

Irrational Advertising and Moral Autonomy

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Abstract This article analyzes the four main criticisms against commercial manipulative advertising (here called irrational advertising): the virtue ethics criticism (“irrational advertising prevents human virtue”), the utilitarian criticism (“irrational advertising harms general happiness”), the autonomist criticism (“irrational advertising violates the audience’s autonomy”), and the Kantian criticism (“irrational advertising implies treating humanity merely as means”). After demonstrating the weaknesses of the virtue ethics criticism, the utilitarian criticism, and the autonomist criticism, I reconstruct the latter using Kant’s conception of autonomy. In doing so, I simultaneously expand the Kantian criticism: irrational advertising not only entails treating humanity merely as means, but it also threatens moral autonomy by encouraging heteronomy and sometimes even a rebellion against the moral law.

Keywords Advertising ethics · Autonomy · Categorical imperative · Immanuel Kant · Irrational advertising · Manipulation

Irrational Advertising and Moral Autonomy

One of the more influential criticisms against commercial manipulative advertising is that it diminishes the audience’s autonomy (in what fol-

lows, *the autonomist criticism*). But, as Sneddon (2001) has properly diagnosed, the concept of autonomy that is taken for granted in the advertising ethics literature is unsatisfactory—shallow autonomy, in his words.

Like Sneddon, this paper calls for a reconstruction of *the autonomist criticism*. Unlike him, though, I refer to a version of autonomy that, despite its strength and vast influence, has been for the most part neglected in such literature: that of Immanuel Kant (Germany, 1724–1804), the great Modern philosopher who focused, more than any other first-order ethicist, on autonomy as the keystone principle of morality.

The analysis will show how manipulative advertising, and more specifically what I will call irrational advertising, not only may convert us into automaton shoppers (i.e., shoppers who act like programmed machines), but, much worse, constitutes a threat to our *moral autonomy* by encouraging heteronomy and in extreme cases a rebellion against the moral law.

The article will also show how a Kantian evaluation of manipulative advertising needs not to stop at an analysis of how it implies treating humanity merely as means, but that it can continue in the direction I propose. In other words, my criticism is not only a reformulation of *the autonomist criticism*, but also an expansion of *the Kantian criticism* of manipulative advertising.

The paper opens with a definition of manipulative advertising and its forms. It then reviews two other influential criticisms of irrational advertising: *the virtue ethics criticism* and *the utilitarian criticism*. This paves the way to *the autonomist criticism*, which is first introduced and then criticized. Kantian autonomy is next presented and taken as the best standard with which to

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reconstruct *the autonomist criticism*. Finally, *the Kantian criticism* of irrational advertising is developed.¹

Manipulative Advertising

Ethicists tend to speak of either deceptive or manipulative advertising. This is a mistake. It is so because deception is also a type of manipulation, as Beauchamp's "continuum of influences" (2001) shows.

According to the continuum, advertisers seeking to make people buy or buy more of a product have basically three options: to rationally persuade us, to coerce us, and to manipulate us. Beauchamp does not mention it, but these options are not mutually exclusive. For instance, an ad could simultaneously appeal to our reason and to our emotions—hence being, all things considered, ultimately manipulative. To understand this and the "continuum" better, let us look further at each of its components.

On the positive extreme of the continuum, we find rational persuasion, which Beauchamp defines as

A deliberative and successful attempt by one person to encourage another to freely accept beliefs, attitudes, values, or actions through appeals to reason. The first person offers what he or she believes to be *good reasons* [my emphasis] for accepting the desired perspective. In paradigmatic cases of persuasion, these good reasons are conveyed through structural verbal facts or argument (2001, p. 477).

Under this definition, even so-called "informative advertising" would be an instance of rational persuasion. Why? Because informative advertisements, like the purely descriptive ads of the classified section of a newspaper or in the yellow pages, always contain a hidden conclusion: "You should get X," "X is good," or something along these lines—the premises being the "verbal facts" (product description, price, etc.) that Beauchamp mentions.

On the other extreme of the continuum we find coercion. Coercion occurs when "one party deliberately and successfully uses force or a credible threat of unwanted, avoidable, and serious harm in order to compel a particular response from another person" (Beauchamp 2001, p. 477). Coercive advertising is rare. As an example, Beauchamp mentions ads "directed at a starving population that 'offer' food and medical attention in return for marketable blood" (2001, p. 477).

Finally, between rational persuasion and coercion, we find manipulation:

A broad category that includes any attempt to elicit a desired response from another person by noncoercively modifying choices available to that person or nonpersuasively altering another person's perceptions of available choices. (Beauchamp 2001, p. 479)

Manipulation, Beauchamp claims, takes several forms in advertising. Among them, he mentions "incentives, strong offers, indoctrination, propaganda, emotional pressure, irrational persuasion, temptation, seduction, and deception" (Beauchamp 2001, p. 479).

Speaking more broadly of manipulative marketing (an expanded concept that includes advertising), Sher (referring to Greenspan 2003) says something along the same lines: "it [manipulative marketing] encompasses a large number of subtly different practices and includes both verbal and non-verbal tactics that communicate through emotional cues" (2011, p. 102). Unlike Beauchamp, though, Sher ultimately speaks of two types of manipulation: the marketer/advertiser can manipulate either by deception or by playing on a vulnerability she believes exists in her audience's normal decision-making process (2011, p. 103).

Sher defines deceptive marketing/advertising as that which presents "false claims, important omissions, or misrepresentations of what the facts mean to bring about consumer misconceptions" (2011, p. 100). Undercover marketing/advertising, a technique that consists in infiltrating ordinary life with fake events that are presented as real to the general public, is an example of deception through important omissions. This usually involves professional but unknown actors who, at bars, shopping malls, sports events, etc., pretend to spontaneously praise a product, without revealing that they are being paid by the corresponding company to do so.

It is generally uncontroversial (although still philosophically challenging) that advertising should not be deceptive. We protest when we fall prey to a deceptive ad, and its practice is for the most part legally banned (undercover marketing/advertising is one of the exceptions, at least in the U.S.). The status of advertising that plays on our vulnerabilities is different. Much of today's advertising is of this type, the law permits it, and few are offended by it.

The vulnerabilities that the advertiser can take advantage of, Sher clarifies, are of four types: emotional, perceptual, cognitive, and ethical (2011, p. 107). The following is an illustration of how an advertiser can play on a cognitive vulnerability (what logicians call "appeal to inappropriate authority"):

Using a well-regarded spokesperson typically makes for an effective marketing tactic because we heuristically place great value in the opinions of people we admire—regardless of whether they have any actual

¹ A clarification is in order. This paper slowly unfolds towards a criticism of a type of advertising, namely irrational. The guilty party, though, are advertisers who engage in this type of advertising, not the ads themselves which, as "things," cannot be blamed.

expertise about, or experience with, the product in question (even assuming that their feelings about the product are genuine. (Sher 2011, p. 108).

Since while playing on a vulnerability the advertiser appeals to something different than the reason of the audience, I propose to speak of this particular of type of manipulative advertising as irrational advertising. So instead of talking of deceptive and manipulative advertising, as it is usual in the literature, in what follows I will speak of deceptive and irrational advertising, both of which are manipulative.²

Irrational advertising is also well exemplified by what Waide (1987) calls associative advertising. This technique consists in arbitrarily linking a marketed product (e.g., car) with a non-related or almost non-related non-market good that the audience naturally desires (e.g., power). As Michael Phillips explains it, “by purchasing the product, their ads suggest, the consumer somehow will get the nonmarket good” (1994, p. 33). Contemporary examples are those of Coca Cola and happiness, or Axe body spray and sex.

That associative advertising is not deceptive is explained by Waide as follows:

Most of us have enough insight to see both (a) that no particular toothpaste can make us sexy and (b) that wanting to be considered sexy is at least part of our motive for buying that toothpaste. Since we can (though, admittedly, we often do not bother to) see clearly what the appeal of the ad is, we are usually not lacking in relevant information or deceived in any usual sense. (1987, p. 74)

But the fact that associative advertising and, more generally speaking, irrational advertising is not deceptive, does not make it right. In fact, many believe that irrational advertising, like deceptive, is also immoral—but what exactly is wrong with it?

Critics of irrational advertising have mainly focused in whether it prevents human virtue (*the virtue ethics criticism*), whether it harms society’s utility (*the utilitarian criticism*), or whether it violates the audience’s autonomy (*the autonomist criticism*). A proper moral analysis of irrational advertising requires knowledge of the three.

The Virtue Ethics Criticism

The virtue ethics criticism is not the most influential, but it is certainly one of the strongest. Its champion is Waide

² *The utilitarian criticism* may include an analysis of how it diminishes human virtue, but if so it should not be confused with *the virtue ethics criticism*, just as we should not equate utilitarianism and virtue ethics.

who, as was mentioned before, coined the term “associative advertising” and who criticizes it for making us (both the advertisers who practice it and their audience) “worse and, quite likely, less happy persons” (Waide 1987, p. 75).

The specific way in which this technique makes us worse is summarized by Waide as follows: “Associative advertising tends to desensitize its practitioners to the compassion, concern, and sympathy for others that are central to moral virtue and it encourages its audience to neglect the cultivation of non-market virtues.” (1987, p. 75)

Regarding the latter (the worsening of the audience), Waide explains:

Each product contributes its few minutes each day, but we are bombarded for hours with the message that friends, lovers, acceptance, excitement, and power are to be gained by purchases in the market, not by developing personal relationships, virtues and skills. (1987, p. 75)

Now despite its strength, Waide’s criticism has received few (or none?) straight responses.

An indirect response (indirect since the author does not include Waide in her references) is given by Barbara Phillips (1997), who has developed *the blame capitalism defense*.

Barbara Phillips begins by highlighting the supposed collective effects of advertising:

- The elevation of consumption over other social values,
- The use of goods to satisfy social needs, and
- General dissatisfaction with one’s life (1997, p. 109).

These three effects, Barbara Phillips explains, are different aspects of a pervasive phenomenon: the increase of materialism in society (*the increased materialism criticism*, which resembles *the virtue ethics criticism* of Waide). Should we blame advertising for this shift towards materialism? In Phillips’ opinion, we should not.

Advertising should not be blamed insofar as it “is just a tool for directing consumers attention; on what our attention is focused depends on the who is controlling the advertising” (Phillips 1997, p. 113). Here, Phillips fingers capitalism: “The above three conditions of materialism are leveled at advertising because it is a visible target of attack, while ignoring the true cause of these social conditions—capitalism” (Phillips 1997, p. 116).

It is important to clarify that Barbara Phillips does not embrace socialism as a solution, as some may expect. Instead, she proposes to increase social awareness of these problems through education and more advertisement of alternative value systems. In any case, for what is of our concern here, advertising is, in her opinion, as innocent as the knife used by the butcher to kill his neighbor.

The problem with *the blame capitalism defense* is that, in the capitalist world in which we live, most of the time

advertising supports capitalism. The way it does so is by serving corporations—capitalism's main players. Hence if capitalism is blamable for the increase of materialism in society, as Barbara Phillips claims, advertising that sides with it would be too. In her opinion, anyone promoting materialism is to be blamed for such wrongdoing, but she seemingly forgets that advertising many times does so too, i.e., that there is capitalist advertising.

Waide, let us not forget, does not criticize advertising as a whole for making us worse people, but just a type of advertising, namely associative. He would agree with Barbara Phillips that advertising that does not promote materialism is free of blame. Phillips, though, errs in bypassing that there is a type of advertising that promotes the same thing that, in her opinion, capitalism does.

A stronger case against *the virtue ethics criticism* of Waide would address the empirical character of his claim. Waide is, after all, affirming a causal relation between associative advertising and the virtue of both advertisers and the audience. Nowhere in his paper, though, does he prove such a relationship. A more sympathetic reading, however, would see Waide delivering a philosophical insight on reality, closer to speculation than to the empirical proof that, say, a social scientist would expect, but reasonable nonetheless, even accurate. In other words, what Waide claims may be true, even if he does not prove it empirically in his paper.

Another case against *the virtue ethics criticism* would address virtue ethics itself. Virtue ethics, after all, can hardly avoid assessing some degree of objective standard for good character. Classic Western virtue ethics, for instance, speaks of temperance, fortitude, justice, and prudence—the so-called cardinal virtues. Christian virtue ethics, in turn, adds faith, hope, and love to the picture—the theological virtues. Now these standards may in fact exist. The problem is that, in a multicultural and increasingly secular world as ours, many people find them untenable. This explains in part why some scholars recur to more modern ethical frameworks, such as utilitarianism, in order to understand the evils of irrational advertising.

The Utilitarian Criticism

The utilitarian criticism focuses on the negative consequences of irrational advertising in relation to general utility.³ For example, many, like Bakan, claim that the

³ A reviewer had difficulty in designating deception as a species or component of manipulative advertising. In his or her opinion, irrational persuasion is a better correspondent, and deception is a category unto itself. To support this, the reviewer mentioned that there are consumer laws and policies against deceptive advertising, but no particular laws directed to irrational persuasion per se. I disagree. In deceiving I also manipulate others (or attempt to do so).

advertisement of fast food towards children, which tends to appeal to their vulnerabilities, is in great measure responsible for the epidemic levels of childhood obesity and diabetes in the U.S. (2004, pp. 123–125).

Among the utilitarian critics, Galbraith (1994) is paradigmatic.

Briefly, Galbraith speaks of advertising as an artificial wanton machine which cannot “be reconciled with the notion of independently determined desires,” since its “central function is to create desires” (in Hoffman and Frederick, 1994, p. 406). The problem with this incompatibility, and more broadly speaking with what Galbraith calls the productive society, is what it produces. In his words, “this manifests itself in an implacable tendency to provide an opulent supply of some things [e.g., bigger cars] and a niggardly yield of others [e.g., public parks]” (p. 407). This imbalance, in the long term, prevents the maximization of the citizen's satisfactions. In other words, according to Galbraith, advertising damages general happiness.

But there are—not surprisingly, considering the consequentialist nature of utilitarianism—also utilitarian defenses of advertising, such as that of Leiser (1979) and his *you needed it anyways defense*. In Santilli's (1983) account, Lesier claims that “it is not the style or content of the advertisement which makes it moral or immoral but the product being promoted and the existence of an actual need for that product on the part of those to whom the advertisement is being directed” (1983, p. 28). So no matter if you were manipulated: if you needed the product, the fishy persuasive technique is washed off.

The difference between Galbraith and Leiser, let us note, is merely one of optimism: contrary to what Galbraith thinks, for Lesier advertising many times responds to real needs. Not all defenders, though, are as enthusiastic as Leiser. Michael Phillips (1994) is one of the less enthusiastic, having developed *the lesser of two evils defense*:

But if manipulative [irrational] advertising is central to the system's operation [modern consumer society], how safely can it be condemned? Assuming that the condemnation is effective, manipulative [irrational] advertising disappears, and all advertising becomes informative, people gradually would be weaned from their consumerist ways. This is likely to create social

Footnote 3 continued

This is further developed in “*The Kantian criticism*” section. Also, the fact that laws and policies tend to focus on deceptive advertising and overlook irrational persuasion may have other explanations: (a) irrational persuasion is harder to legislate; (b) legislator and the general public may be blind to the evils of irrational persuasion; and so on. That said, there are increasing examples of legislation that address irrational persuasion around the world. The case of fast food advertising addressed to children is an instance of that.

instability, with a more authoritarian form of government the likely end result. That, in turn, could well mean an environment in which aggregate utility is lower than it is today, human autonomy and rational nature are less respected, and/or the virtues less recognized. (Phillips 1994, p. 58)

In other words, irrational advertising is “the lesser of two evils” (Phillips 1994, p. 57) and, because of that, should be preserved, even while looking at it with scorn. One cannot help but suspect that Michael Phillips is committing a fallacy here (specifically, a slippery slope). Even if he is not, his defense is still fragile for the following reason.

Some people would attack the utilitarian analysis of irrational advertising for its utilitarian basis. Utilitarianism, in fact, has been subject to many objections. Several of them were successfully addressed by Mill himself in his *Utilitarianism* (2001[1861]). At least one, however, remains alive, *the threat to individual rights objection*, which Sandel explains as follows:

The most glaring weakness of utilitarianism, many argue, is that it fails to respect individual rights. By caring only about the sum of satisfactions, it can run roughshod over individual people. For the utilitarian, individuals matter, but only in the sense that each person’s preferences should be counted along with everyone else’s. But this means that the utilitarian logic, if consistently applied, could sanction ways of treating persons that violate what we think of as fundamental norms of decency and respect... (2010, p. 37)

In advertising, this translates into justifying disrespectful ways of treating the audience for the sake of desirable consequences, as Leiser and Michael Phillips do. Think, for example, of ads in which women are objectified. In Leiser’s opinion, these ads would be fine as long as the advertised product satisfied an actual need. The problem aggravates when we realize that not only utilitarian defenders, but also utilitarian critics, if they are consistent, are open to fall into the same mistake of justifying disrespectful advertising. In fact, if what ultimately matters is general utility, anything can be sacrificed in its name.

Take the case of Santilli, who merges *the utilitarian criticism* and *the autonomist criticism*: “An advertising which concentrates on the cultivation of wants through irrational means fails to meet the criterion of utility for it lessens the well-being of society by undermining the cognitive means for understanding what our real needs are” (1983, p. 29). In other words, Santilli is saying that autonomy should be protected but for the sake of utility, an

argument that resembles the one given by Mill in favor of civil liberty in *On Liberty* (1989[1859]). The problem with this is that autonomy is merely seen as a means to collective utility. Hence, if conditions change, autonomy could be sacrificed for the sake of that same utility. Even as a critic of irrational advertising, Santilli (in fact, any utilitarian critic) cannot consistently deny such possibility. Autonomy (and individual rights in general) seems to be always at peril in a utilitarian world.

The autonomist criticism, though, is not always utilitarian, as in the case of Santilli. There are arguments that defend autonomy against irrational advertising not for its consequences but for its own sake, as we will see next.

The Autonomist Criticism

The autonomist criticism is the more common objection to irrational advertising. It states that the latter, instead of treating consumers as kings, debunks their autonomy as to make them automaton shoppers (again, shoppers who act like programmed machines). Michael Phillips (who has developed a utilitarian defense, as we have seen in the former section) describes *the autonomist criticism* as follows:

To some people...even if manipulative [irrational] advertising increases consumer’s utility, it is bad because it does so by suppressing their ability to make intelligent, self-directed product choices on the basis of their own values and interests. In other words, manipulative [irrational] advertising now seems objectionable because it denies personal *autonomy*. (1994, p. 46)

One of the champions of *the autonomist criticism* is Crisp (1987). But since Crisp answers Arrington’s (1982) defense of advertising, we need first to remember the latter’s thesis.

An advocate of advertising, Arrington develops *the overstatement defense*. He starts presenting concrete ways in which advertising presumably threatens the audiences’ autonomy, namely puffery, indirect information transfer—what Crisp calls “repetition”—, and subliminal advertising. Next Arrington asks if these advertising techniques:

Involve a violation of human autonomy and a manipulation and control of consumers behavior, *or* do they simply provide an efficient and cost-effective means of giving the consumer information on the basis of which he or she makes a free choice? (Arrington 1982, p. 6)

His conclusion is that advertising “may, but certainly does not always or even frequently, (1) control behavior, (2) produce compulsive behavior, or (3) create wants which

are not rational or (4) are not truly those of the consumer” (Arrington 1982, p. 11). Let us focus on the latter: autonomous desires.

In arguing how advertising does not create nonautonomous desires, Arrington picks up Frankfurt’s (1971) first and second-order desires distinction. As Frankfurt explains the latter, “someone has a first-order desire when he wants to do or not to do such-and-such...he has a second-order desire when he wants to have or not to have a certain desire of the first order” (1971, p. 7). It is Arrington opinion that advertising, in fact, creates first-order-desires, but these are not necessarily nonautonomous. A first-order-desire would be nonautonomous only if a second-order-desire rejects it. The fact is—Arrington claims—that most of the desires created by advertising are legitimated by second-order desires and, when that happens, our autonomy remains intact. Using a contemporary example, Axe’s irrational ads may ignite in me a first-order-desire to get their body sprays, but if a second-order desires confirms it, my autonomy is preserved.

To say that advertising harms the audiences’ autonomy is, Arrington tells us, an overstatement. DeGeorge claims something similar in a more straightforward way: “Manipulation and coercion through advertising are immoral [...] But the charge is clearly an overstatement if it asserts that all members of the public are gullible, unsophisticated and manipulable by media advertising” (2001, p. 468).

What is Crisp’s criticism of Arrington? Crisp criticizes the latter’s defense of advertising with the argument that he sets “the standards for autonomy too low for them to be acceptable to common sense” (1987, p. 414). He does so by commenting on each of the four topics that Arrington treats in his article: autonomous desire, rational desire and choice, free choice, and control or manipulation.

Regarding autonomous desire, which we just discussed with Arrington, Crisp says that we have a second-order desire not to be manipulated by others without our knowledge. Hence, if we are prey to irrational advertising and become aware of it, our second-order desire of not being manipulated will reject the first-order desire originated by the ad. The first-order desire is hence revealed as nonautonomous. Irrational advertising, therefore, will be immoral even if what is sold to us is confirmed by a less relevant second-order desire: I may have a second-order desire for the body spray irrationally advertised by Axe, but I also have a stronger second-order-desire of not being manipulated without my knowledge.

The debate around *the autonomist criticism* of irrational advertising was revitalized at the beginning of this century by Sneddon (2001) and Cunningham (2003).

Sneddon begins by criticizing the version of autonomy used by his predecessors: “the literature on advertising has

been damaged by use of an unduly narrow sense of what autonomy involves” (2001, p. 16). He calls this narrow conception shallow autonomy (making autonomous choices), which he distinguishes from deep autonomy (being an autonomous person). It is Sneddon’s opinion that “advertising is at least as much a threat to deep autonomy as it is to shallow autonomy” (2001, p. 26). Let us briefly examine how the former could be the case.

Sneddon’s deep autonomy is rooted in Charles Taylor’s work (1985a, b; 1989; 1991). One of its requirements is “openness to possible ways of living” (2001, p. 22). The latter, in turn, requires (among other things) “knowledge of such values and possibilities.” The problem, Sneddon points out, is that advertising debunks that knowledge by encouraging homogeneity:

For people to know of, e.g., ways of living others than their own, they have to be exposed to them in some way. One way this happens is through exposure to representations of these ways of living...However, advertising works against this...Particular advertisements encourage homogeneity. Since the purpose of an advertisement is to sell a product, the advertisement works if it can get large groups of people to act in one way [the ‘capitalist and consumerist way,’ Sneddon clarifies later]. The more people actually act in essentially one way, we can reasonably speculate...that the easier the advertiser’s job becomes. Once homogeneity is brought about, advertisers have a background of similarity to appeal to. (Sneddon 2001, p. 22)

Cunningham disagrees with Sneddon. She starts by summarizing the latter’s overall position as follows: “Deep autonomy requires ongoing questioning and examination of how one lives her life. Autonomy is undermined when an individual or institution impedes one’s ability to know and consider other value systems” (2003, p. 232). She disagrees, though, with Sneddon’s idea of autonomy for the following reason:

His [Sneddon’s] analysis offers a normative definition of autonomy that equates being autonomous with being thoughtfully engaged in self-reflection. Were his analysis true, any institution promoting a belief system—the church, the educational system, democratic governance—could be accused of undermining autonomy...My question is, what makes advertising, the ‘mouthpiece of capitalism,’ different from any other ideology-based institution. (Cunningham 2003, p. 232)

The rejection of this version of autonomy leaves a vacuum that Cunningham fills with Noggle’s (1995) belief-based autonomy theory, with which she develops *the we are capitalists defense* of advertising.

Following Noggle, Cunningham explains that “autonomy is violated when, by operant or aversive conditioning, one is made to hold an alien desire that does not correspond with her beliefs” (2003, p. 233). There are at least three pairs of distinctions behind this: authentic and alien desires, straightforward and quasi-beliefs, and concordant and discordant quasi-beliefs. Alien desires (the landmark of violated autonomy) are the fruit of discordant quasi-beliefs (i.e., of beliefs that conflict with straightforward beliefs), which in turn are the result of conditioning. It is Cunningham’s thesis that “advertising, though powerful enough to shape our beliefs, does not create the kind of discordant quasi-beliefs that violate one’s autonomy” (2003, p. 234). Advertising may create quasi-beliefs, but these are concordant quasi-beliefs, i.e., beliefs that do not conflict with straightforward beliefs. Bringing back the reference to capitalism and consumerism, which Cunningham admits advertising promotes, she concludes:

By the very fact that capitalist values are so fundamental to our way of life, advertising is unlikely to condition consumers to act in ways that contradict our larger belief system. As such, advertising, though it may in other ways detrimentally affect society and consumers’ well-being, does not violate our autonomy. (Cunningham 2003, p. 236)

Cunningham may have won a battle, but not the war on irrational advertising. Even if she rightfully debunks Sneddon’s version of autonomy, her own version is subject to serious criticism: if for Sneddon any ideology-based institution debunks autonomy, for Cunningham no ideology-based institution would do so—not even Nazi institutions, I dare to say.

As a matter of fact, if Cunningham is right, it seems unavoidable to admit that Nazi advertising did not violate the Nazis’ autonomy, insofar as it did not contradict their larger belief system, Nazism. Do not miss the absurdity of what this implies: Nazis would have acted autonomously when committing the genocide. Are we willing to allow this?

Once again, as Cunningham shows, Sneddon’s version of autonomy, if consistently applied, ends up criticizing all ideology-based institutions as oppressive. But it seems that for Cunningham no ideology-based institution is oppressive. Could it not instead be the case that some ideology-based institutions are oppressive, and others not, depending on the ideology behind them?

It may be the case that capitalism is another oppressive belief system, one that prevents, instead of promotes, human autonomy. To determine this, though, we need to know what autonomy is. Since the autonomy accounts of Arrington, Crisp, Sneddon, and Cunningham have shown to be flawed, a better one is required.

In what follows, I will reconstruct *the autonomist criticism* adopting a paradigmatic account of autonomy. This version, which is Kantian, is here called *moral autonomy*.

Kantian Autonomy in a Nutshell

At least three reasons justify invoking Kantian *moral autonomy*:

Argument from authority Aristotle’s ethics is about virtue; Aquinas’s, about the natural law; Mill’s, about general happiness; and Nietzsche’s, about power. If there is one classic ethicist who builds his moral philosophy around the idea of autonomy, it is Kant. Now Kant is “Kant” for a reason, in great measure due to his original and persuasive account of autonomy.

Argument from originality Despite being an influential account of autonomy, Kant’s version of it has surprisingly not yet been invoked in advertising ethics literature. As a matter of fact, neither Crisp, Arrington, Sneddon, or Cunningham (to mention some of the most influential autonomists) explores this possibility. Only Crisp briefly mentions Kant’s autonomy, but he discards it for the wrong reason, as we will see soon.

Argument from fecundity As I will attempt, applying Kant’s account of autonomy will help us better understand the moral wrongs related to irrational advertising. Moreover, it will show us that these moral wrongs are worse than what advertising ethicists have postulated so far, since what is at stake is nothing less than the source of human dignity: our ability to choose the moral law, and hence to lead a moral life.

Let me, then, outline Kant’s theory of autonomy, before we explore its implications in relation to irrational advertising.

In the *Groundwork of the Metaphysics of Morals* (1999[1785]; in what follows, the *Groundwork*) Kant defines autonomy of the will as:

The property of the will by which it is a law to itself (independently of any property of the objects of volition). The principle of autonomy is, therefore: to choose only in such a way that the maxims of your choice are also included as universal law in the same volition. (G 4:440).⁴

In the *Critique of Practical Reason* (1999[1788]; in what follows, the second *Critique*), the definition is as follows:

Autonomy of the will is the sole principle of all moral laws and of duties in keeping with them...That is to say, the sole principle of morality consists in

⁴ All references to Kant’s works will use Prussian Academy numbers.

independence from all matter of the law (namely, from a desired object) and at the same time in the determination of choice through the mere form of giving universal law that a maxim must be capable of. That *independence*, however, is freedom in the *negative* sense, whereas this *lawgiving of its own* on the part of pure and, as such, practical reason is freedom in the *positive* sense. (CPrR 5:33)

In simpler terms, autonomy comes with honoring the moral law or categorical imperative, that which in the second *Critique* Kant describes as a “fact of reason” (CPrR 5:31), and which in the *Groundwork* is formulated in at least three different ways:

- Formula of universal law: “Act only in accordance with that maxim through which you can at the same time will that it become a universal law” (G 4:421)
- Formula of the end in itself: “So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means” (G 4:429)
- Formula of the kingdom of ends: “A rational being must always regard himself as lawgiving in a kingdom of ends possible through freedom of the will, whether as a member or as sovereign” (G 4:434)

To better understand the Kantian conception of autonomy, it is important to distinguish it from heteronomy which, as he states in the *Groundwork*, is “the source of all spurious principles of morality”:

If the will seeks the law that is to determine it anywhere else than in the fitness of its maxims for its own giving of universal law—consequently if, in going beyond itself, it seeks this law in a property of any of its objects—heteronomy always results. The will in that case does not give itself the law; instead the object, by means of its relation to the will, gives the law to it (G 4:441).

In the second *Critique*, heteronomy is in turn spoken of as “dependence upon the natural law of following some impulse or inclination” and is regarded as “opposed to the principle of obligation and to the morality of the will” (CPrR 5:33).

So if autonomy comes with honoring the moral law, heteronomy comes with capitulating to lawless happiness—concept that in the *Groundwork* is defined as the “complete well-being and contentment with one’s condition” (G 4:393), and in the second *Critique* as the satisfaction of a system of inclinations (CPrR 5:73).

Now if Kant is right on this one, as I think he is, we come to realize how the version of autonomy found in advertising literature is not merely a superficial version of the “real thing,” what Sneddon calls shallow autonomy,

but its nemesis, heteronomy. In fact, whether the action is the fruit of a first or a second-order desire, or of an authentic or alien desire, would not matter: any action done out of desire instead of duty is by Kantian standards heteronomous.

Perhaps what these scholars are really referring to when they use the word autonomy is what we saw in the second quote of this section, namely *negative freedom*, which Arnold and Bowie—referring to O’Neil (1989)—define as “freedom from causal necessity” (2003, p. 223), and Bowie alone—referring to Korsgaard (1996)—as “freedom from coercion and deception” (1999, p. 7). Now, as Arnold and Bowie explain, being truly free for Kant is more than *negative freedom*:

Freedom in its fullest realization is the ability to guide one’s actions from laws that are of one’s own making. Freedom is not simply a spontaneous event. Free actions are caused, but they are caused by persons acting from laws they themselves have made. This is positive freedom. (2003, p. 223)

Positive freedom, in other words, is the ability to act autonomously, to choose the moral law. This is what the literature on advertising ethics is for the most part missing, leaving open the question if irrational advertising is also a threat to positive freedom, and hence to *moral autonomy*.

The Kantian Criticism

A scholar who does refer to the Kantian conception of autonomy in the advertising ethics literature is Crisp who, in criticizing Arrington’s conception of it, mentions Kant’s, only to immediately discard it for setting too demanding standards:

Very high standards for autonomy are set by Kant, who requires that an agent be entirely external to the causal nexus found in the ordinary empirical world, if his or her actions are to be autonomous. These standards are too high, in that it is doubtful whether they allow *any* autonomous action. (1987, p. 414)

How Kant himself would have answered this criticism is explained by Sandel:

Freedom of the will is not the kind of thing that science can prove or disprove. Neither is morality. It’s true that human beings inhabit the realm of nature. Everything we do can be described from a physical or biological point of view. When I raise my hand to cast a vote, my action can be explained in terms of muscles, neurons, synapses, and cells. But it can also be explained in terms of ideas and beliefs. Kant says we can’t help but understand ourselves from both standpoints—the

empirical realm of physics and biology, and an “intelligible” realm of free human agency...Here [in the intelligible realm], being independent of the laws of nature, I am capable of autonomy, capable of acting according to a law I give myself...If I were only an empirical being, I would not be capable of freedom; every exercise of will would be conditioned by some interest or desire. All choice would be heteronomous choice, governed by the pursuit of some end. My will could never be a first cause, only the effect of some prior cause, the instrument of one or another impulse or inclination. (2010, p. 126–128)

Kant himself speaks of these two worlds to which humans belong in the following terms:

A rational being... has two standpoints from which he can regard himself and cognize laws for the use of his powers and consequently for all his actions; *first*, insofar as he belongs to the world of sense, under laws of nature (heteronomy); *second*, as belonging to the intelligible world, under laws which, being independent of nature, are not empirical but grounded merely in reason. (G 4:452).

Sandel recognizes that if one insists on regarding autonomy as an illusion:

Kant’s account can’t prove you wrong. But it would be difficult if not impossible to understand ourselves, to make sense of our lives, without some conception of freedom and morality. And any such conception, Kant thinks, commits us to the two standpoints—the standpoints of the agent and of the object. (2010, p. 128)

Perhaps, then, Crisp should have given Kant a chance. What would have happened if Crisp had done so? Does irrational advertising diminishes *moral autonomy*, i.e., the one that comes with honoring the moral law instead of the law of happiness?

One of the few scholars to refer to Kant’s ethics is Hare, himself a utilitarian, who depicts what a Kantian criticism of manipulative advertising would look like:

Kantians will say...that to manipulate people is not to treat them as ends—certainly not as autonomous legislating members of a kingdom of ends...it is something that we prefer not to happen to us and therefore shall not will it as a universal maxim. (1984, p. 28)

Regrettably, Hare does not develop *the Kantian criticism* further. Now one can notice a fundamental shift in Hare’s reference, if we compare it with Crisp’s brief negative consideration. In this passage, the question is not if irrational advertising diminishes the audience’s

autonomy, but if it is right for the advertiser to even attempt to manipulate the audience, whether through deception or irrational persuasion. The advertiser may be talentless and his campaigns innocuous. Regardless of this, from a Kantian perspective the advertiser’s action will remain wrong. This is so because of the deontological nature of Kantian ethics: actions are right or wrong in themselves, to the extent that they comply or not with what the moral law commands, and hence regardless of their consequences. As Kant states in the *Groundwork*, “the essentially good in the action consists in the disposition, let the result be what it may” (G 4:416). In the second *Critique* this thesis remains:

In this appraisal of what is good and evil in itself, as distinguished from what can be called so only with reference to well-being or ill-being, it is a question of the following points. Either a rational principle is already thought as in itself the determining ground of the will without regard to possible objects of the faculty of desire (hence through the mere lawful form of the maxim), in which case that principle is a practical law a priori and pure reason is taken to be practical of itself. In that case the law determines the will *immediately*, the action in conformity with it is *in itself* good, and a will whose maxim always conforms with this law is *good absolutely, good in every respect* and the *supreme condition of all good*. (CPrR 5:62)

Hare’s is the minimalist way of approaching the topic from a Kantian perspective. We certainly do not have to look for the consequences in order to judge if manipulating someone is right or wrong. But this does not prevent us from continuing to ask, still from a Kantian perspective, if manipulative advertising, and more specifically irrational advertising, diminishes the audience’s *moral autonomy*. In other words, we can expand *the Kantian criticism* of manipulative advertising as to include a reformulated version of *the autonomist criticism*.

Obey Your Happiness

In saying that irrational advertising diminishes the audience’s *moral autonomy* I enter into difficult territory. As a matter of fact, how can one prove that? The problem becomes almost a dead end if we agree with Kant that there is no way to know with all certainty that an autonomous action ever occurred in the world. As he states in the *Groundwork*:

In fact, it is absolutely impossible by means of experience to make out *with complete certainty* [my emphasis] a single case in which the maxim of an

action otherwise in conformity with duty rested simply on moral grounds and on the representation of one's duty...since, when moral worth is at issue, what counts is not actions, which one sees, but those inner principles of actions that one does not see. (G 4:407)

But even though we cannot prove, *with complete certainty*, that irrational advertising diminishes the audience's *moral autonomy*, we can still prove both (a) that it threatens it by promoting its opposite, i.e., heteronomy, and (b) that to believe in its corresponding success is reasonable.

If I had to choose a single advertising slogan that encapsulates my first thesis (irrational advertising promotes heteronomy), I would point to Sprite's "Obey your thirst." Regarding it, Sandel says the following: "Sprite's ad contained (inadvertently, no doubt) a Kantian insight. When I pick up a can of Sprite (or Pepsi or Coke), I act out of obedience, not freedom. I am responding to a desire I haven't chosen. I am obeying my thirst" (2010, p. 108).

I think there is more in Sprite's slogan than what Sandel unveils. Sprite is not merely describing a fact: every time you choose Sprite, you obey your thirst. The message is stronger—an imperative: you *must* obey your thirst. In more abstract terms, Sprite is telling us that we must obey our needs. Now here we are only one step away from our inclinations. Take both terms together and the message transforms into "Obey your happiness." It is my claim that this is irrational advertising's over-all underlying message, the rule of lawless happiness in our lives, which is just another name for heteronomy.

In claiming that irrational advertising contains an over-all message, by the way, I am not alone. Waide—the champion of *the virtue ethics criticism*, as we have seen—claims the same, although for him the main message is a different one:

Associative advertising may be less effective as an advertising technique to sell particular products than it is an ideology in our culture. Within the advertising which washes over us daily we can see a number of common themes, but the most important may be 'You are what you own.' The quibbles over which beer, soft drink, or auto to buy are less important than the over-all message" (1987, p. 65).

The "Obey your happiness" message is not merely another of those common themes that Waide refers to but, in my opinion, the most important nowadays. To put it in another way, irrational advertising is becoming bolder, moving from the more sophisticated, even metaphysical (albeit false) "You are what you own," to the shameless "Do what you want."

"Just do it" (Nike), "Follow your instinct" (Puma), "Be stupid" (Diesel). Sprite is certainly not alone in this crusade and it is not difficult to understand why: heteronomy is good business. As a matter of fact, the less we think, the less rational we act, the more chances that we will not restrict our needs and inclinations with an eye to the moral law, but instead give way to them.

The former, though, is only irrational advertising's subtle way of promoting heteronomy. Sometimes, it does so more blatantly, validating actions that straightforwardly oppose what the moral law commands. Consider the following examples on violence against women:

- In 2006, a Jimmy Choo ad showed a woman apparently dead or passed out in a trunk, a man in dark glasses sitting beside her, holding a spade.
- In 2010 Calvin Klein launched an ad depicting Dutch model Lara Stone in what cannot be described as anything but gang-rape. The campaign resembled that of Dolce & Gabana in 2007.
- In 2011, a Fluid Hair Salon ad showed a nicely dressed and made up women but with a shiner, a man standing behind, and the slogan "Look good in all you do."

Now consider these on dishonesty:

- In 2013, Nike launched an ad celebrating Tiger Woods golf No 1 come back with the ambiguous quote: "Victory takes care of everything." For many, the piece suggested that victory washed of the scandal he was involved in 2009, after it was discovered that he, back then a married man, had multiple sexual affairs.
 - In 2013, Reebok launched an ad with the slogan: "Cheat on your girlfriend, not on your workout." It was a local campaign, but gained attention worldwide.
 - In 2014, Argentinean beer company Andes launched the "teleporter," a cabin conveniently installed at pubs that allows men to answer their significant one's phone calls pretending they are somewhere else (stacked in traffic, the hospital, etc.). The message: "Why lie when you can teleport?"
- And so on.

At this point the reader may concede that irrational advertising promotes heteronomy, but contest that it is not succeeding. At least three hints lead us to believe (with less than complete certainty, admittedly) that the contrary is the case, i.e., that irrational advertising diminishes the audience's *moral autonomy*: let us call them *the financial hint*, *the exposure hint*, and *the cultural hint*.

The Financial Hint

The amount of money invested in advertising worldwide is huge: more than five hundred billion annually, according to

Statista (2015). Money in the business world goes where it pays off. In the case of irrational advertising, which represents a significant part of advertisements today, this means more and more people are taking the bait and hence acting heteronomously. The other alternative, namely that companies are being deceived by advertisers regarding their persuasive powers, seems less plausible.

The Exposure Hint

According to an estimate of Media Matters, and in the words of the American Association of Advertising Agencies, “a typical adult has potential daily exposure to about 600–625 ads in any form” (2015)—once again, a representative part of which is based on irrational persuasion. This means that we are exposed to a battery of ads on a daily basis that prompt us to act irrationally. Now one can safely assume that, like drops of water, if given enough time, can drill through stones irrational advertising can drill through people’s *moral autonomy*, whether by weakening our good will or by damaging our pure practical reason. By the former, I mean that irrational advertising motivates us to disregard the moral law and to yield instead to lawless happiness; by the latter, that irrational advertising confuses us by selling lawless happiness as the path to a good life. I do not think that irrational advertising can erase the moral law from our reason, but it can certainly scratch it, to the point at which it is harder to recognize. Eventually, something has to yield.

The Cultural Hint

I do not claim to bear breaking news in saying that we live in materialistic, hedonistic, and consumerist times. These constitute our zeitgeist. But what are these if not forms of heteronomy? To recognize this more clearly, let us remember what these labels mean. Cambridge Dictionary defines materialism as “the belief that having money and possessions is the most important thing in life;” hedonism, in turn, as “the belief that pleasure is the most important thing in life;” consumerism, finally, as “the situation in which too much attention is given to buying and owning things” (2015). Now does not irrational advertising, taken as a whole, promote those exact same things? And could not we safely assume, considering how pervasive it is (remember *the exposure hint*) that irrational advertising is at least partially responsible for such zeitgeist? Barbara Phillips, we have seen, exculpates advertising and blames capitalism, but she bypasses that a representative part of advertising, namely irrational advertising, promotes precisely these exact same things.

Conclusion

A Kantian analysis of manipulative advertising, whether deceptive or irrational, will begin by denouncing that it implies treating humanity merely as means. But irrational advertising in particular is objectionable for yet another reason: it is a threat to *moral autonomy*, the one that comes with honoring the moral law. It is so since it promotes heteronomy, the rule of lawless happiness, and in extreme cases a rebellion against the moral law. Several hints suggest it is succeeding.

Now in criticizing irrational advertising along these lines I am not proposing that advertising should, instead, promote *moral autonomy* or what the moral law orders. I am far from proposing a sort of moralizing advertising. Instead, my claim is simply that advertising should not threaten morality in the way described. It should not prompt us to obey our needs and inclinations, to just do it, to be stupid, even less to legitimate gender abuse, dishonesty, or any other moral wrongs. Instead, advertising should rely on good arguments, i.e., arguments with clear terms, true premises, and free of fallacies.⁵

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⁵ What would these ads look like? That is the job of the advertiser, not of the ethicist, who merely argues for the limits of the profession.

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