy is valuable, the state should not promote any first-order values.

Why Anti-Perfectionism Requires Autonomy
A much stronger claim than saying that autonomy justifies anti-perfectionism is to say that it
is the only value that can do so. One can of course deny that anti-perfectionism is to be justi-
ﬁed. However, intuitions on the value of anti-perfectionism are too ambivalent to allow for
such an assertion. If it is true that anti-perfectionism must be justified, then the least contro-
versial way of doing so is to construct an inductive argument for thinking that autonomy is
the only serious candidate. Such an argument would have to show that alternative justifica-
tions fail, that they are unattractive or that they implicitly recur on autonomy. Colburn has
made precisely such an argument with regard to the values pluralism, skepticism and neu-
trality.

With regard to pluralism, the only variant that can hope to justify anti-perfectionism is
strong pluralism. It holds that there can be choices between mutually exclusive values that
are both worth pursuing. Such a justification would be that one option should not be pur-
sued if it diminishes another option because that other option is valuable, and that the state
should hence be anti-perfectionist. However, in that case anti-perfectionism is justified by
virtue of the valuing of a first-order value, and such valuing of first-order values is precisely
what the anti-perfectionist state should not do. In other words, if anti-perfectionism were
justified by strong pluralism, then we would have to say that the state should not value any
first-order values because first-order values are valuable. And that is a contradiction.

The skeptical justification for anti-perfectionism is that uncertainty about whether a
value is really valuable should hold the state back from promoting first-order values. How-
ever, because uncertainty in itself is not an intrinsic reason for or against engaging in an
action, the skeptic must point to such a reason in the form of negative consequences that
follow from the uncertainty about the value promotion. One possibility is to claim that if the
state promotes a first-order value that it wrongly believes to be valuable some other value may
be impaired. But then anti-perfectionism would be justified on the basis of a first-order value and that was shown to be a contradiction. Another possibility for the skeptic is to claim that it is uncertain that anything is valuable at all. But that is an argument for indifference, and indifference is not an argument against promoting first-order values.

Finally, neutrality towards comprehensive doctrines (as advocated by the late John Rawls) can be said to justify anti-perfectionism. Neutrality with regard to comprehensive doctrines is required, on this account, because the state is only legitimate if it is accepted by the governed. If it is correct to suppose that differences between comprehensive doctrines are not going to disappear (because of the burdens of judgment), then if the state wants to be accepted it should be neutral with regard such comprehensive doctrines. And if the state is to be neutral towards comprehensive doctrines, then it could be argued that it ought not promote any first-order values. The problem with this argument, Colburn notes, is that it is incomplete. That is, it is not clear why the state is deficient in legitimacy if it is guided by comprehensive doctrines that some do not accept. In the case of Rawls for example it is not explicitly explained why actual consent is necessary for legitimacy, but the only relevant argument from within his theory, Colburn claims, would be to say that it is out of respect for the two moral powers. One is the sense of justice and the other the ability to form and revise a conception of the good. However, the latter is but a conception of autonomy. Hence, the concern for neutrality understood as respect for the consent of the governed recurs on the value of autonomy.

If Colburn is correct in supposing that these are the only serious alternative justifications for anti-perfectionism, and if he is also correct in claiming that they all fail as independent justifications, then this will count as inductive evidence for thinking that only autonomy can justify anti-perfectionism. If that is true, then all who think that the state is to be anti-perfectionist in its policies must accept that the state is to promote autonomy. If that claim is correct, my overall argument would already have a considerable scope. However, not all political theorists are anti-perfectionists (and among them not all support a brand of perfectionist autonomy-minded liberalism), so that the scope would be broadened further still if it were shown that no first-order perfectionist value can convincingly support the framework of liberal values. To this end, Colburn has identified diversity as the main candidate and given arguments for thinking that it is significantly less attractive than autonomy.

Philosophers who want to ground liberalism on the value of diversity, Colburn maintains, have not yet made an explicit argument for thinking that diversity is valuable and appear to assume that intuition would inform us that it is. It is not clear though that people do indeed universally share a concern for diversity for its own sake. An example of Colburn illustrates this point. He describes how the Aran Islanders lost their distinctive culture with the arrival of industrial society in the course of the 20th century. If we suppose that something of value was lost, then it is not clear what drives this intuition. Diversity liberals would say that we value diversity in itself and therefore are concerned about the loss of a culture. An autonomy-minded liberal would be more sympathetic to the interpretation that the loss
we feel is due to the realization that the culture was valuable to islanders themselves (and thus, from the perspective of autonomous agents). On the face of it, it seems impossible to say which theory best explains the intuition. However, Colburn argues that when we tweak the case somewhat and suppose that the Islanders themselves wanted to give up their culture in favor of modernity we can see that autonomy liberalism is substantially more attractive than diversity liberalism. For diversity liberals would have to say that the loss of a culture is at least a *pro tanto* reason to ignore the wishes of the Islanders. Such a reason can of course be overturned by other reasons, but the point that Colburn makes is that if diversity liberalism is to be distinguished from autonomy liberalism is some respect, then it is in cases such as these. And here the *pro tanto* reason to ignore people’s judgments must count against diversity as a basis for liberal political theory.

**Why Colburn’s Argument For Autonomy-Minded Liberalism is Incomplete**

Opponents of autonomy-minded liberalism will retort that placing autonomy at the center of the liberal value structure has unattractive consequences of its own. Some such claims are not convincing. The tyranny argument of Isaiah Berlin for example holds that supporters of autonomy (or ‘positive freedom’) adhere to a notion of “rational self-direction” which they with the best of intentions want to impose – if must be with force – on other individuals. That is, if we accept the idea of autonomy as rational self-direction, we would by implication hold that this is the “one true purpose” of man; that “the ends of all rational beings must … fit into a single universal, harmonious pattern”; and that all men must be “made rational” so that they “obey the rational laws of their own natures”. Thus, the result of a commitment to autonomy would be that “despotism … turns out to be identical with freedom”. In response to this argument John Christman distinguishes between internalist and externalist accounts of rationality in relation to autonomy. The internalist account focuses solely on the subjective side of autonomy, where rationality refers only to the coherence of beliefs and desires. The externalist or objective account of rationality refers instead to a relation of fit with the external world, which can apply to beliefs (weak externalism) or to values (strong externalism). On the basis of this distinction it follows that Berlin’s attack on the despotism of autonomy only hurts strong externalist versions. Because most of those who advocate autonomy-minded liberalism hold that the rationality required for autonomy is confined to internalist or weak externalist accounts, Berlin’s tyranny argument applies only to a small subset of accounts of autonomy-minded liberalism.

A more serious objection is that there is no agreement on what autonomy is about and that deciding which aspects of the valuing process matter (and to what extent they matter) would therefore involve either arbitrariness or first-order values. In other words, there must be a standard for assessing rival conceptions of autonomy and that standard cannot be an idea about the good life (i.e. a first-order value). Note that there is a difference between a second-order value being biased towards a first-order order value with regard to its outcome (which is unproblematic from the perspective of anti-perfectionism) and a second-order value being defined on the basis of a first-order value (which is troubling from the perspective of anti-perfectionism).

In order to avoid this apparent spill-over of an ideal of the good life into a theory of autonomy, we must have credible guarantees that the second-order value autonomy is not defined from the perspective of an idea of the good life. One such guarantee would take the form of objective facts about the mental process that leads to values being valued by an agent. However, there is disagreement about which features of this process are relevant and the extent to which such features must be exercised for a person to be autonomous. Although
some such accounts can be said to be objectively misguided (because they are psychologically impossible) there remains disagreement within the realm of the possible. And it is not clear what an objective standard for, say, the amount of reflection that is required for autonomy would look like. Another type of guarantee would be evidence for a minimal common ground among theories and intuitions about liberal autonomy. If there were such a common ground, then the second-order value of autonomy can be said to be sufficiently independent of a version of the good life. What is more, because finding a common ground means that one does not have to choose among theories of autonomy, the concern for arbitrariness in selecting a theory of liberal autonomy would be no longer relevant.

Let me sum up. The argument of Colburn shows that valuing autonomy is not the same as valuing a conception of the good life, because autonomy is a second-order value that, as such, specifies how ideas about the good life are to be generated. On this basis a case can be made for saying that anti-perfectionism concerns only first-order values. However, different theories may emphasize different aspects of the valuing process, while the selection of a theory of autonomy should not be informed by an idea about the good life. As a guarantee against the suspicion of this spill-over, a concept of autonomy must be sufficiently independent from ideas of the good life, where such independence is contingent on there being a nontrivial minimal common ground among liberal conceptions of autonomy. In chapter 2 I will argue that this is the case.

2 What an Autonomy-based Assessment of Branding Should Look Like

For an adequate assessment of autonomy violation in branding we must know not only the political status of the normative standard of the assessment (i.e. autonomy) but also which structure the assessment must have for it to be convincing. To this end it will prove informative to revisit the debate about the relation between advertising (i.e. the most prominent case of branding) and autonomy in the *Journal of Business Ethics*. My main claim will be that no decisive arguments for or against the claim that advertising undermines autonomy have been made so far, and that this is due mainly to deficiencies of the respective argumentative strategies. On the basis of this analysis I present a comprehensive argumentative strategy that will be pursued in the remainder of this thesis.

The First Case for Advertising in the Business Ethics Debate

The debate on advertising and autonomy in the *Journal of Business Ethics* was opened by Robert Arrington, who comes down “tentatively in favor of advertising”. He arrives at this conclusion by applying to advertising a framework for thinking about autonomy that consists of four components. I will here briefly run through Arrington’s argument and show that it is at the very least not a knock-down case against thinking that advertising undermines autonomy.

First, Arrington follows the philosopher Harry Frankfurt in defining the formation of autonomous desires as the second-order reflective approval of a first-order desire. Thus, a desire to buy steak sauce is autonomous if a person upon reflection wants to have that desire. By this standard, Arrington claims, consumers will have predominantly autonomous desires for products because they “often return to purchase the same product over and over again,
without regret or remorse”. For this fact to be an argument, Arrington must assume that if a behavior is repeated, this is evidence of it being informed by a desire that has been approved of upon higher-order reflection. But this assumption seems unwarranted. For it is possible that Arrington’s consumer simply failed to form any second-order desire with regard to the desire to buy the product or that she acted against her second-order desires.

Arrington goes on to maintain, secondly, that reliable information is a necessary condition for making autonomous choices. In response to concerns by cultural critics about false information and puffery he claims that these types of advertising need not imply that advertising in general is deficient in providing relevant information. At least puffery could according to Arrington inform the consumer about feelings associated with a product, and this information may be deliberatively processed as a reason to buy the product. The factual assumption of this argument may be correct, but it does not show that advertising does not undermine autonomy in typical cases. Consumers may of course sometimes process feelings about a product deliberatively, but there is no good reason for assuming that this will always happen. For this to be the case it must be true that only deliberative processing informs consumer decisions, so that the market mechanism will weed out information that is not relevant for such decision making. However, Arrington does not give evidence for thinking that this assumption is true (and in chapter 4 we will see that it is in fact false).

The third component of Arrington’s view on autonomy consists in acting for a reason or being open to reasons, were they to present themselves. That is, if we have a reason for action but fail to act on it, then we act impulsively and this reduces our autonomy. In this regard Arrington acknowledges that consumers sometimes act impulsively and that they may do so on the basis of desires that are the result of advertising. However, he denies that advertisers can be blamed for this, because they do not intend to implant desires. This argument is closely associated with the fourth component of autonomy, which concerns manipulation.

For manipulation to occur, Arrington claims, three conditions must be met. Uncontrovertially, a controller must intend that P acts in a certain way A, and – secondly – her intention must be causally effective in bringing about A. Less obvious is the third part of the definition, which holds that the controller must intend to make sure that all the necessary conditions for A are satisfied. Arrington’s rationale for adding this condition is that is allows one to distinguish a controller from a teacher. A teacher also wants to influence persons, but she makes such influence contingent on the student wanting to learn something. A controller in front of a class would be different in that she would not want the success of her influence to depend on the desire of students to learn. This contingency on existing desires (e.g. the desire to learn) is then generalized to all desires. Hence, if an influencer produces persuasive messages that build on, say, an existing desire to be powerful, then no manipulation occurs. By contrast, Arrington continues, if her messages appeal to a desire for power that she herself implanted in a person, then she manipulates. On this basis Arrington concludes that advertisers typically do not manipulate consumers because they normally target segments of a market and hence intend messages to have an effect when consumers already have certain desires.

Something clearly goes wrong here. After all, the fact that a message appeals to an existing desire does not seem to guarantee freedom from manipulation. If I subliminally associate an attitude object (or a goal) with one of your desires and do so in order to make you positively evaluative the object (or to pursue the goal), then this seems to be a case of manipulation regardless of whether the desire with which the object (or goal) was associated was already there. If this is correct, then it is rather the type of processing by which the relation to an existing desire is established that seems to matter. The intuition in the teaching exam-
ple would on this reading be pumped by the fact that the desire to learn will result in deliberative processing. If this is correct, then teaching is not different from control because any one desire is respected, but because respect for the desire to learn means that messages are crafted in a way that facilitates reasoning.27

Arrington concludes on the basis of his assessment of these four components that advertising has the “potential to harm a few poor souls” in that it incidentally violates the autonomy in all four respects, but that it is “innocent of the charge of intrinsically or necessarily” violating autonomy.28 If my assessment of his arguments is correct, then this is an overhasty conclusion at best. This conclusion is shared by a number of critics of Arrington who have attempted to argue in favor of the proposition that advertising undermines autonomy.

The Critics of Advertising in the Business Ethics Debate

The first reply to Arrington’s argument was the contribution of Paul Santilli, who focused exclusively on the issue of rational choice (Arrington’s third point). Santilli makes a distinction between real needs (arising from an “objectively real deficiency”) and emotional desires (arising from a “felt deficiency”).29 Specifically, he thinks that a desire is only legitimate if it is “preceded by a knowledge of actual needs” where such knowledge is the result of a “rational understanding”.30 The problem with advertising, on this view, is that it appeals to emotions on a day to day basis, and undermines the capacity of consumers to understand their real needs (and so to form desires on the basis of these needs).31 Therefore Santilli wants to abolish all persuasive advertising (which appeals to emotions) and allow only for informative advertising. Although Santilli does not spell out the notion of autonomy on which his critique of advertising is based, it in any case relies on a shaky psychological foundation. For it is not clear whether desires can be formed on the basis of rational understanding in the first place, let alone that all of one’s desires could be formed in such a way.

In a second critical reply to the Arrington article Roger Crisp maintains that the former has set the bar for autonomy violation too low if we take seriously our common sense understanding of autonomy. On such an understanding, Crisp continues, autonomous desire formation requires at least three things. First, we must be aware of the attempt to influence our desires, so that subliminal attitude change would be a pro tanto case of autonomy violation. However, and this is the second point, if the influence is wielded for a good reason, then it does not violate autonomy. Thirdly, desires must not be transmitted in a way that leads them to trigger action while bypassing “ordinary processes of decision-making”.32 On the basis of these criteria, Crisp revisits the cases brought up by Arrington and argues that persuasive advertising – insofar as it has unconscious effects – leads to desires and decisions that are not autonomous, because there is no good reason that justifies such influence.

For this conclusion to be convincing, Crisp must indicate what counts as a good reason for unconscious influence. His proposal is to say that a good reason is one that people accept as such. He illustrates this position with a distinction between behavior in the realm of aesthetics and economics. An actor, Crisp notes, uses “unconscious body-language” to improve his performance, but if the audience were informed afterwards, they are unlikely to resent this fact. Instead, they will see it as a relevant quality of the performance. By contrast, if consumers are told that their desire to purchase an item was manipulated, they will resent this fact.33 However, for this criterion to be practically useful it is not good enough to know after the fact whether manipulation occurred. That is, for a theory of autonomy in advertising to be relevant, both practitioners and state regulators need to know when unconscious influence is justified in advance. And because a manipulator cannot know in advance whether people will regret unconscious influence, Crisp needs to introduce some standard for a good
reason. As such he could propose to make the definition of a good reason dependent on empirical facts about regret with regard to manipulation in specific domains. If it were to turn out that people typically agree to manipulation in art, then this would give artist a license to wield such influence. A problem with this approach though is not only that there may be a minority that does mind the manipulation, but also that one and the same individual may reach different judgments about the appropriateness of the manipulation on a case by case basis within a domain.\(^3\)

In a third reply to Arrington’s contribution, Andrew Sneddon claims that the former’s assessment is incomplete because it only focuses on choices. For a comprehensive assessment, Sneddon maintains, one must also take the autonomy of a life as a whole into account. The latter approach is referred to as ‘deep autonomy’ and consists of two components. First, a person must assess whether a first-order desire is consistent with her values. That is, she must be able to relate such a desire to the values that represent the “structure of her life” and check whether it is coherent with it.\(^3\) Second, it must be assessed whether this value structure (with which desires are checked for coherence) is valuable. For the latter assessment, a person must compare her own value structure with value structures of other people. Sneddon goes on to suggest that for the second type of evaluation to succeed, an agent must know about a wide variety of possible ways of living, because the assessment of our values will be more significant if we compare them with more (and more varied) value structures. Furthermore, knowledge of different values must be acquired in interaction with people who live their life according to them, because this would be how our ‘horizons’ of values are formed.\(^3\)

Sneddon next argues that if this ‘strong evaluation’ is a requirement for autonomy, then in order to evaluate the value of our values we must meet three conditions. We must know about different values, we must be motivated to reflect about them and different values must inform the lives of real agents. It is then argued that advertising compromises all of them. With regard to our knowledge of values it is argued that advertisements collectively transmit the value that the consumerist way of life is the good life and that this would diminish the opportunity for learning about “socialist, agricultural and hunter-gatherer ways of living”\(^3\). Because the transmission of the consumerist way of life is supposedly so pervasive – aided by processes of social pressure to conform – it would moreover diminish our motivation to reflect about values in the first place. Finally, Sneddon thinks that the transmission of advertising messages will cause those people who lead a nonconsumerist way of life to give it up, so that there will be less variety of life forms.

Because Sneddon gives no empirical evidence to back up any of these claims it is not clear whether these processes do in fact occur, and if so, to what extent. But even if they do occur to some extent, then it is implausible that this would compromise autonomy. First of all, it is not clear why we could only learn about other values in interaction. Learning about them in history book, novels or movies would seem to deliver sufficient exemplary information. Second, there seems currently to be a staggering variety of values that inform people’s lives in societies with advertising, so that even if Sneddon could indicate some plausible threshold of variety in values, such societies are unlikely to fall short in that regard.

The Second Case for Advertising in the Business Ethics Debate

In response to these critiques of advertising, Anne Cunningham has made a case for the compatibility of advertising and autonomy. She does so by rejecting both the theories of Harry Frankfurt (on which Arrington and Crisp rely to some extent) and Sneddon as inappropriate for understanding the relation between advertising and autonomy. Frankfurt's
theory would be deficient because of its often noted inability to explain why second-order desires would speak for the agent.\textsuperscript{38} The theory of Sneddon is said to be unattractive because it relies on the ideal of the reflective life – in which decisions in life must be the outcome of a reflective process – which is a contested account of what autonomy is about. As Cunningham has it, “given that we individuals function within a socially constructed world and tend to abide by, often without questioning, its socially constructed norms and values, it seems none of us would, according to Sneddon, be autonomous”.\textsuperscript{39} Moreover, Cunningham notes that the framework of Sneddon cannot distinguish advertising from other institutions such as religion, which has the same capacity for shutting out different perspectives.

As an alternative, Cunningham presents a theory of autonomy developed by Robbert Noggle to account for autonomous desire formation.\textsuperscript{40} I will discuss Noggle’s theory in greater detail later on.\textsuperscript{41} At this point I note only that for him a desire is not autonomous if it is based on a belief that is not properly related to or concordant with the integrated set of belief of an agent (as the result of conditioning for example). On the basis of this theory, Cunningham asserts that “advertising, though powerful enough to shape our beliefs, does not create the kind of discordant quasi-beliefs that violate one’s autonomy”.\textsuperscript{42} This is true if advertising either does not involve any conditioning, or if all effects of conditioning in advertising result in quasi-beliefs that are concordant with the integrated beliefs of the agent. The first of these assumptions is false (as I will show in chapter 4) while the second is difficult to prove because it will depend on the nature of the belief system of an individual.\textsuperscript{43} Cunningham’s still makes a case for the truth of the second assumption in that she maintains that according to many of its critics advertising is an ideology and as such a highly integrated belief system itself. As such, being more heavily influenced by advertising would supposedly lead one to have a more integrated set of beliefs, which would in turn make one more autonomous. Setting doubts about the plausibility of this standard of autonomy aside for the moment, the fact that some critics of advertising assert that advertising is an integrated belief system does not make that assertion true.\textsuperscript{44} Moreover, the wide variety of brand images and lifestyle advertising that are in fierce competition on the market strongly suggests that advertising is by no means an integrated belief system. If this is correct, then Cunningham’s case for the absence of autonomy-violation in advertising is also not convincing.

Lessons From the Business Ethics Debate

It is safe to say then that the debate on advertising and autonomy in the \textit{Journal of Business Ethics} has not settled the matter. Not only is the way in which theories of autonomy have been applied to advertising not convincing, but participants have also failed to give reasons for thinking that their standard for the assessment of advertising (i.e. their theory of autonomy) is to be accepted. However, although we may not learn much about autonomy-violation in advertising from this debate, there is a lot to learn with regard to the strategy by which such an argument should be constructed. As such I will here discuss three limitations of current argumentative strategies and on that basis present an alternative strategy which remedies these. This alternative strategy will function as the blueprint for the remainder of this thesis.

A first limitation is that participants in the business ethics debate have failed to justify the concept of autonomy on which their analysis is based. This is true not just for Crisp and Santilli, who rely on common-sense notions of autonomy, but also for Arrington, Sneddon and Cunningham, who simply pick a theory of autonomy and do as if that is all there is to autonomy. Admittedly, Cunningham has made a start in criticizing rival conceptions of autonomy, but she does not explain why the theory of autonomy on which her analysis is
based is to be preferred. Moreover, if one starts to compare theories of autonomy one must specify criteria with an eye to the context in which autonomy is to function as a normative standard. In my case, I am interested in the political consequences of the relation of autonomy to commercial promotion from the perspective of the liberal state. Hence, I will in chapter 2 make an independent case for a comprehensive minimal concept of liberal autonomy that is to serve as the standard of my subsequent assessment. It will furthermore be true of such a concept of autonomy that it is of value for the purpose of the assessment of branding to the extent that it defines precise empirical thresholds.

A second limitation of the contributions to the business ethics debate is that their scope is too restricted. Insofar as advertising is discussed by Arrington, Crisp and Santilli, they discuss individual cases such as the advertisement for ‘A1 stake sauce’ or the one for the ‘newest Mazda’. It is therefore unclear to what extent their assessments can be generalized. Arrington and Sneddon purport to analyze the relation between autonomy and structural features of advertising, but they do not spell out what these structural features are. Granted, Santilli, Crisp and Sneddon distinguish (implicitly or explicitly) between informative and associative advertising, but they do not offer empirical criteria for this distinction. By way of an alternative, I will in chapter 3 define what will count as a structural feature of branding, indicate the type of structural features that are normatively relevant (on the basis of the minimal concept of autonomy developed in chapter 2) and determine whether branding has any such features.

Third, if commercial promotion were found to (structurally) undermine autonomy, we must ask whether it is special in this regard. This concern was raised by Cunningham in response to Sneddon’s position. If advertising were to undermine autonomy because of properties that also pertain to institutions such as religion, then the argument contradicts very strong intuitions. If the goal of political philosophy is to strive for reflective equilibrium, then such a conflict might point one back to the drawing board. In chapter 5 I will therefore apply the conceptual apparatus developed in chapters 2 and 3 to religious and political communication in order to test whether it leads to intuitively implausible conclusions.

For now we must take a step back from this panoramic view of the argument that lies ahead and proceed with the difficult first step of identifying the minimal components of liberal autonomy.