Democratic ethical consumption and social justice

Abstract

Hassoun argues that the poor in the world have a right to health and that the Global Health Impact Index (GHI) provides consumers in well-off countries with the opportunity to ensure that more people have access to essential medicines. Because of this, consumers would be ethically obliged to purchase GHI labeled products in the face of existing global inequalities. In presenting her argument, Hassoun rejects the so-called democratic account of ethical consumption in favour of the positive change account. Two versions of the democratic change account are relevant. One underscores the importance of democratic procedures and institutions, while the other stresses our fundamental moral equality. While at least one prominent institutionalist account has problems, revised versions would be less vulnerable to Hassoun's counterexamples. Furthermore, institutionalist accounts come with the epistemological gains from democratic procedures and deliberations, which may be especially important under uncertainty. Finally, and perhaps more challenging for the Global Health Impact index project, this measure may place the burden unfairly on those who need to buy medicines. This is a pivotal insight from the non-institutionalist version of the democratic account of ethical consumption.

Introduction

Across the world, people living in low-income countries lack access to essential medicines. Their health is worsened, and this lack of access shortens their lives. Traditional market-based supply and demand mechanisms are unlikely to change the situation. It is currently more profitable to develop drugs and medicines for those best able to pay for them. This, according to Hassoun, conflicts with a human right to health.

When people suffer worldwide because they lack access to essential medicines, we are all faced with difficult questions regarding what we could and should do. Nicole Hassoun's book Global Health Impact asks which duties and obligations citizens have as consumers (Hassoun, 2020).[1] How should we consume if we know that our choices impact those who are worse off? Hassoun convincingly argues that in light of prevailing injustices and unjust institutions, we are obliged to consume in ways that mitigate these injustices. But how should we do this? Hassoun argues that as pharmaceutical companies violate people's right to health and do not do enough to provide assess to medicines (Hassoun, 2020, p. 126), we should introduce remedies to change this unfair state of affairs.[2]

The book proposes an innovative measure: The Global Health Impact system. This is an independent labeling system, which makes it visible to consumers which pharmaceutical companies contribute most to combating the global burden of disease. So when a consumer in a well-off country buys a pharmaceutical product, they will have easily assessable information about the global health impact of the company producing it. Thus, those pharmaceutical companies, which provide the most significant positive difference to the world's vulnerable in developing affordable medicines, are to be certified (and lauded) for their positive health impact.

Hassoun presents a wealth of empirical evidence that ethical consumption campaigns can be effective and sustainable and highlights some of the dangers facing such campaigns. She then shows that these worries are less relevant for the Global Health Impact label (Hassoun, 2020, pp. 133–136). On the well-founded assumption that buying medicines from companies with a positive health impact will improve access to essential medicines for

[1] Hassoun has of course written extensively on this, for a selection see: (Hassoun, 2012, 2014, 2015b, 2015a, 2016, 2019)

[2] For other important contributions to the debate over essential medicines see (Sonderholm, 2009, 2014; Hassoun and Herlitz, 2019)

the world's poor, Hassoun argues that we, as consumers, should do so (Hassoun, 2020, pp. 121–122). The Global Health Index provides us with the necessary knowledge regarding how we may carry out our duty to protect the health of the world's poor. Hassoun thus establishes a human right to health and explains how such a right may foster a creative resolve to eliminate or diminish current health disadvantages. The Global Health Impact project is described as one fruitful avenue to pursue in light of this.

This article takes up Hassoun's specific view on social consumption. It examines her view on our obligations as consumers and what restrictions there are on this. The article argues that while Hassoun correctly identifies several flaws in existing accounts, these may not be decisive. Furthermore, one version of the democratic account of ethical consumption, which Hassoun rejects, highlights the importance of basic equality, which is inadequately captured by Hassoun's positive chance account – specifically, that what to think of ethical consumption depends on the existing distribution of resources and opportunities. The final section argues that taking the Global Health Index measure in isolation may place the burden unfairly on those who need to buy medicines.

Consumption and Social Chance

Under the heading Consumption and Social Chance Hassoun takes up the theme of ethical consumption and the proper role of consumers in bringing about social change and distributive justice. This is arguably central to the account, at least to the extent that it needs to be shown that people should engage in the kind of ethical consumption the Global Health Index system revolves around. Hassoun discusses various accounts of the ethics of social change and argues that we should prefer the *positive change consumption* account to *democratic accounts of ethical consumption*.

According to the positive change consumption account, our obligations as consumers depend on the justness of institutions. Under just institutions, our consumption choices are 'essentially private' and subject to only a few restrictions, which pertain to the need for maintaining the aforementioned just institutions (Hassoun, 2020, p. 147). Under unjust institutions, the situation is different. There we cannot consume as we want. Under such circumstances, 'people may consume in ways that promote positive chance within whatever moral constraints exist' (Hassoun, 2020, p. 148). The center stage on this account

of ethical consumption is thus consequential. What matters is (within limits) what is brought about.

We cannot here go into what could be covered by the moral constraints mentioned by Hassoun, but this formulation does not cover what we may call democratic constraints. This is clear because Hassoun contrasts her positive change account with democratic accounts of consumption. As proponents of various versions of democratic ethical consumption accounts, Hassoun highlights Christiano and Hussain. These accounts put further limits on how people may or should exercise their economic power. These pertain for Hussain to the importance of democratic processes in the quest for social change[3]– whereas it, according to Christiano, is more the importance of equal opportunities for influence that matters.[4] Should there be democratic limits on consumption in either Hussain's sense or Christiano's? Hassoun denies this. Let us consider Hassoun's argument against these two versions of democratic reports of ethical consumption.

Hassoun's critique of Hussain's theory of democratic ethical consumption

The first examined is Hussain's. According to this, consumption that aims to promote social change is acceptable, only when:

(1) The exercise of bargaining power does not deprive anyone oftheir basic liberties.

(2) The exercise of bargaining power is directed at (significantly)advancing an agenda framed in terms of a reasonable concep-tion of the common good.

(3) The formal democratic process has not already addressed theissue in question.

(4) The process that guides the exercise of bargaining power isappropriately representative and deliberative.

(5) The process that guides the exercise of bargaining powergenerates standards and arguments that can be the basis of future legislation.

(6) The overall effort aims to raise awareness of the issue and (if necessary) to put it on the formal legislative agenda.(Hussain, 2012, p. 126):

[3] As presented, among other places here: (Hussain, 2012; Hussain and Moriarty, 2018)
[4] Christiano's views are presented here (Christiano, 2016, 2018)

Hassoun rejects conditions 3-6 (Hassoun, 2020, pp. 154–158). The arguments put forward against 3, 5, and 6 are quite convincing as critiques of the formulations offered by Hussain. Against 3) Hassoun points out that even if a democratic assembly has considered something, we may still feel that they have made the wrong decision (or at least an inadequate one) (Hassoun, 2020, p. 154). We should be free to consume for social change even if parliament passed some bill on the subject (Hassoun, 2020, p. 154). It seems plausible that such a restriction on private consumption is too strong. The simple fact that parliament has addressed something is insufficient to rule out ethical consumption and perhaps speed up the process. In a similar vein, Hassoun presents strong criticisms of 5 and 6. Against these, Hassoun plausibly points out that it is too restrictive that we must consume to raise awareness or/and pave the way for formal legislation. The formulations seems too narrowly focused on how decisions are made and give too little weight to the consequences of decisions and the alternative ways in which consumption can produce positive change.

It is, however, worth considering whether this democratic account of ethical consumption could plausibly be reformulated to counter the critique. Such formulations could be less demanding but still achieve what Hussain seemingly considers important: to prioritize democratic decision-making. Perhaps the rigid formulations of 3, 5, and 6 could give way to a formulation that we should prefer democratic decisions to private change consumption when the former is as least as effective as the latter (or when we don't know which is most effective). This would give priority to democratic decision-making without the abovementioned problematic implications. However, given the consequentialist outlook of her account, Hassoun would probably agree with this adjusted statement. Such a modified theory of democratic ethical consumption would, at least on the face of it, still conflict with Hassoun's account in terms of the fourth criteria.

So with that in mind, let's assess Hassoun's argument against the fourth criteria. While the criticisms of criteria 3, 5, and 6 are strong, I am less inclined to accept her critique of the deliberative criterium 4). Against 4), Hassoun offers various examples which suggest that we should prefer the positive change account. Several times Hassoun indicates that the case of the critique of the NGO Forest Stewardship Council (FSC) and their sustainable forestry label can serve as a weighty and illustrative argument to this effect. FSC is dedicated to 'promote environmentally appropriate, socially beneficial and economically viable management of the world's forests' (FSC, 2022). FSC administers several labels that aim to

guide consumers toward sustainable consumption of forest-based products. But, Hassoun argues, FSC's multi-stakeholder approach is a good example of a case where democratic decision-making is arguably given much more weight than other valuable goals. At least critiques of FSC argue that the inclusion of logging companies 'hinders the group's environmental aims' (Hassoun, 2020, p. 142) because it gives rise to concern that the label of FSC approvement is a greenwashing exercise rather than something which brings about meaningful change.[5] As Hassoun puts it: 'Suppose the critics are right that consumption can better promote sustainable forestry management if the FSC rejects deliberation and inclusion.' (Hassoun, 2020, p. 142). Why, then, should we prefer inclusion and deliberation? The complaint that democratic accounts of ethical consumption prioritize democratic and deliberative processes at the expense of valuable outcomes is also illustrated by another example employed by Hassoun. This time the context is child labor and child prostitution. Here, Hassoun writes that 'No one should purchase sex or even clothing from 5year old when better options exists even if people deliberate and conclude that they may' (Hassoun, 2020, p. 152).[6]

These cases pose an apparent problem to the democratic account of ethical consumption. Why would we want a more deliberative and democratic process if the outcome is worse? The conjecture is that the democratic account would go for the worse outcome and that we should therefore reject this account. However, on closer inspection, these cases are not as powerful as Hassoun thinks and cannot carry the argumentative weight they are supposed to carry.

There is a clear route open to those sympathetic to the democratic account in the forest logging case but wish to reject the conclusion this case saddles them with. Proponents of the democratic account could reject that the depicted inclusion and deliberation is the kind they would embrace. And proponents of the democratic account of ethical consumption would have good reasons to do so. Why should we consider the depicted arrangement as representative and deliberative? What are the logging companies representing exactly? Seemingly their own vested interests. Furthermore, big corporations

[5] For the sake of argument, I will accept Hassoun's description of FSC's problems as the depiction of these are not important for the substance of the argument.

[6] The qualification 'when better options exist' is more fitting for the clothing case than the sex case

are themselves (typically) undemocratic. They distribute internal influence over decisions according to ownership and existing hierarchies (Dahl, 1985; Piketty, 2020). Thus, the included companies contradict the notion of equality in the wielding of market power at their very core. In addition to this, the described set-up seems to be one where the companies wield a disproportionate amount of political control over the decisions within the FSC – this appears to be precisely the kind of arrangement proponents of the democratic account would object to.

The above is relevant in cases where the problem seemingly is that some are made part of a decision-making process, and this inclusion leads to both a bad outcome and a suboptimal process of democratic decision-making. As has been done above, it is important to note that those who prefer democratic decision-making are not committed to accepting outcomes, which arise because non-democratic entities highjack the democratic process. But this is also arguably a particular case of how democratic decision-making may lead to bad outcomes. Deflecting it only clarifies the challenge at hand for democratic accounts of ethical consumption.

The apparent trade-off between democratic decision-making and outcomes may also arise in ways where the composition of decision-makers is not suspect or illegitimate. The case of child work and child prostitution seems to be such a case. Here we have no reason to believe that the composition of those who are deliberating is in some sense, problematic. We could also imagine adjusted versions of the FSC case, where the composition is not problematic, but the outcome still leaves a lot to be desired. In these kinds of cases, we face the challenge that seemingly implausible conclusions are reached through democratic, deliberative decision-making. Must proponents of the democratic account of ethical consumption accept those outcomes? There are ample resources within the account to reject such an implication. The fourth criterium states that the process must be appropriately deliberative. I believe that proponents of the democratic account of ethical consumption account can reject the implications based on this. Within the literature on deliberative democracy, several writers put at least some limits on what kind of arguments can be put forward in the deliberative process (Cohen, for example, rules out arguments, which are not based on values broadly accepted by others) (Cohen, 1997). If this feature of an appropriately deliberative process is sufficiently recognized, it is much more apparent why the democratic account of ethical consumption can reject the outcome Hassoun assigns

it. As such, proponents of the democratic chance account need not accept the posed trade-off between outcomes and process. They seem to have the resources to improve both process and outcome. I also believe that this would rule out the suggested upshot of deliberation on child labour and child prostitution. I do not see how a proper deliberative process could end up allowing child prostitution, and I do not think the democratic account should be taken to task for a willingness to allow this.

Someone who wants to defend Hussain's specific account of democratic ethical consumption cannot, of course, as I have done above, concede that several of its requirements are flawed in significant ways. But less is enough to resist Hassoun's argument for positive change consumption. It is sufficient to show that there are plausible versions of a democratic ethical consumption account of social change, which are immune to the criticisms raised against Hussain's specific theory. If some of the criteria can be salvaged, especially 4) and perhaps modified versions of 3, 5 and 6, which provide some priority to democratic decision-making, the democratic ethical consumption account is stronger than Hassoun's argument suggests.

Despite what is offered above, one might wonder whether an important principled challenge remains. Hassoun maintains that the positive chance account can 'explain why people may use their bargaining power '... 'when deliberation fails' (Hassoun, 2020, p. 152). Above, it has been demonstrated that deliberation is unlikely to be as defective as Hassoun suggests and that genuine deliberation is unlikely to reach the implausible verdicts her argument saddles it with. But arguing that deliberation may not fail or is unlikely to fail in the ways depicted by Hassoun takes nothing away from the fact that the positive change account offers a viable alternative if and when it does. Two things should be said in this regard. The first is that, at this point, the difference between the two accounts is not as big as it would seem. Even the positive chance account sometimes allows democratic procedures to trump outcomes (Hassoun, 2020, p. 146), the difference between the accounts narrows.

The second, perhaps more substantial thing to say is that the dilemma posed to the proponents of the democratic account of ethical consumption is slightly unfairly presented. The way it is posed to us here is that sometimes, deliberation or, more broadly, the democratic route fails, and a better alternative is available to us through a different kind of consumption. The dilemma is posed to us as a post hoc decision. We know the outcomes

of pursuing each route. We know that deliberation has failed (and lets assume, that it is genuine deliberation that has failed us), and the question we are asked is essentially how we can defend to prefer the deliberative, democratic bad outcome, over the better outcome, which did not employ the demoractic consumption route. This is indeed difficult. But it is important to note that real-world problems rarely present themselves to us in this after-the-fact fashion. Instead, we make our choices under varying degrees of uncertainty about the outcomes attached to the respective routes in front of us. Thus, we do not always know in advance what will succeed and provide the best outcomes. Could we have reasons to prefer democratic and deliberative measures in light of this uncertainty? We could, of course, if we are willing to argue that democracy has value in itself. While this is a widely held view, it is not uncontroversial as others prefer to stress merely the instrumental importance of democracy. But, this is another reason why we may want to go with deliberation and democracy in light of the uncertainty confronting us. Given that we know how deliberation and inclusion may improve outcomes (Goeree and Yariv, 2011), we may want to prioritize democracy and deliberation in light of uncertainty. Understanding the choice facing us in this arguably more realistic manner again strengthens the case for some variant of democratic ethical consumption.

Summing up the argument so far, we may say that while Hasssoun successfully identifies flaws in specific formulations in Hussain's account, specifically those with a very institutionalist expression, the essence of these may be salvaged by less requiring formulations. The account would be improved if the institutional focus was removed or made less prominent. More importantly, the arguments related to the FSC and child labor and prostitution are less damaging to the democratic account of ethical consumption than Hassoun suggests. A genuine democratic and deliberative process was deemed unlikely to reach the implausible conclusions for which they were taken to task. And, in light of insecurity about outcomes and the possible advantages of deliberations, we may very well have good reasons to leave ample space for democratic processes in our theory of ethical consumption.

Demoractic equality

Hassoun also rejects another democratic account of ethical consumption. Specifically that proposed by Cristiano (Christiano, 2016, 2018). As I interpret it, the critique against this

account is intrinsically linked to Hassoun's view on consumption under specific circumstances of justice. So to fully understand Hassoun's critique, we must first consider what the positive chance account of consumption implies under just and unjust circumstances, respectively. Under just institutions, Hassoun writes that people may generally consume what they want (Hassoun, 2020, p. 141).[7] Under just institutions, we may consume as we wish to. We can do so safely assured that should bad consequences or externalities arise from our choices of consumption, the just institutions will offset these. Under unjust institutions, the situation is radically different according to Hassoun's positive change account. There we may be required to consume and act to bring about positive change. But, and here is what Hassoun takes to be the main difference between her account and the democratic accounts, this consumption need not be democratic (Hassoun, 2020, p. 149).

Comparing Hussain and Christiano, we can identify two different senses in which conceptions of democratic ethical consumption are democratic. One is institutional, while the other is concerned with ethical consumption because it reflects fundamental equal moral worth. It is essential to keep these different kinds of democratic ethical consumption distinct in assessing the argument. After all, it may matter whether the claim made by those favouring the democratic theory of ethical consumption account believes that all consumption must be democratic in some sense of reflecting a fundamental equality or must aim at creating democratic institutions or work through these. As would be clear from the discussion above, the last reading is closest to Hussain's account, while the former seems closer to Christiano.[8]

As argued in the previous section, Hassoun plausibly identifies key points of weakness in the institutionalist account of democratic ethical consumption. But given the non-institutionalist nature of the fundamental equality account, it is unlikely to succumb to critiques labeled at the more institutionalist variant of the democratic ethical consumption

[7] At a later point Hassoun adds the restriction that these consumption choices may not undermine democracy (p. 148)

[8] While I think it is complete fair to describe Hussain's as more institutionalist and Christiano's as the account, which has a clearest focus un fundamental equality it should be noted that such an equality is also an important motivation for Hussain's account. He writes that 'citizens should be able to participate as equals in deciding how society will address important issues of common concern.' Cited by Hassoun at (Hassoun, 2020, p. 150)

account. Instead, the point highlighted is that it is problematic if there is an inherent inequality in our ability to conduct ethical consumption because of the disparity of resources. Given that the critical remarks made regarding the institutionalist account cannot work in this context, what does Hassoun argue against the non-institutionalist account of democratic ethical consumption?

The first thing to note is that Hassoun seemingly endorses much of the sentiments expressed by Christiano's account. She states that consumption should 'generally respect basic liberties and political equality' and that just institutions may compensate for any inequality created by the consumption (Hassoun, 2020, p. 150). However, this answer is inadequate in three crucial aspects.

The first is that when 'generally' is not sufficiently specified, we are left without clear guidance as to when consumers may be allowed not to respect basic liberties and political equality. Further clarity in that regard may very well affect the account's attractiveness. The second is that these formulations provide us with little information about how we should think about the inequality existing before the transaction (as opposed to the one the transaction might create). Thirdly, it provides us with little guidance under unjust institutions where institutions may be unable to correct such transaction-based deficiencies.

It is a surprise that more is not said in reply to concerns, such as Christiano's. Not least, such inequalities are at the very heart of the inequalities depicted by Hassoun. She highlights how differences in purchasing powers may translate into significant inequalities of how much concern is shown towards different people's disadvantages. The following fact clearly demonstrates this. 376.000 million dollars are spent on diabetes research, accounting for 49,8 million DALYs of the global disease burden. In contrast, only 10,400 million dollars is spent on HIV/AIDS, accounting for 88,7 million DALYs (Hassoun, 2020, p. 73). This inequality does not reflect differences in demand but rather differences in the ability to pay. Based on this, it seems that unequal bargaining power in the global market is at the very heart of access to essential medicines. Perhaps we miss something important if it is not taken into account by our account of ethical consumption. I believe that we do, and this paves the way for the non-institutional democratic account of ethical consumption.

There are several reasons to incorporate attention to people's different bargaining power (and, more broadly, their level of resources) into our understanding of

ethical consumption.[9] Not least in the context of the global health impact labeling. The first has already been hinted at: If we have unequal resources, we also have unequal ability to affect the market and bring about positive change. Under unjust institutions and in the face of distributive injustice - the circumstances under which the obligation to buy Global Health Index labeled products apply – people are unequal and institutions unable to remedy these inequalities. Thus, we have radically different opportunities to help those below the threshold of sufficient access. While we are perhaps all of us so accustomed to living in societies with those unequal opportunities, that should not blind us from the unfairness they generate.[10]

A second related worry could and should be explored. This pertains to whether the duty Hassoun develops is unequally distributed. Recall that the driving thought is that we have an obligation to buy Global Health Index labeled products. Pharmaceutical companies produce labeled products. Thus the products in question are various forms of medicines. The preceding critique pointed out that when social change is brought about through consumption, the change invariably reflects our unequal ability to pay. The critique developed briefly here is slightly different. Assume that Hassoun has successfully identified a duty to contribute to the access to essential medicines for poor and vulnerable people in low-income countries. Assume further that if people by Global Global Health Index labeled products, this would improve the situation for the people currently lacking such access.

Under these assumptions, it is illustrative to consider who this duty to buy the Global Health Index labeled products falls upon. The ill. But this has significant ramifications for the account. We know that there is a stark social gradient in health. That for almost any disease, even in affluent societies, the risk of succumbing to them rises the lower you are in the social hierarchy.[11] Recall then that those under a duty to buy Global Health Index labeled products are sick (or at least unwell) – or purchasing medicines for a sick member of their household. It may very well still be the case that the 25-year-old unemployed women buying anxiety medicine, the student buying Imboprofen for an aching back, and the 75-year-old pensioner buying heart medicine all have a duty to choose the

[9] For such critiques of market inequalities seee (Sandel, 2013; Albertsen, 2019)
[10] This is a general remark and, of course, not intended as an explanation as for why Hassoun is less attentive to those inequalities.
[11] For more on the social gradiant, see: (Marmot, 2005; Blane, 2006; Marmot and Wilkinson, 2006). For it's implications for theories of justice in health, see (Daniels, 2008; Wilson, 2009; Preda and Voigt, 2015)

products labeled with Global Health Index. But it remains a challenge, at least from the perspective of distributive justice, that the duty to improve access to essential medicine befalls these and not their healthy compatriots.

What could be said in defense of the Global Health Impact label in this context? Of course, it is a possible (and not unfeasible) route to bite the bullet and accept this implication. Doing so would still mean that the Global Health Index label would reduce inequalities and increase access to global medicines among the poorest in the world. Alternatively, proponents of the Global Health Index could submit that there is nothing in the proposal, which implies that it should work on its own. Perhaps the healthy well-off are under a similar application to help the worst of access to medicines. They should then fulfill this duty in another way, perhaps through donating money to charities. Information about how to do this is, after all, readily available. But such a line of reasoning comes dangerously close to making the Global Health Index obsolete. If the rich and healthy already know how to help the worst with access to essential medicines, do we need a global health index? Or perhaps they do not know, and we need a Global Health Index for charities as well? That seems a plausible solution, which could be a part of future developments of the Global Health Index.

Conclusion

The Global Health Impact label is an important and intriguing idea. It provides people with knowledge about the good they can do for others and thus makes it possible for them to carry out a duty we may plausibly claim they have. Hassoun's discussion of the dominant alternative to the positive chance account of consumption, the democratic account of ethical consumption, shows us why we should not hardwire ethical consumption to democratic institutions. However, revised versions of the democratic ethical consumption account may be less vulnerable to these critiques. And deliberation may have more to offer, than Hassoun's discussion reveals.

Furthermore, careful thought should be given before we jettison the importance of democratic equality in shaping and affecting the world around us. While this may be a feature of any kind of consumption, ethical or otherwise, the profound inequalities in our bargaining powers should be a cause for concern. Especially, under unjust circumstances.

Finally, the Global Health Index proposal should acknowledge a kind of inequality it introduces, not in terms of our ability to affect the world, but also in who the duty to ensure access to medicine is placed upon. Saying that those who need medicines should buy products with the Global Health Index label should not imply that the healthy, well-off people are off the hook.

Litterature

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