

## IS ETHICAL CONSUMERISM A FORM OF VIGILANTE JUSTICE?

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Ethical consumerism has been around for a long time—during the revolution, many Americans protested against the Stamp Act of 1756 by refusing to buy tea and other British goods. In recent years, ethical consumerism has become an increasingly prominent feature of social life, as new forms of technology have allowed consumers to use their choices in the marketplace to address various environmental, labor and trade concerns.

Surprisingly, relatively little attention has been paid to the moral issues raised by ethical consumerism. Suppose that consumers are morally permitted to use their buying power to pressure companies to treat animals better or to reduce carbon emissions. Does this mean that they can also pressure pharmacies not to stock the “morning after” pill? Can they pressure Wal-Mart not to sell books or music that they find offensive? Even in cases where consumers are pressuring companies to do the right thing, do their actions amount to a kind of vigilante justice?

In this paper, I offer a theoretical account of one type of ethical consumerism. Some ethical consumerism is aimed at changing social behavior and practices. I argue that the morality of this kind of ethical consumerism must be understood in the context of procedural values that determine how citizens should approach the task of reshaping their society over time. Most importantly, ethical consumerism that aims at social change must respect the privileged position of formal, democratic politics. We might say that ethical consumerism raises a central philosophical question about the nature of our moral permission to pursue our own ends in the market. Philosophers have considered restrictions on this permission stemming from egalitarian ideals and our obligations to the global poor. But what I develop here is the idea that this permission should also be constrained by democratic values.

An implication of my view is that ethical consumerism does sometimes constitute an impermissible form of vigilante justice. But the aim of my paper is to describe a form of ethical consumerism that is not open to this criticism, a form that respects the privileged position of democratic politics and can therefore claim a rightful place in the practices of a democratic society.

### **1. Social change ethical consumerism**

A citizen engages in *ethical consumerism* when he or she makes a decision to buy one among a number of competing goods and services in the market at least partly on the basis of ethical considerations. For example, suppose that you walk into Starbucks and face an array of different coffees you could buy. One of the choices is fair trade. If the fact that growers were treated fairly in the production of the beans figures into your rea-

soning for choosing this coffee over the alternatives, then you have engaged in a form of ethical consumerism. The fact that the coffee is fair trade need not be the only consideration that factors into your decision; you may also care about the fact that the coffee smells and tastes good. What is important is that one of your reasons for choosing the coffee was an ethical consideration.

Ethical consumerism is a very large category and I will be interested in one particular form of ethical consumerism. A consumer engages in *social change ethical consumerism* when she makes the decision to buy one among a number of competing goods and services at least partly on the grounds that doing so will create an economic incentive for other market actors to act in ways that will advance some moral, social, ecological, or other non-economic agenda. The most important point here is that the consumer is using her choices to try and change the way that other people behave. So, for example, suppose that you go into Starbucks and purchase a coffee that is fair trade. Suppose that one of your reasons for purchasing the coffee was to create an incentive for coffee manufacturers to change their practices and treat growers more equitably. Since your motivation is partly aimed at changing how manufacturers behave, your purchase counts as a case of social change ethical consumerism.

We can distinguish social change ethical consumerism from other familiar types of ethical consumerism.<sup>i</sup> One type is "*clean hands*" ethical consumerism. A consumer engages in this form of ethical consumerism when she chooses to avoid a certain product on the grounds that she does not want to be implicated as a participant in the immoral practices through which the product is produced. For example, someone may not want to purchase a soccer ball made in Pakistan because she knows that these items tend to be

produced in factories that force children to work under abusive conditions. By purchasing a soccer ball, the consumer would be financially supporting the abusive factories, which would, in effect, make the consumer a kind of participant in the abusive practice. This type of ethical consumerism is different from social change ethical consumerism because the rationale in this case is not that refusing to buy the soccer balls will change the way that the Pakistani factories operate. The idea is rather that, even if the consumer cannot stop the abuse, she certainly does not want to take any part in it.

Another type of ethical consumerism is *expressive ethical consumerism*. Sometimes a consumer will choose to buy a certain product because this expresses his approval or disapproval of certain values, beliefs or practices. You may choose to shop at an organic grocery store, for example, not only because you prefer produce that was grown in certain ways, but also because you want to express your disapproval of the broader culture of mass produced food in the United States. This is different from social change ethical consumerism because once again the rationale does not have to do with changing the way that other people behave. In this case, the rationale has to do with the symbolic value of the act. There may be instances in which shopping at an organic grocery store would have no impact whatsoever on how food is grown in the United States—maybe your local organic grocery store is about to go out of business. Nonetheless, you may reasonably choose to shop at the store anyway simply to express your opinion about how food should be grown and distributed.

Social change ethical consumerism is also different from what I will call *unmediated ethical consumerism*. A consumer may choose to buy a certain good or service because his use of it will directly advance some moral, social or ecological agenda, whether

or not it affects how other people behave. For example, you might buy a hybrid car because driving one produces lower emissions and is therefore less harmful to the environment. This is different from social change ethical consumerism because the justification in this case does not have to do with the effect that your buying the hybrid will have on how other actors behave. Your objective is not to change how manufacturers make cars, but simply to change your own practices in ways that directly advance the goal of slowing climate change.

The categories that I am using to describe ethical consumerism focus on the justifying rationale for a consumer's decision. This means that social change ethical consumerism can take the form of both *negative ethical consumerism* ("boycotts") and *positive ethical consumerism* ("buycotts").<sup>ii</sup> Whether the consumer is avoiding certain goods or giving preference to them, her conduct counts as social change ethical consumerism if it is justified partly on the grounds of changing how other people in society behave. Social change ethical consumerism can also take the form of *media-oriented boycotts*, *culture jamming*, and other attempts to shape market incentives by changing the cultural perceptions of goods, companies, and brands.<sup>iii</sup>

Most importantly for my purposes, social change ethical consumerism can take the form of labeling and certification schemes. One of the most significant developments in ethical consumerism in recent years—and in global governance more generally—has been the rise of labeling and certification as a way for citizens to assert control over economic life. These schemes typically involve an umbrella organization that brings several groups together to establish standards for certification, standards connected to some moral, social or ecological agenda, and a certifying body that evaluates products to de-

termine whether they meet the standards. The umbrella organization may include NGOs, industry groups, and government agencies. Once a product is certified, the certification is made public, and consumers who share the objectives of the organization can use the certification to guide their buying choices in ways that will advance their noneconomic goals. Certification schemes have been used to advance a wide range of goals, including: promoting fair trade in the production of coffee, honey, tea and cocoa; promoting small-scale, peasant-controlled, ecologically sustainable agriculture; slowing tropical deforestation; promoting the ideals of organic food; promoting healthy workplaces; addressing a wide range of ecological concerns in the production of detergents, batteries, soap, paint, DVD players, etc.; promoting ecologically sound methods of power generation; reducing political violence in Africa connected with the diamond trade; and, of course, encouraging people to “buy American.”<sup>iv</sup>

One final clarification. Social change ethical consumerism typically involves coordinated action by a number of individuals, but this is not essential. In the normal case, some individuals initiate the social change effort, some do the research, some formulate the guidelines, some get the word out, and most do their part by researching the guidelines and doing their best to follow them. One reason that a coordinated movement is typically necessary is that if our buying decisions were truly just isolated purchases, that is, if no one were cooperating with us in some coordinated effort to change society, then there would be very little reason to think that our purchases would have any meaningful impact on social practices. But a coordinated social movement is not always necessary in this way. Some institutional actors, for example—municipalities, corporations, and so on—are large enough that they could plausibly adopt buying policies on the basis of so-

cial change considerations, without being part of a larger movement. For this reason, I will not include social coordination as one of the defining features of social change ethical consumerism. The central issue is not narrowly about coordinated efforts to achieve certain purposes in the market, but more generally about the permissibility of making buying decisions on the basis of social change considerations.

## **2. An unrestricted permission to use social change ethical consumerism**

When (if ever) is it permissible for consumers to make choices in the market on the grounds that the decision to buy a certain product will serve to create an economic incentive for other market actors to act in ways that advance some moral, social, ecological, or other nonmarket agenda? I will argue that it is permissible for us to make consumption decisions on these grounds only under certain restrictive conditions. I will describe these conditions in the next section. But in order to motivate my position, I begin by discussing the problems with an unrestricted permission to engage in social change ethical consumerism.

Among the most important values in political morality are *procedural values*.<sup>v</sup> Various institutions, practices and customs in society enable people to shape and influence general patterns of social behavior. We may think of these institutions, practices and customs as defining procedures of social change, that is, procedures that people can use to influence the course of public life. Procedural values make demands on the procedures of social change. Citizens may sometimes use a procedure to improve general patterns of social behavior, but their actions may be morally objectionable nonetheless because the procedures themselves are inconsistent with procedural values.

Take the case of the mass media. The mass media is an institution through which people can influence general patterns of social behavior by bringing images, information and ideas to the public. Several procedural values make demands on the structure and accepted uses of the mass media. Inclusiveness may require that everyone in society, even marginal groups, should have some access to the mass media to make their opinions heard. Fairness may require that people with opposing views should have a fair opportunity to make their case to the public. If a media monopoly runs an advertising campaign that lowers the rate of drunk driving in society, we may regard this as an improvement in general patterns of social behavior, but we may regard the procedures of social change in society to be flawed nonetheless because they concentrate too much power in the hands of the monopoly and are insufficiently inclusive.

Social change ethical consumerism is one of the practices through which we can influence general patterns of behavior in society. As with other such practices, our permission to engage in social change ethical consumerism must be consistent with fundamental procedural values. If there is a way of articulating our permission to engage in social change ethical consumerism so that it is consistent with these values, then we may regard ourselves as morally permitted to engage in the practice (under the specified conditions). But if there is no way of articulating the permission to engage in social change ethical consumerism so that it is consistent with these values, then we should regard ourselves as not morally permitted to engage in this practice.

One possible view of the permission to engage in social change ethical consumerism is that the permission is unrestricted. Just as we may decide between two detergents on price-quality grounds, so too may we decide between them on the grounds that buying

one of them will create economic incentives that will further our noneconomic objectives. I will argue that this view is mistaken. We do not have an unrestricted permission to use our decisions in the market to pressure others to advance our noneconomic ends. The reason is that an unrestricted permission of this kind would essentially allow wealthy and well-organized consumers to use their bargaining power in the market to advance their social objectives, while marginalizing consumers who are less wealthy and less well-organized. This is inconsistent with several fundamental procedural values, including (a) security for the basic liberties, (b) inclusion, (c) democratic deliberation, (d) justified coercion, and (e) managed politicization. Let's consider each of these in turn.

*(a) Security for the basic liberties*

Each of us has a moral claim on certain fundamental freedoms, including the freedom of thought and conscience, the freedom of expression, and the freedoms associated with the integrity of the person.<sup>vi</sup> Government action can constrain these freedoms, but social and economic pressure can do so as well.<sup>vii</sup> A concerted public campaign not to hire people with certain religious views can be as constraining as a law that bans a religion outright. Security for the basic liberties is a fundamental procedural value, as procedures of social change should be structured so as to respect basic freedoms. The problem with an unrestricted permission to engage in social change ethical consumerism is that it would allow people to use their bargaining power in the market to restrict the basic freedoms of others.

Perhaps the most appalling illustrations of the danger are the boycotts of Jewish merchants in the 1930s. "Don't buy Jewish" campaigns were particularly intense in Germany, but also occurred in the United States, Sweden and other European coun-

tries.<sup>viii</sup> In their most extreme form, these boycotts constrained not only the religious freedom of Jewish people, but threatened their basic safety and security by destroying their economic livelihood.

The danger is not merely historical. In the United States, groups such as the *American Family Association* (AFA) have used ethical consumerism to discourage expression that they take to be inconsistent with Christian values.<sup>ix</sup> In the 1980s, the AFA joined a coalition of Christian groups that threatened to boycott companies that supported offensive television programs through their advertising, and they eventually succeeded in getting a number of companies, including *Proctor & Gamble*, to withdraw advertising from the targeted shows.<sup>x</sup> In recent years, the AFA has turned its attention to gays and lesbians, resisting their full participation in public life.<sup>xi</sup>

In both of these cases, we see that an unrestricted permission to engage in social change ethical consumerism is inconsistent with security for the basic liberties because it would essentially permit an economically powerful bloc of consumers to constrain the basic freedoms of a weaker group if they chose to do so.

### *(b) Inclusion*

The power to influence the course of social life must be distributed in ways that recognize that society is a cooperative endeavor among equals, and that everyone has a claim to take part in the process of shaping the course of society over time. The most extreme defect connected with the value of inclusion is *marginalization*, which occurs when a group in society lacks the means effectively to influence the course of social life. When a

group in society is marginalized, our interactions with the group take on the character of domination and subordination, rather than cooperation among equals.<sup>xii</sup>

An unrestricted permission to engage in social change ethical consumerism essentially allows groups that are better organized and control more valuable resources to apply pressure to other market actors to get them to act in ways that advance their social agenda. But groups that are poorly organized and do not control valuable resources cannot apply pressure to other market actors. As such, the unrestricted permission creates a situation in which those who are better organized and better endowed can advance their preferred agenda, without the cooperation and sometimes against the opposition of other groups.

People often miss the point because media attention naturally gravitates to social groups that are active and mobilized. Take the well-known case of the Mexican tourism boycott. In 1975, the Mexican government voted, along with 72 other mostly developing countries, in favor of a resolution equating Zionism with racism and racial discrimination. American Jews, who were frequent travelers to Mexico, responded with a groundswell consumerist response—they cancelled their Mexican vacations. The Mexico Hotel Association reported 30,000 cancellations in one week. The economic pressure on Mexico was substantial, and the Mexican president eventually conceded that Mexico should not have voted the way that it did. If we focus narrowly on the mobilized group, the boycott appears to be a relatively unproblematic exercise of the power of citizens to “vote with their dollars.” It is important to keep in mind, however, that many people in the world—rightly or wrongly—supported the UN resolution. These people largely lacked the resources and organization to apply any pressure on the Mexican government. Most impor-

tantly, Palestinians were not frequent travelers to Mexico and were not nearly as wealthy or well organized as the American Jewish community. They had no ability to back their social agenda with a comparable level of economic pressure, and so they were marginalized in the process.

The Mexican tourism boycott is a particularly apt example because ethical consumerism is often presented as a way of responding to the challenges of globalization. Andreas Follesdal, for example, argues that a market economy is only justified in the context of a system of restrictions that direct firms towards socially valuable forms of activity. But corporations are now free to move their operations anywhere in the world, and states are not in a position effectively to govern these multinational entities. For global capitalism to be justified, consumers must fill the governance gap and use their economic power to make sure that corporations respect workers, communities and the environment.<sup>xiii</sup> The problem, however, is that a system of governance built on consumers exercising their bargaining power in a global marketplace is essentially a system in which consumers in the developed world are in charge. Corporations must pay attention to the views of these consumers because they are wealthy and well organized. Consumers in the developing world tend to be much less wealthy and often less organized, so corporations are simply not forced to pay attention to them in the same way. So one of the fundamental problems with an unrestricted permission to engage in social change ethical consumerism is that in a globalized economy, this would essentially amount to a permission for consumers in the first world to set the global agenda and to use their market power to advance this agenda around the world, marginalizing others in the process.

*(c) Democratic deliberation*

A third procedural value is democratic deliberation. The course of public life in a democratic community should be guided by the public deliberation of its members.<sup>xiv</sup> Citizens should coordinate their efforts to address issues of common concern through a process of discussion and consensus building. This process should consist of sincere efforts to convince each other that some set of rules, policies and programs would best serve the common good. Moreover, the outcome of the process should be determined by the strength of the arguments made in support of a proposal, not just the relative power of the individuals who support it.

The problem with an unrestricted permission to engage in social change ethical consumerism is that market-based efforts to coordinate responses to issues of common concern need not be deliberative. When a wealthy and well-organized group decides to address an important issue of common concern, it can use its bargaining power in the market to address it. They can create an economic incentive for others to follow some particular plan for addressing the issue. But insofar as they induce others to cooperate through the use of incentives, they need not engage with them in a deliberative fashion. So social issues are not resolved through a process of discussion and agreement among citizens, but rather through a process of bargaining and accommodation.

Consider the case of nuclear power. I take it that the use of nuclear technology to produce electricity is an important issue of public concern. There are good reasons to be wary of nuclear technology, including the danger of a large-scale accident at a power plant and the intractable problem of how to dispose of nuclear waste. At the same time,

there are important arguments to be made in favor of nuclear technology, especially in the context of climate change. Nuclear technology holds out the promise of generating large amounts of electricity without producing the greenhouse gases that are produced by other proven technologies, such as fossil fuels. Suppose now that a group of committed consumers, including some large institutional buyers, decides that nuclear power is simply not an acceptable option for society. They decide that they will boycott power companies that use nuclear technology to provide electricity to their customers. Given their size and importance in the market, this group may well make it prohibitively difficult for any power company to use nuclear technology to provide electricity to their customers. But even if these consumers are right that nuclear technology does not, on balance, serve the public interest, the process of social coordination in this case was objectionable. Instead of engaging with other citizens in a spirit of democratic respect to decide on a reasonable energy policy, this group simply used its bargaining power in the market to determine the outcome. An important issue of public concern will have been decided through a bargaining process rather than a process of deliberation among the members of society.

*(d) Justification of coercion*

A fourth procedural value is the justification of coercion. When individuals use their bargaining power in the market to advance a social agenda, it is important to keep in mind that this power is ultimately underwritten by the coercive powers of the state. The fact that those who use their market powers to encourage social change are also implicitly making use of the state's coercive power is important from the moral point of view, as

the use of coercive power can only be justified under certain restrictive conditions. Among these conditions, I take it, is the publicity condition, which says that those who use coercive power must provide a justification for their actions that could be accepted by reasonable people who are subject to this power.<sup>xv</sup> The problem with an unrestricted permission to engage in social change ethical consumerism is that it does not place restrictions on the use of this practice that acknowledge its relation to the coercive powers of the state.

Let's first consider an extreme example to illustrate. Suppose that after the end of Apartheid, white South Africans decided to make buying decisions in the market partly on the grounds of maintaining their dominant position in society. White South Africans would not buy from black merchants or hire the services of black workers, except when this was compatible with their social dominance (e.g. they hire black workers for menial jobs, but not in any professional capacity). Given that the whites owned most of the land, natural resources and productive capital in society, their purchasing policy essentially amounts to a powerful way of preventing the black population from gaining more powerful positions in society. Moreover, although Apartheid is no longer the official policy of the state, the coercive power of the state stands behind the market-based efforts of white South Africans. If a black person tries to gain access to the land or to work in a professional or managerial capacity in a firm, against the wishes of white landowners or shareholders, the state will use its coercive powers to defend the legally defined ownership rights of white citizens.<sup>xvi</sup>

Although the South African case is extreme, it serves to illustrate the coercive element that lies behind even less extreme forms of social change ethical consumerism.

Individual consumers rarely see themselves as directing the coercive powers of the state, but the coercive element becomes clearer when we consider the situation from the point of view of producers. Imagine that a group of individual buyers in developed markets wants to set standards for the use of tropical forests in the manufacture of wood products. They successfully lobby institutional buyers, such as Walmart, Home Depot and municipal governments to join them. Lumber producers are a large and diverse group that includes aboriginal harvesters and small firms managing family-owned forests. These producers rely on transactions with customers in developed markets for their livelihood. The consumer coalition may constitute most of the market for these small producers, and it thereby exercises substantial bargaining power. But this bargaining power is ultimately underwritten by the coercive power of the state. Consumers have bargaining power in this case because if small producers try to gain access to the wealth of developed markets through some other means—e.g. coming over the fence and taking what they need—the coercive power of the consumers’ home states will stop them. These states will defend the property rights of their members. In this way, the coercive power of the state stands behind the bargaining power of consumer coalitions, and the permission to use social change ethical consumerism must be sensitive to this fact.

*(e) Managed politicization*

The last procedural value that I will consider is managed politicization. People in a democratic society are bound to disagree about a host of important issues of public concern. But they are able to share a set of common institutions and a common destiny because their disagreements do not turn them against each other. In a well-functioning democ-

racy, the bonds of social trust and civic friendship span ideological divisions in society, and this helps to ensure that people on different sides of public disagreements can see each other as fellow citizens who happen to disagree. The foundation of social trust and civic friendship is built up over time and renewed through everyday interactions in schools, neighborhoods, clubs, and—most importantly for my purposes—the market. As we interact with each other at work, in stores, at restaurants, and so on, we express a certain degree of goodwill towards others, and they reciprocate by showing goodwill towards us. These interactions eventually give rise to social bonds.<sup>xvii</sup>

Politicizing the market is a dangerous thing because it threatens to narrow the sphere of our social interactions. When we interact with other actors in the market, we typically do so without paying much attention to their political views or the causes that they support. This is a consequence of the fact that we treat the political sphere as the primary arena in which to address our political disagreements. As a result, our everyday interactions tend to span the various ideological divisions in society and generate social bonds that span these divisions as well. But suppose that our political disagreements become more salient to us in the market. As we care more about the political views and causes of contractors, coworkers, store clerks, retailers, corporations, and so on, we start to prefer to interact with those who share our political views. Over time, this tendency leads us into a pattern of economic activity in which we conduct more and more of our transactions with those who share our views. People with different political outlooks start to gravitate to different workplaces, different products, different stores, and eventually, even different neighborhoods and towns.<sup>xviii</sup> As the circle of everyday interactions contracts within ideological boundaries, the bonds of social trust and civic friendship that

span these boundaries become weaker and less resilient. We increasingly find that the people who disagree with us in political life are strangers to us, and it becomes much more natural to regard them as enemies, rather than fellow citizens with different opinions.

The problem with an unrestricted permission to engage in social change ethical consumerism is that it threatens to politicize the market and narrow the sphere of our social interactions. An unrestricted permission would allow any group to use its market transactions to advance a social agenda. But when one group seeks to advance its agenda through market transactions, groups who disagree are forced to enter the market to resist the pressure applied by the first group. The resulting conflict politicizes a part of the market that was previously apolitical. Over time, the general permission to engage in the practice may lead to a level of politicization in the market that is damaging to social stability.

An interesting illustration involves the Ford motor company. When Ford began advertising its cars in gay media outlets, the AFA and 19 other groups organized a boycott of what they regarded as a move to normalize gay and lesbian lifestyles. The boycott drew a response from 41 civil rights groups, who lined up to pressure Ford not to cave in to the Christian groups' demands. A political conflict was now introduced into a part of social life that was previously apolitical. Prior to the AFA boycott, people could interact with each other as Ford employees, customers, retailers, suppliers, and so on, without much regard for where they stood on the issue of gay rights. But after the boycott, these economic decisions were politicized. Those who rejected the integration of gays and lesbians into the mainstream avoided Ford, while those who endorsed integration embraced

it. What happened in the case of Ford could happen, in principle, to any other company or product, and this illustrates the problem with an unrestricted permission to engage in social change ethical consumerism. An unrestricted permission would allow anybody to expand the sphere in which our political disagreements can come between us, for almost any reason, and it is therefore insensitive to the dangers of overpoliticizing market life.

### **3. Restricted permission: ethical consumerism as proto-legislation**

In the last section, I argued that an unrestricted permission to engage in social change ethical consumerism is incompatible with several fundamental procedural values, such as security for the basic liberties, democratic deliberation and inclusion. We are therefore not morally permitted to engage in social change ethical consumerism whenever we want. I turn now to a more restrictive account of the permission, which I call the *proto-legislative account*. I argue that this account *is* consistent with fundamental procedural values, and therefore that social change ethical consumerism *is* permissible under the more restrictive conditions that I outline.

Let's assume that we are living in a society where there is some type of institutionalized process of democratic decision-making. A basic premise of the proto-legislative account is that the formal democratic process occupies a privileged position in social life. This process is both authoritative and encompassing. It is authoritative, in the sense that the rules that we make through this process are binding and take precedence over other social rules and agreements. It is encompassing in the sense that any rules that we make through some other mechanisms are, in principle, subject to the approval of this process.

The privileged position of formal democratic politics follows from the procedural values that I described in the last section. The only realistic way for our society to live up to the demands of values such as inclusiveness, deliberation and the justification of coercion is to make formal democratic politics a privileged procedure for social change in society, and then to take steps to ensure that the political process operates in ways that are consistent with these values. No other mechanism of social change—not even an ideal market—could hope to realize values such as inclusiveness, democratic deliberation and the justification of coercion. Making sure that the formal political process is working well would involve many things: incorporating protections for the basic liberties, such as judicial review and supermajoritarian voting requirements; promoting inclusion through measures such as universal suffrage and limiting background inequalities of wealth; and encouraging deliberation and public justification. By subjecting other procedures of social change to the approval of the formal democratic process, we can ensure that the overall set of procedures of social change in society meets the requirements of the procedural values.<sup>xix</sup>

Very often, formal democratic politics in our society will fall short. In the United States, for example, our formal processes of decision-making are not nearly as inclusive or deliberative as they ought to be. But the privileged position of democratic politics does not rest on the fact that our politics is actually working the way that it should. It rests instead on a fact about institutional design. The only realistic way for us to live up to the demands of procedural values is for us to assign formal democratic politics a privileged position in social life, and then to improve this process as best we can. If our politics is broken, our duty is to fix it. If the practices of formal democratic politics are not

working the way they should, the appropriate response is to do more to make it work better, not to abandon these practices and try to establish some competing mechanism of social change.

Taking the privileged position of formal democratic politics as background, I want to introduce an important distinction between two broad conceptions of ethical consumerism. One is what I will call the *anarchist conception*. Imagine that a group of individuals sees that some activity is damaging a shared natural resource. The members of this group may decide to use their resources (peacefully) to pressure those engaged in the activity to stop what they are doing. According to the anarchist conception, these individuals have the authority (and responsibility) to act directly in defense of the common good, and their actions need not be licensed or endorsed by any encompassing authority structure in society. No social institution has an exclusive jurisdiction over our efforts to protect the common good of society, so no one need license our actions in defense of the common good.

Contrast this with what I will call the *democratic conception*. Suppose again that a group of individuals sees that some activity is damaging a shared natural resource. The members of the group may decide to use their resources (peacefully) to pressure those engaged in the activity to stop what they are doing. According to the democratic conception, the group's actions must be licensed or endorsed by their fellow citizens through formal democratic politics. Although the common good is a shared concern, any attempt to pressure others to change their conduct involves enforcing a rule, and citizens cannot unilaterally impose rules on each other. They must seek the approval of their fellow citizens for these rules, either before or after the fact, through the formal democratic process.

This conception is “democratic” rather than “anarchist” because it requires that members of a society orient their activities in ways that recognize the ultimate authority of formal democratic politics.

The proto-legislative account of social change ethical consumerism essentially rejects the anarchist conception in favor of the democratic conception. The anarchist conception says that those engaged in social change ethical consumerism can use their bargaining power in the market to act directly to stop some objectionable activity, and that they do not need any further authorization to act in defense of the common good. By contrast, the democratic conception says that those engaged in social change ethical consumerism can use their bargaining power to stop some objectionable activity, but their conduct must ultimately be sanctioned by the formal democratic process. The proto-legislative account says that our permission to use our bargaining power in the market to change patterns of social behavior must be understood in the context of the privileged position of formal democratic politics. Formal democratic politics has a special role to play in our system of social change, and the practice of social change ethical consumerism must respect this special role. Essentially, social change ethical consumerism must be undertaken as a kind of extension of formal democratic lawmaking—a form of *proto-legislation*.

In more formal terms, the proto-legislative account says that we are morally permitted to make buying decisions on the grounds that these will create an incentive for others to advance some noneconomic agenda under the following conditions:

- (1) The agenda does not involve restricting the basic liberties of others

- (2) The agenda is guided by a conception of the common good
- (3) The formal democratic process has not already addressed the issue in question
- (4) The process of coordinating market actors is inclusive and deliberative
- (5) The process of coordinating market actors aims to generate standards and arguments that can be the basis for future legislation
- (6) The overall campaign aims to raise awareness of the issue and (if necessary) to put it on the formal legislative agenda

The first two conditions are relatively straightforward. The idea is that we are not authorized to use our bargaining power to constrain other people's basic freedoms or to advance a non-economic agenda that is built narrowly around our own self-interest. As an extension of the democratic process, social change ethical consumerism must be aimed at improving society.

The third condition recognizes the privileged place of formal democratic politics, and rules out attempts by citizens to use their bargaining power in the market to achieve ends that they could not achieve through normal political channels. Suppose, for example, that a group of citizens tried to pass a law prohibiting a certain manufacturing process, but they failed to convince their fellow citizens that this was a good idea. If this group of citizens is economically powerful, they could use their bargaining power in the market to boycott manufacturers who use the process and effectively prohibit it anyway. The third condition basically says that morality does not allow citizens to use social change ethical consumerism to make an "end-run" around the democratic process.

The fourth, fifth and sixth conditions require citizens who engage in social change ethical consumerism to restrain their use of their bargaining power in the market in ways that express democratic respect for their fellow citizens. So rather than simply using their bargaining power to pressure others to comply, citizens who engage in social change ethical consumerism should engage others, including those whom they are pressuring, in a dialogue, and the overall effort should aim to produce standards, arguments and agreements that can eventually be the basis of legislation.

The sixth condition requires some further comment. The point of the sixth condition is for citizens who take part in social change ethical consumerism to recognize the ultimate authority of formal democratic politics. The condition says that citizens who come together to formulate product standards and then enforce them with their bargaining power should not do so in secret. They should be open about what they are doing, so that the wider community is aware of their actions and the issues they are addressing. Moreover, citizens engaged in these projects should be prepared at all times to put their standards and arguments before the full public and to actually seek approval through formal democratic channels if this is required.

What the sixth requirement does *not* say is that citizens must actually get approval for their efforts before they engage in ethical consumerism or that they should act only in ways that they predict would be approved, given the current state of public opinion. The sixth condition is compatible with citizens acting in ways that might be controversial to the wider public or out of step with the mainstream. According to the sixth requirement, citizens respect the authority of the formal democratic process by always conducting themselves as if they were at the same time participating in a public debate about incor-

porating the standards that they are developing into legislation. The central danger that the sixth requirement addresses is that that a group of citizens may withdraw from the wider community and form a factional legislature that makes rules within its own self-declared jurisdiction, without regard for the wider community.

In the next section, I will offer an example to illustrate the kind of social change ethical consumerism that would meet the requirements of the proto-legislative account. Before I do that, I want to add two important caveats. First, the proto-legislative account is meant to cover *vanguard* social change ethical consumerism, not *rearguard* social change ethical consumerism. In some cases, citizens use social change ethical consumerism simply to get manufacturers to conform to existing laws that have passed through the democratic process. For example, meat packers in the United States often fail to comply with regulations designed to ensure food and worker safety, and consumers may boycott meat-packing companies that habitually disregard the law. This is “rearguard” ethical consumerism because it does not introduce new rules into society, but seeks only to make people comply with laws that have already been formulated and endorsed by the legislature. The proto-legislative account is meant primarily to apply to “vanguard” ethical consumerism, where citizens use their market power to introduce new rules into social life.<sup>xx</sup>

Second, the restrictions of the proto-legislative account do not apply with respect to certain abhorrent practices. Some activities are so morally objectionable that we are not required to change these practices through democratic channels. Take the case of Apartheid in South Africa. I take it that the legally sanctioned domination of one racial minority over the rest of the population is morally abhorrent. Morality would permit South Africans to take even undemocratic measures to end the practice, measures such as

nonviolent noncooperation or even some forms of violent resistance. The restrictions of the proto-legislative account flow from respect for democratic values, and since these values do not apply with respect to abhorrent practices, it follows that the restrictions of the proto-legislative account do not apply either. South Africans would have a much more expansive permission to use social change ethical consumerism to end Apartheid. For example, South Africans could boycott companies that were supporters of Apartheid policies, and there would be no requirement that the process of coordination include representatives of these companies or include them in a process of dialogue. No doubt it will be controversial which activities are so abhorrent that we are not required to change them through democratic channels—perhaps some forms of animal cruelty fall into this category. But I take it that some activities do fall into this category. There are also important questions about what people in other countries would be permitted to do in order to end an abhorrent practice.

#### **4. An Illustration: The Forest Stewardship Council (FSC)**

An example will help to illustrate what proto-legislative ethical consumerism would look like. I discuss here the case of the Forest Stewardship Council (FSC), which certifies wood products as being consistent with a range of moral, social and environmental objectives. The FSC meets conditions (1)-(5) listed above, but it is not entirely clear whether it meets condition (6).

Over the course of the 80s and 90s, the public became more aware of the dangers of topical deforestation, loss of old growth forests, and loss of biodiversity.<sup>xxi</sup> Furniture customers started asking retailers about the source of the wood that went into their prod-

ucts. Several boycott campaigns lead some retailers to stop using tropical wood, and many municipal governments in Northern Europe stopped buying tropical wood products as well. In 1992, problems at the UN Conference on Sustainable Development in Rio lead several social and environmental organizations to become dissatisfied with international governments and intergovernmental policy making on forestry issues. All of these factors contributed to the establishment of the FSC in 1993.

The FSC is an independent, nongovernmental, nonprofit organization that “promotes the responsible management of the world’s forests.” It certifies wood products as having been harvested in ways that are consistent with its “basic principles of responsible management.” These principles include: respect for local laws and international treaties; respect for the rights and interests of workers, indigenous peoples and the local community; equitable sharing of the benefits of the forest; and the conservation of biological diversity, water resources, soils and fragile ecosystems.<sup>xxii</sup> Independent certification bodies are accredited by the FSC to carry out annual inspections and spot checks, and then to certify forests, manufacturers and products as FSC compliant. The FSC certified label is widely recognized, and many government and institutional buyers will not buy wood products that are not certified.

The highest decision making body in the FSC is the General Assembly. It has the ultimate authority to make decisions about the proper articulation and interpretation of the principles of responsible management, policies regarding accreditation, and so on. The Assembly is divided into three equally weighted chambers: Environmental, Social and Economic. Each of the chambers is itself divided into two equally weighted sub-chambers, north and south, in order to ensure that groups from the developing world have

a fair chance to contribute. Among the environmental groups represented are Rainforest Action Network, Greenpeace, and the Sierra Club. Social groups include the Arkansas Public Policy Panel, the National Aboriginal Forestry Association and the Taskforce on the Churches and Corporate Responsibility. Economic groups include retailers such as Home Depot and Sainsbury's Homebase, and forest management companies such as Northland Forest Products Inc. and Sweden's AssiDoman Skog & Tra. The Board of Directors manages the day to day operations of the FSC and answers to the General Assembly in biannual meetings that are posted on their website.

The FSC meets the first three conditions of proto-legislative social change ethical consumerism. The mission of the FSC does not aim to limit the fundamental freedoms of other individuals, and its mission is to advance an agenda for the management of forests that clearly serves a conception of the common good. The principle of respect for local laws ensures that the FSC does not attempt to override the will of democratic legislatures in cases where these legislatures have already addressed a regulatory issue.

What is most distinctive about the FSC is that it meets conditions four and five. The FSC process is one that is inclusive, insofar as the general assembly incorporates representatives from a wide range of different groups who would be affected by the application of consumer pressure to change the way that forests are managed and exploited.<sup>xxiii</sup> The process is also deliberative. It would take some close observation to verify that participants are not simply promoted their own self-interest and masking their interests in terms of the common good, but there are other good indicators of deliberative engagement. For one thing, "there is a certain common acknowledgment—one may even say respect—across actors of the broad range of interests and values involved in forests

besides forestry: tourism, recreation, wildlife, cultural values and so forth.”<sup>xxiv</sup> Moreover, background inequalities in power are not excessive, because the economic power of the forestry companies is balanced against the important “social” or “symbolic” capital of the social and environmental organizations.<sup>xxv</sup> Both of these factors suggest the conditions for a deliberative engagement about the proper way to manage forest resources.

With respect to condition five, the FSC process generates standards and arguments that can provide the basis for future legislation. The FSC has national initiatives in over 50 countries, and many of these initiatives include working groups that develop more specific standards and criteria to apply the general principles of responsible management to specific geographical areas and forests. The particular standards and criteria established by a working group, along with the underlying principles that articulate important social values, provide a rich basis for democratic legislation.

A difficult question has to do with the sixth condition. To what extent can we say that the FSC aims to raise awareness and (if necessary) place the issue of responsible forest management on the legislative agenda? There is a certain anarchist tendency in the orientation of the FSC. The organization was born, after all, out of a frustration with governmental and international policy-making processes, including that of the UN. In a very straightforward sense, the FSC is a movement that could not achieve its ends through ordinary democratic channels, and therefore seeks to achieve its ends through a form of direct action. But setting the history of the organization aside, the real question is whether the FSC—here and now—is prepared (if necessary) to present its standards and arguments before the general public in a formal democratic process of lawmaking. Though the FSC clearly respects local laws and regulations, it is not as clear whether it

proceeds in a spirit of respect for the privileged place of these formal democratic institutions. An important implication of the proto-legislative account of social change ethical consumerism is that participants in the FSC would be on a stronger moral footing if they were more clearly oriented toward seeking approval for their standards through the appropriate democratic channels if this became necessary.

### **5. The good of social change ethical consumerism: “waiting rooms” for democracy**

I have explained the central features of the proto-legislative account. When we engage in proto-legislative social change ethical consumerism, our conduct is consistent with fundamental procedural values, such as security for the basic liberties, inclusion, and democratic deliberation. Our conduct is therefore morally permissible. But in order to fully understand the ethical character of the practice, we must understand what makes it good. Proto-legislative ethical consumerism may be morally permissible, but what makes it a worthwhile endeavor? What reason do we have to engage in it?

Michele Micheletti and others have argued persuasively that ethical consumerism should be understood as a form of political action. People in contemporary society now use their actions in the market as a way of engaging with issues of broader social significance and participating in collective efforts to address these issues.<sup>xxvi</sup> I believe that Micheletti and others are right to conceive of ethical consumerism—or, at least, social change ethical consumerism—as a form of political action. However, the proto-legislative account develops this idea further by shaping the practice to make a more specific contribution to the political life of a democratic society.

Proto-legislative social change ethical consumerism essentially creates arenas of informal self-governance that operate below the level of formal democratic politics. We might think of these arenas as the “waiting rooms” of democracy. In a large, complex and technologically sophisticated market society, the resources of the formal democratic legislative and regulatory process are always scarce. We cannot make all of the rules required to direct market activity to desired outcomes through this process, so some issues that merit legislative or regulatory attention simply do not get on the agenda. In a society without proto-legislative ethical consumerism, issues that do not get on the agenda are simply left to the unregulated market. But in a society with proto-legislative ethical consumerism, there is another alternative: issues that merit attention but fail to get on the agenda for formal democratic politics can be the object of informal self-regulation by citizens in secondary arenas, such as the Forestry Stewardship Council. Introducing this secondary form of democratic self-government has several benefits.

One benefit has to do with perpetually secondary concerns. Suppose that some issue requires some form of regulatory intervention, but people happen not to put the issue at the top of their list of political concerns. Take the case of deforestation. Deforestation is a real problem and citizens may think that it is a real problem. But they may just not think that the issue is as urgent as other issues on the national agenda, such as questions about war, peace, and the erosion of civil liberties. Unfortunately, political mobilization in a mass democracy typically focuses on a small number of issues that can move people to the voting booth. And since deforestation is lower down on the list of citizens’ concerns, it will get pushed aside in national debates. Depending on what kinds of trouble a society tends to get itself into, deforestation may remain in this secondary position

for decades. Nonetheless, deforestation is an important issue, one that objectively merits intervention, and one that people also recognize as meriting regulatory attention. Here proto-legislative ethical consumerism can fill an important gap by creating an avenue through which citizens can deliberate with each other and regulate market activity in such a way as to address the issue. Many other important social issues may share the position of near-permanent “also-rans” in mainstream politics, such as issues about worker rights and the interests of animals.

Another benefit of the practice is the contribution it makes to the formation of a legislative will in the community. Under the current arrangement, when issues do not break through into the sphere of formal democratic politics, they languish in the market. But in the market, consumers, workers, and corporations meet each other primarily as groups with competing interests, locked in competitive bargaining. Over the course of many years, these antagonistic relationships can harden the positions of different groups. Even when their positions do not harden, opposing groups make no progress towards the democratic resolution of the underlying problem when they remain locked in competitive relationships. The advantage of proto-legislative ethical consumerism is that the “waiting room” for democracy is no longer just an arena of conflict. Consumers, workers and corporations can get to work while they wait for the attention of the relevant formal mechanisms. Parties involved in processes such as the one exemplified by the FSC can work to reach agreement on basic principles that articulate deeper agreements about shared values. They can also test different rules and standards as possible solutions to various problems. The process serves forge a consensus among the most interested parties about

regulations, principles and values that can form the basis for future legislation and a wider social debate.

A closely related benefit is increased governability. Corporations are powerful players in a modern capitalist democracy, with privileged access to political authorities.<sup>xxvii</sup> Insofar as corporations are purely motivated by profit, they often present an obstacle to passing laws that would protect the rights and interests of weaker players in the market. But the orientation of corporations is closely connected with the orientation of their customers. If consumers are narrowly interested in price and quality, without regard for how a firm delivers these goods, then firms have an interest in fewer protections for weaker players in the market. If, however, consumers are sensitive to whether a firm respects the rights and interests of others—particularly if consumers are willing to make buying decisions based on these considerations—then the profit motive of the firm will be less destructive. There will be less profit to be made by taking advantage of weaker parties in the market. This in turn will make firms less hostile to regulatory efforts to protect weaker players since there would be less to gain from exploiting them. Proto-legislative ethical consumerism has an important benefit, then, when it comes time for the government to regulate an industry. Insofar as consumers reach a broad agreement about important rights and interests in a certain area, they can moderate the conduct of corporations and make them less of an obstacle to regulatory intervention.

Finally, proto-legislative ethical consumerism also serves to expand citizen involvement in the political process.<sup>xxviii</sup> Many people care about the common good, but do not participate in formal democratic politics. There may be many reasons for this: they may not identify with a political party; they may not have general views about social

policy in various arenas; or they may not have the time and energy required. But many of these people would get involved in informal rule-making processes. An individual may, for example, care very much about tropical deforestation. Choices about what furniture to buy or what paper to use are choices that one can easily connect with the concern for deforestation. A rule-making forum, such as the FSC, offers this person a way to participate in the process of collective self-government. He can go on the web and study the issue, understand the rationale behind a certification, and then make informed choices about what products to buy. He may eventually want to take a more active role in discussions about certification policy and perhaps even participate in the FSC process. In this way, informal rule-making forums such as the FSC offer people who might otherwise be disengaged a different avenue for taking part in the political process.

## **6. What's special about social change ethical consumerism?**

I have argued that our authority to use the market to generate social change is limited. There are important procedural values that are secured by the formal, democratic process of decision-making in society, and an unrestricted permission to engage in social change ethical consumerism would be inconsistent with these values. A more restricted permission to engage in social change ethical consumerism, however, is consistent with these values. According to the proto-legislative account, social change ethical consumerism is not an alternative to the democratic process, but a part of it. Through the practices of social change ethical consumerism, citizens discuss new ideas, test them, forge a legislative consensus and distribute the burden of governance more widely in society.

I want to conclude by discussing an objection to the proto-legislative account. Social change ethical consumerism is problematic because it involves citizens using their economic resources to pressure others to act in certain ways. The restrictions of the proto-legislative account are designed to make sure that this practice is consistent with procedural values, such as inclusiveness and democratic deliberation. But how is social change ethical consumerism really different from ordinary consumerism? When citizens engage in ordinary price-quality consumerism, they are also pressuring workers, investors and firms to act in certain ways. Very large changes in society—new forms of work, new technologies, new forms of housing and social interaction, even new cities and towns—are often the result of consumers pressuring workers, investors and firms through their price-quality decisions in the market. This raises a fundamental question: Why do the restrictions of the proto-legislative account apply to social change ethical consumerism, but not to ordinary consumerism?

Let's begin with an observation about social institutions.<sup>xxix</sup> An institution defines various positions, each of which has different forms of authority attached to it. When an institution defines a position of authority, it typically specifies the considerations that are supposed to guide people in these positions when they exercise their authority. The powers attached to the position are not, in this way, a personal resource that the person in office can use however he pleases. The authority is a socially defined power established for specific purposes. In most cases, it would be impossible to provide a justifying rationale for an institution without also specifying the considerations that are supposed to guide office holders in the use of their powers. For example, a public school defines various positions, such as that of a teacher. A teacher has the authority to give grades to students,

but the institution also specifies that teachers are supposed to give grades on the basis of academic merit and incentive considerations. This authority is a socially defined power established for a specific purpose. It would be impossible to formulate a justifying rationale for the public school as an institution without some specification of the grounds on which teachers are supposed to give grades.

Now imagine that we live in a democratic society that has established a public education system for the purposes of educating children. Teachers in the system have the authority to give grades, and they are required to do so on the basis of academic merit and incentive considerations. But suppose that one day, teachers decide that they are going to use their authority to give grades in a way that will advance an environmental agenda. From now on, they will give bonus points to students who walk to school and demerit points to those who drive. Instead of ordinary grading, they engage in what we might call “social change grading,” that is, they hand out grades in ways that create an incentive for students to act in ways that advance an environmental agenda. Both ordinary grading and social change grading involve putting a certain degree of pressure on students to act in certain ways, so is there any reason to treat the two forms of grading differently from the moral point of view?

The authority to give grades is not a private resource granted to teachers, but a socially defined power established for specific purposes. The moral difference between the two forms of grading stems from the character of an institution in which one or the other grading practice is accepted. A public school system in which teachers are required to engage in ordinary grading is an institution that has a clear democratic rationale. A well functioning democratic society would have good reason to set up an institution along

these lines as a way of educating the population. But a public school system that allows teachers to engage in social change grading does not have a clear democratic rationale. It is hard to see why a well-functioning democratic system would empower teachers to advance an environmental agenda through their grading decisions. After all, teachers are not especially qualified to assess environmental policies, and there are more appropriate forums in which society can address these issues.

We might say that a public school system with ordinary grading is *indirectly consistent* with the procedural values that I described in section 2. A democratic society that fully lived up to values such as inclusion, democratic deliberation, and so on, would have good reason to establish an institution along these lines. But a public school system with social change grading would not be indirectly consistent with the procedural values that I described in section 2 because a democratic society that answered fully to these values would not have good reason to establish an institution along these lines.

The preceding observations bear on the moral distinction between price quality consumerism and social change ethical consumerism. The market is a social institution, not unlike the public education system. It creates the position of a legal person, which all of us occupy, and it assigns to this position various powers, including the power to enter into the market and offer inducements to others to get them to provide us with goods and services. The authority that the market gives to legal persons is best understood as a socially defined power established for a specific purpose. And just as in the case of grading, these powers should be understood to come with a particular conception of how office holders are supposed to use them.

Much like a public school system with ordinary grading, a market system with price-quality consumerism is an institution with a clear democratic rationale. A market of this kind is an attractive process for allocating resources to satisfy the economic preferences of consumers, workers and investors. Under the right conditions, bargaining in the market will allocate these resources in ways that are sensitive to the price-quality concerns of consumers, the work-related concerns of workers, and the investment-related concerns of investors. Moreover, as Friedrich Hayek points out, it would be almost impossible for another institution—such as a central planning committee—to achieve a comparable result.<sup>xxx</sup>

Price-quality consumerism is *indirectly consistent* with the procedural values that I described in section 2. Imagine that we are living in a democratic society in which the procedures of social change secure the basic liberties, are inclusive and deliberative, lead to justified coercion, and manage politicization. A democratic system that lives up to these procedural values would have good reason to establish a price-quality market system. So when consumers engage in price-quality consumerism, they take part in an institution that is indirectly consistent with procedural values. Even an ideal democratic society, one that lives up to the requirements of these values, would have good reason to adopt market arrangement that would allow consumers to make choices on these grounds.

By contrast, a market arrangement in which consumers are allowed to engage in social change ethical consumerism is not indirectly consistent with procedural values. The market is not an attractive mechanism for making social decisions about foreign policy, labor policy, environmental protection, and a host of other issues. A democratic society would not have good reason to establish a market system for the purposes of

making these political decisions. So when consumers make decisions in the market on the basis of social change considerations, we cannot regard their actions to be part of an institution that an ideal democratic society would have good reason to adopt. As such, we cannot regard social change ethical consumerism to be indirectly consistent with procedural values.

Summing up, the restrictions of the proto-legislative account do not apply in the case of ordinary consumerism, but do apply in the case of social change ethical consumerism. A price quality market has a clear democratic rationale, so people act consistently with democratic values when they participate in this practice. No extra restrictions are necessary. By contrast, a market in which people engage in social change ethical consumerism does not have a clear democratic rationale. As such, people cannot rely on the institution itself to ensure that they are acting consistently with procedural values. The special restrictions of the proto-legislative account are necessary to ensure that they are acting consistently with these values when they engage in these nonstandard forms of consumerism.

I want to conclude this section by considering an objection to my argument up to this point. Someone might argue that there is no bright line that distinguishes decisions based on price-quality considerations from decisions that advance some noneconomic agenda. Imagine, for example, that we live in a society where people make decisions based on price-quality considerations. Jews are a minority and there are not enough observant Jews to support a kosher butcher. It may be true that no one in our society is trying to prevent Jews from practicing their religion: no one is boycotting butchers for being kosher. People just avoid them because they are more expensive. The effect, however, is

still to drive these butchers out of business, which effectively prevents observant Jews from practicing an important part of their religion. This is just one example of a more general phenomenon: economic considerations may line up in such a way that people making decisions based on economic considerations actually end up making choices that advance some noneconomic agenda. It seems then that there is no clear distinction between decisions based on price quality considerations and decisions that advance some noneconomic agenda.

Here I would say first that my view only requires that we distinguish between decisions based on price-quality considerations and decisions based on the goal of advancing some noneconomic agenda. This is a distinction based on the reasons that we take as the basis of our decision. My view does not require that we distinguish between decisions based on price-quality considerations and decisions *that have the effect* of advancing a noneconomic agenda.

Perhaps the deeper point raised by the objection is this: even if people are making decisions in the market based only on price-quality considerations, their decisions may have the effect of promoting a certain noneconomic agenda. This in turn would mean that in a society with a price-quality market, some decisions that should be made through formal democratic politics would actually be made through the market. In response, I would say that we have to embed market institutions in institutions that protect certain basic freedoms, such as the freedom of expression and the freedom of religion, as well as arrangements that ensure that people have a fair share of social resources to advance their ends. A democratic legislature would also have to monitor the market to intervene in cases where the market is generating objectionable results. These measures would serve

to constrain the potential impact of price-quality consumerism, and limit the extent to which important social decisions are taken out of the hands of legislators. Of course, it is possible that a market based on price-quality consumerism is fundamentally unmanageable; it may advance noneconomic agendas in ways that surrounding institutions and democratic legislatures could not control. But there is no particular reason to think that this is actually the case.

## **7. Conclusion**

As more traditional modes of governance have failed to rein in corporations, ethical consumerism has come to play an increasingly important role in social responses to various environmental, labor and trade concerns. Citizens increasingly see their economic power as consumers as a way of guiding market activity to better outcomes. The argument of this paper has been supportive of this movement. We must never lose sight of the dangers of social change ethical consumerism: it is a potential threat to the basic liberties; it can marginalize poorer and less well-organized groups; it does not involve a deliberative engagement among citizens; it involves the application of coercive power; and it can over-politicize social life. But I have argued that proto-legislative ethical consumerism avoids the major pitfalls. Moreover, the practice is good in that it creates waiting rooms for democracy that advance the project of collective self-government. In many instances, social change ethical consumerism can amount to a form of vigilante justice. But within the constraints of the proto-legislative account, social change ethical consumerism has a legitimate place in the practices of a democratic society.

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<sup>i</sup> The categories that I am using to describe ethical consumerism focus on the justifying rationale for a consumer's decisions. Since we often make decisions in the market based on more than one ethical consideration, our conduct may fall into more than one category of ethical consumerism at the same time. For the purposes of my argument, however, this is not a problem. My argument asks us to take the point of view of a consumer making a decision—in effect, it asks us to reflect on our own decisions as consumers. As we are going about the task of deciding what to buy, we can distinguish between the various considerations that seem relevant to our decision, and I will argue that some of these considerations are acceptable grounds for a buying decision (under the right conditions), while others are not. Since the argument aims to tell us how we ourselves should approach the task of weighing different considerations and making a decision, it is not particularly important that an observer might classify our behavior as falling into more than one category at the same time.

<sup>ii</sup> For a helpful terminological discussion, see Monroe Friedman, *Consumer Boycotts* (New York: Routledge, 1999).

<sup>iii</sup> Culture jamming involves inventive strategies for undermining the advertising and media strategies of corporations to promote positive social change. In one famous case of culture jamming, an MIT student tried to order a personalized pair of sneakers from *Nike* with the word “sweatshop” emblazoned on the side. Needless to say, *Nike* refused the order. See Jonah Peretti (with Michele Micheletti), “The Nike Sweatshop Email: Political Consumerism, Internet, and Culture Jamming” in *Politics, Products, and Markets: Exploring Political Consumerism Past and Present*, Michele Micheletti et. al. eds. (New Brunswick: Transaction Publishers, 2004).

<sup>iv</sup> Certification programs have been used by investments funds to advance noneconomic ends. These are essentially attempts by citizens to assert control over economic life from their position as investors. Certification programs have also been used to help employees make decisions about where to work (e.g. “10 Best Green Workplaces”). I do not have the space to address these aspects of the new governance, but much of what I say about social change ethical consumerism applies to “social change ethical investing” and “social change workplace consumerism.”

<sup>v</sup> My account of procedural values follows various nonconsequentialist theories of value in holding that a value is most fundamentally a set of reasons for individuals to take certain actions and form certain attitudes. In the political context, we might see values as sets of reasons for the members of a community to adopt certain institutions, practices, and customs. For this view of value, see especially T. M. Scanlon, *What We Owe to*

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*Each Other*, chapter 2. See also, Joseph Raz, *The Morality of Freedom*; Elizabeth Anderson, *Value in Ethics and Economics*; and Michael Walzer, *Spheres of Justice*. A similar idea is implicit in Amartya Sen's distinction between valuing outcomes and valuing the processes through which these outcomes come about. See *Development as Freedom*, chapter \*\*\*.

<sup>vi</sup> For a discussion of the basic liberties, see Rawls, *Theory*, Part II and "The Basic Liberties and their Priority."

<sup>vii</sup> See Mill, *On Liberty*; Rawls, *A Theory of Justice*, pgs. \*\*\*.

<sup>viii</sup> Michele Micheletti, *Political Virtue and Shopping* (New York: Palgrave, 2003), pg. 67.

<sup>ix</sup> Friedman, *Consumer Boycotts*, pg. 167-71.

<sup>x</sup> Friedman, *Consumer Boycotts*, pg. 167.

<sup>xi</sup> The group has used boycotts and the threat of boycotts against companies like *Walt Disney*, *Ford*, and *WalMart* for offenses that include extending insurance benefits to same-sex partners, advertising in gay media outlets, and sponsoring television programs, such as *Ellen* and *Will & Grace*, that portray gay people as normal members of society. See Friedman, *Consumer Boycotts*, pg. 170; "Still Advertising to Gays; Ford Under Boycott Again" *New York Times* (March 15, 2006); "Wal-Mart Boycott Over Gays Called Off" <http://www.msnbc.msn.com/id/15835445/>.

Of course, social change ethical consumerism can also be used by less powerful members of society to defend their basic rights. I think that it is possible to conceive of the permission to use social change ethical consumerism in such a way as to allow the less powerful to use this procedure to defend their rights, without allowing the more powerful to use this procedure to constrain other people's rights. Also, as Cheryl Greenberg points out, even groups that use social change ethical consumerism to defend their basic rights may at the same time use their new found power to threaten the rights of others. See Cheryl Greenberg "Don't Buy Where You Can't Work" in Lawrence Glickman (ed.) *Consumer Society in American History: A Reader*, (Ithaca: Cornell University Press, 1999) and "Political Consumer Action: Some Cautionary Notes from African American History" in Michele Micheletti, et. al. (eds.) *Politics, Products, and Markets: Exploring Political Consumerism Past and Present*.

<sup>xii</sup> See Rawls's discussion of the fair value of the political liberties in *A Theory of Justice*, [cite] and "The Basic Liberties and their Priority" [cite]. See also Rawls's comments on the connection between a property owning democracy and the protection of the fair value of the basic liberties in *Justice as Fairness: A Restatement*, [cite].

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<sup>xiii</sup> See Andreas Follesdaal, “Political Consumerism as Chance and Challenge” in Michele Micheletti, et. al. (eds.) *Politics, Products, and Markets: Exploring Political Consumerism Past and Present*.

<sup>xiv</sup> See Joshua Cohen, “Deliberation and Democratic Legitimacy”; Jürgen Habermas, *Between Facts and Norms* (Cambridge: MIT Press, 1996) and “The Public Sphere” in *Jürgen Habermas on Society and Politics: A Reader*, edited by Steven Seigman (Boston: Beacon Press, 1989): 231-6.

<sup>xv</sup> See Rawls, *Political Liberalism*, \*\*\*.

<sup>xvi</sup> On the relation between property and state coercion, see Norman Daniels, “Equal liberty, Unequal Worth of Liberty”; G.A. Cohen, \*\*\*, and Jeremy Waldron, “Homelessness and the Issue of Freedom.”

<sup>xvii</sup> See Rawls, *Theory*, pgs. \*\*\*. For the importance of everyday interactions in social integration, see Habermas, *Between Facts and Norms*, \*\*\*. (See also, Marcel Mauss, *The Gift*; Anthony Giddens, \*\*\*) In the *Philosophy of Right*, Hegel argues that the market is an important integrating force in society because it is through the market that we orient our productive activities to the needs of others and others orient their productive activities to our needs. See the *Elements of the Philosophy of Right* section \*\*\*.

<sup>xviii</sup> For an interesting discussion of the extent to which this has already happened, see Paul Taylor and Richard Morin, “Americans Say They Like Diverse Communities; Election, Census Trends Suggest Otherwise” Pew Research Center (December 2, 2008); <http://pewsocialtrends.org/pubs/719/diverse-political-communities>

<sup>xix</sup> Of course, formal democratic politics in our society falls short—our practices are not nearly as inclusive or deliberative as they ought to be. But the privileged position of formal democratic politics in our society does not rest on the fact that the process *actually* works the way that it should. Rather it rests on a fact about institutional design. The only realistic way for us to live up to the demands of procedural values is for us to assign formal democratic politics a privileged position in society, and then try to improve the process. If our politics is broken, our duty is to fix it. If the practices of formal democratic politics are not working the way that they should, the appropriate response is to do more to make it work better, not to abandon these practices and try to establish some competing mechanism of social change.

<sup>xx</sup> There may be other constraints that apply to rearguard ethical consumerism—not everyone is authorized to enforce the law—but the special restrictions of the proto-legislative account are meant to apply in the case where citizens are looking to break new ground.

<sup>xxi</sup> The international website of the FSC is [www.fsc.org](http://www.fsc.org). The US chapter also has a website: [www.fscus.org](http://www.fscus.org). In addition to the FSC’s publications, the account in this section draws on the following: Fred Gale, “*Caveat Certificatm*: The Case of Forest Certifica-

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tion” in *Confronting Consumption*, Thomas Princen, et. al. (eds.) (Cambridge: MIT Press, 2002); Michele Micheletti, *Political Virtue and Shopping: Individuals, Consumerism, and Collective Action* (New York: Palgrave Macmillan, 2003); Mikael Klintman, “Participation in Green Consumer Policies: Deliberative Democracy under Wrong Conditions?” *Journal of Consumer Policy* 32 (2009), pp. 43-57; and Benjamin Cashore, et. al., “Legitimizing Political Consumerism: The Case of Forest Certification in North America and Europe” in *Politics, Products and Markets*, Michele Micheletti et. al. (eds.).

<sup>xxii</sup> [http://www.fscus.org/standards\\_criteria/](http://www.fscus.org/standards_criteria/)

<sup>xxiii</sup> Small and medium sized European forest companies have argued that the FSC was insensitive to their interests. This gave rise to changes in the FSC process to address these concerns. But the Small and medium sized producers decided to set up their own parallel standard setting organization. See \*\*\*

<sup>xxiv</sup> Klintman, “Participation in Green Consumer Policies,” p. 48.

<sup>xxv</sup> Ibid.

<sup>xxvi</sup> Michele Micheletti, *Political Virtue and Shopping*, pp. 14-15. Micheletti describes the new pattern of engagement that we see in political consumerism as “individualized collective action.” Traditional forms of political action involve citizens “taking part in structured behavior already in existence and oriented toward the political system per se...” (p. 25). Individualized collective action, by contrast, is “citizens prompted, citizen created, action involving people taking charge of matters that they themselves deem important in a variety of arenas.” Micheletti herself does not draw the distinction between the “anarchist” and “democratic” approaches to addressing the common good, but I think that the distinction is implicit in her definition. After all, an important aspect of the contrast she draws is that citizens who take part in individualized collective action take direct responsibility for some aspect of the common good and their activity is not oriented towards traditional, established, formal democratic policy-making channels. Insofar as Micheletti aims not only to describe political consumerism as a social phenomenon, but also to defend the practice, there is a substantive disagreement. The proto-legislative account says that a defensible form of social change ethical consumerism must conceive of itself not as a form of anarchist direct action, but rather as a form of democratic engagement is oriented at a fundamental level towards more traditional, formal democratic political structures.

<sup>xxvii</sup> See Lindblom \*\*\*, Dahl \*\*\*.

<sup>xxviii</sup> See Micheletti, *Political Virtue and Shopping*, pg. \*\*.

<sup>xxix</sup> The following observations about institutions draw on T.M. Scanlon, “Due Process” in *The Difficulty of Tolerance* (Cambridge: Cambridge University Press, \*\*\*)

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<sup>xxx</sup> Cite Hayek.