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**Autonomy and Manipulation:**

**Refining the Argument against Persuasive Advertising**

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**Abstract**: Critics of persuasive advertising argue that it undermines the autonomy of consumers by manipulating their desires in morally problematic ways. My aim is this paper is to refine that argument by employing a conception of autonomy that is not at odds with certain forms of manipulation. I argue that the charge of manipulation is not sufficient for condemning persuasive advertising. On my view, manipulation of an agent’s desires through advertising is justifiable in cases where the agent accepts (or would accept) the process through which the desires were developed. I show how the standard manipulation objection proves too much as it would also condemn cases of that kind. I argue that this distinction is especially important when we consider the implications of “new media.” In addition to increasing vulnerability to manipulation, new media have considerable impacts on well-being. By siding with the traditional autonomy argument, we would be compelled to take an implausible stand against all forms of manipulation through advertising, but I suggest that only a proper subset of those cases are morally problematic. This conclusion opens up a space for persuasive advertising that is permissible while nevertheless condemning cases that violate consumers’ autonomy.

**Keywords**: Business ethics; applied ethics; advertising ethics; marketing; autonomy

*1. Introduction*

 According to a popular line of argument, advertisers often commit a moral wrong by violating the audience’s autonomy. Roger Crisp, in his influential paper, argues that “persuasive advertising does override the autonomy of consumers, and that, if the overriding of autonomy, other things being equal, is immoral, then persuasive advertising is immoral” (1987, 416­-17). Following those like Frankfurt (1971) and Dworkin (1988), Crisp understands autonomy in terms of a coherence between first-order and second-order desires. Crisp is especially concerned with our “strong second-order desire not to be manipulated by others without our knowledge” (Crisp, 1987, 414). There have been several subsequent versions of the autonomy argument, but many of them (such as Lippke 1989, Sher 2011, and Villarán 2017) retain the central claim that there is something wrong with the way advertising manipulates people’s desires.

 My aim in this paper is to employ a different conception of autonomy and to refine the argument against persuasive advertising accordingly. I argue that the standard condemnation of advertising is not sufficiently fine grained, as it mistakenly condemns permissible acts of manipulation. I suggest that the argument could avoid this problem by adopting the “historical” view of autonomy. On this view, defended by Christman (1991), a person is autonomous relative to a desire if she did not resist (or would not have resisted) the process through which the desire developed.[[1]](#endnote-1) I explain how this leads to some surprising conclusions about advertising. Rather than condemn advertisers simply for manipulating desires, I argue that they act wrongly only if the manipulation was done in ways (or for ends) that the audience would not accept. If we adopt this view, then will be some forms of persuasive advertising that do not violate agents’ autonomy.

 The structure of the paper is as follows. In the next section, I give a brief exposition of Crisp’s argument. This is followed by a summary of some of the subsequent versions of the manipulation objection. I then present an example of a seemingly permissible act of manipulation that would be condemned by these views. In section 3, I explain the historical view of autonomy, and I reevaluate the example. In section 4, I apply these considerations to advertising and I argue that manipulation should not be our main moral concern. The problem with advertising is that it produces desires without being sufficiently attentive to preferences that consumers would reflectively endorse. I explain how this shift of focus is especially important in the context of various technologies that make users increasingly vulnerable to manipulation. Although it may sound paradoxical at first, there is a possibility that external manipulation through advertising could enhance agents’ autonomy rather than undermine it.[[2]](#endnote-2)

*2. The Autonomy Argument against Advertising*

*2.1 Crisp’s Argument*

In a well-known exchange, Roger Crisp (1987) criticizes advertising by responding to Robert Arrington’s (1982) defense of it. Both authors focus on what they take to be “four notions central to autonomy”: autonomous desire, rational choice, free choice, and the absence of control/manipulation (1987, 414). Arrington argues that advertising does not undermine these central notions of autonomy, but Crisp offers rebuttals to Arrington on all four counts.

 First, there is autonomous desire. As explained above, Crisp and Arrington both adopt the view defended by Frankfurt (1971) and Dworkin (1976, 1988), which considers an agent’s first-order desire to be autonomous if it is consistent with her second-order desires. What is necessary is that the agent identify her first-order desires as her own when she engages in second-order reflection on those desires. Arrington argues that advertising gets a pass on this count. When the higher-order desires are consistent with the lower ones, the desire is autonomous. If, for example, advertising gives me a first-order desire to drink Coca-Cola, that desire is autonomous as long as it is consistent with my second-order desires (i.e., I want to have a first-order desire for Coca-Cola; when I engage in higher-order reflection, I approve of my first-order desire). If I accept my first-order desire in those terms then it is an autonomous desire. Arrington argues that “[M]ost of the desires induced by advertising I fully accept, and hence most of these desires are autonomous. The most vivid demonstration of this is that I often return to purchase the same product over and over again, without regret or remorse” (1982, 7).

 Crisp rejects this analysis as overly simplistic. Even if I find second-order approval of my first-order desire for Coca-Cola, he claims that most people also have a second-order desire not to be manipulated. Therefore, when a first-order desire is created through external manipulation, it will always be inconsistent with at least one second-order desire (1987, 414). Lippke 1989 also argues that we should not be satisfied with the consistency between first- and second-order desires, given that advertising does more than simply create first-order desires. He suggests that advertising tries to induce an “uncritical acceptance of the consumer lifestyle as a whole,” and if it succeeds in doing this, then we should not be surprised to find that our second-order reflection endorses the first-order desire (Lippke 1989, 39). After all, advertising sold us on the idea that satisfying such first-order desires will make us happy, so the mere fact that we do not repudiate the desire upon reflection is not enough to ensure that the desire is autonomous as Arrington suggests.

As for the second notion central to autonomy, Crisp argues that desires created by persuasive advertising are not products of rational choices.[[3]](#endnote-3) This is especially true in cases where my conscious, first-order desire has been brought about through an appeal to some unconscious desire. For example, let’s say my desire to drink Coca-Cola was brought about because the ad successfully led me to associate Coca-Cola with my unconscious desire for youthful exuberance and joie de vivre. If the desire driving my purchase is unconscious, then I would not be able to rationally deliberate over my choice or endorse it through higher-order reflection. The desire for Coca-Cola was brought about by manipulating my unconscious desires, and so Crisp argues it was not a rational choice:

“For a desire to be rational, in any plausible sense, that desire must at least not be induced by the interference of other persons with my system of tastes, against my will and without my knowledge . . . If a desire is to be rational, it is not necessary that all the facts about the object be known to the agent, but one of the facts about that desire must be that it has not been induced in the agent through techniques which the agent cannot accept.” (Crisp 1987, 414)

On the third count, Crisp argues that persuasive advertising removes the possibility of free choice by undermining our ability to weigh reasons for the action (a necessary condition of free choice). If Coca-Cola has successfully manipulated my desires in the way suggested above, then I cannot weigh reasons when I make my decision because some of my reasons (*viz.* the unconscious desires) are inaccessible to me (Crisp 1987, 416).[[4]](#endnote-4)

 On the fourth and final count, Crisp claims that advertising undermines autonomy whenever it manipulates our desires. He argues against Arrington’s view that persuasive advertising does not manipulate us because it does not “ensure that all of the necessary conditions of A [the action] are satisfied” (1987, 416). Crisp suggests that this understanding of manipulation is excessively restrictive as it would exclude even a clear-cut case of coercion by an “Evil Genius” who compels me to dance a jig by using mind control that relies on one of my pre-existing desires. It is certainly true that the Coca-Cola ad did not ensure that *all* of the necessary conditions of my purchase were satisfied (e.g., the fact that I am thirsty), but that is surely too high of a bar for manipulation. A common sense understanding of manipulation would grant that the evil genius manipulated me into dancing a jig even if he did not create *all* of the desires required. Since he believes that persuasive advertising fails on all four of the above counts, Crisp concludes that advertising undermines our autonomy and that it is, therefore, immoral.

*2.2 Other Versions of the Autonomy Objection*

 As a critic of advertising, Crisp is far from alone. In addition to his version of the autonomy objection, there have been utilitarian criticisms, like that of Galbraith 1994, virtue ethics critics like Waide 1987, and Kantian objections such as Villarán 2017.[[5]](#endnote-5) Since my focus here is restricted to the efficacy of the manipulation objection, I will limit my attention in this section to concerns about autonomy. But I will mention some of these other views in section 4 when I raise the possibility of morally permissible manipulative advertising.

When it comes to the autonomy objection, many of the critics concur with Crisp, taking issue with the way in which advertising creates alien desires through manipulation. As noted above, Lippke 1989 claims that advertising does more than shape our first-order desires; it undermines our autonomy in an even deeper way. He suggests that “advertising serves as a force that *legitimizes* the political and economic status quo. It deadens individuals to a more extensive critical scrutiny of the institutions they live under” and this allows “the economic interests of corporations to dominate their lives” (1989, 48). As such, the second-order approval of first-order desires does little to guarantee the autonomy of these desires. If advertising has the effect that Lippke suggests, then the higher-order reflection on our first-order desires would lack the kind of procedural independence that is necessary for autonomous identification.[[6]](#endnote-6)

In a similar vein, Sneddon 2001 argues that advertising has a more profound effect on autonomy than the one Crisp had in mind. Sneddon is concerned not merely with autonomous choices, which he calls “shallow autonomy;” he is particularly worried about the effect that advertising has on agents’ capacity for self-rule, which he calls “deep autonomy” (2001, 15). Following Charles Taylor (1985, 1989, and 1991), Sneddon defends the importance of “strong evaluation,” which he defines as the capacity to reevaluate not only our first-order desires but our entire conception of the good life — the very lens through which we evaluate those desires in the first place. Since strong evaluation is an activity that “can be done well or poorly,” Sneddon argues that certain conditions make it possible for us to do a good job of autonomously evaluating ourselves (Sneddon 2001, 20). In particular, he believes that this requires “(1) openness to possible ways of living (part of Taylor's horizons of significance), and (2) conceptual richness rooted in language” (Sneddon 2001, 22). The problem with advertising, Sneddon argues, is that it promotes consumerist ideology by undermining our openness to other ways of living and by impoverishing our conceptual horizons in such a way that we cannot see beyond the limited confines of consumerism.

Lippke and Sneddon agree in thinking that Arrington and Crisp set the bar for autonomy too low, and they both argue that advertising tries to sell us a consumerist ideology in addition to the particular products being marketed. But in doing so, Lippke and Sneddon may have set the bar too high. Cunningham (2003) argues that Sneddon’s conception of deep autonomy is implausibly restrictive. She claims that “Sneddon limits autonomous existence to only the small percentage of people who actively self-reflect on the deep questions of life’s meaning” (2003, 235). Sneddon’s analysis, she argues, leads us to conclude that adhering to almost any ideology, such as Catholicism, is sufficient to undermine our autonomy. After all, once one accepts an ideology, “she has little reason to search for beliefs and values outside it or to question the institutions that support it” (Cunningham 2003, 232).[[7]](#endnote-7) She also contends that buying into the ideology of capitalism may be an authentic part of someone’s identity.

Unconvinced by Sneddon’s criticism, Cunningham offers an alternative approach for addressing concerns about autonomy and advertising. She suggests that we should consider a desire autonomous (or alien) by evaluating it according to the model defended by Noggle 1995. On this view, alien desires are the product of “discordant quasi-beliefs” (Noggle 1995, 65). Quasi-beliefs are representational states that can function like beliefs insofar as they promote desires or actions, but they lack several important properties belonging to “straightforward beliefs.” Straightforward beliefs are (1) integrated into our broader web of beliefs; (2) “are formed by cognitive epistemic means and are subject to cognitive epistemic control” (60); (3) are available to us upon introspection; and (4) are ones that we are, other things being equal, willing to assert to ourselves (Noggle 1995, 59-60). Quasi-beliefs lack all of these features, and a quasi-belief is discordant just in case it is inconsistent with some straightforward belief. Cunningham claims that advertising does not violate our autonomy, because it does not generally create discordant quasi-beliefs (2003, 234). In the next section, I will argue that this is not necessarily true. It is possible for advertising to create alien desires by means of discordant quasi-beliefs.

Finally, Sher (2011) argues that advertising is manipulative (and thus morally objectionable) when the marketing tactic “is intended to motivate by undermining what the marketer believes is his/her audience’s normal decision-making process either by deception or by playing on a vulnerability that the marketer believes exists in his/her audience’s normal decision-making process” (97). Like Noggle and Crisp, Sher is principally concerned about the possibility that someone could be manipulated by having their rational faculties of desire-formation circumvented. Noggle goes so far as to say that alien desires of this sort are “deeply repugnant whether or not they are value-creating” and he believes that they are repugnant precisely because they “involve information that does not go through the person’s rational faculties” (Noggle 1995, 66-67). Echoes of Santilli 1983 can be heard here, as he argued that advertising’s use of irrational means of persuasion “denigrates human reason” and is “always immoral” even when the end is good or useful (Santilli 1983, 27).

In the next section, I provide some examples of manipulation that might lead us to question this conclusion and revise the model of alien desires that underpins it. In particular, they cast doubt on the claim that the wrong of manipulation consists in the way that it circumvents or subverts our rational faculties.

*2.3 Potentially permissible manipulation*

 I begin this section with two examples of manipulation. Both examples involve the kind of manipulation that would be morally impermissible according to the views defended by Crisp, Noggle, Sher, and Santilli. But our appraisal of the two cases may differ from theirs in some important ways.

(1) Maya gets all of her news from social media sites. The content that she is exposed to is determined by an algorithm that is meant to maximize the amount of time she spends reading and watching the news (and thus seeing ads). The social media sites have an extensive psychological profile of Maya based on her interests, search history, etc. They begin to show her news stories and targeted ads that take advantage of her unconscious fears. This leads to her buying a variety of products that she does not need. She can cite reasons for her purchases, but the actual motivation for buying these products was the unconscious fear that had been stoked by the social media sites.

(2) Ricardo also gets his news exclusively from social media. One day, his favorite website gives him a questionnaire about the kind of news that he would like to read, and he expresses, above all, an interest in being exposed to a wide range of diverse viewpoints. The site tries to expose Ricardo to a variety of perspectives, but he mostly sticks to a small handful of partisan outlets. The social media site aims to alter his media consumption in accordance with his preferences. Ricardo has a strong (but unconscious) desire for sex appeal. The website takes advantage of this by presenting ads that subtly give Ricardo the impression that he can enhance his sex appeal by familiarizing himself with a wider range of news media. This works, and Ricardo begins to read news from a variety of sources with more diverse viewpoints. When asked why he visits these sites, Ricardo says that he enjoys their content, but his real motivation is his unconscious desire for sex appeal.

On Crisp’s view, the social media sites violated both Maya’s and Ricardo’s autonomy. The acts of manipulation violate all four conditions. First, the manufactured first-order desires are inconsistent with second-order desires not to be manipulated (assuming, as Crisp does, that people have such a desire). Second, the desires are not the products of rational persuasion; they are the result of irrational associations that neither Maya nor Ricardo would endorse. Both Ricardo’s desire for sex appeal and Maya’s fears are unconscious and thus not amenable to rational reflection. Third, the conditions of free choice have been undermined as Ricardo and Maya are unable weigh reasons for and against the actions in question (given that the operative beliefs and associations are unconscious). Finally, the fourth condition was that the desire be free from control/manipulation, and these cases certainly fail on that count, according to Crisp.

 Noggle’s account of alien desires yields a similar verdict. Ricardo’s desire to read stories from the other sites is driven by his discordant quasi-belief that reading such news will enhance his sex appeal. This meets all of the criteria of a discordant quasi-belief (it’s not available upon introspection, it’s not one that Ricardo would assert, it contradicts his straightforward beliefs, etc.), and Noggle would thus view it as “deeply repugnant” (1995, 66). The same is true of Maya, who holds the discordant quasi-belief that purchasing the advertised products will allay her fears. So both cases are impermissible according to Noggle. And the same is true of Sher 2011. On Sher’s view the advertisers have wronged Maya and Ricardo by taking advantage of vulnerabilities in their decision-making processes.

 We can agree with the critics that both cases involve manipulation. But it is less obvious that both scenarios involve morally impermissible manipulation. Ricardo’s desires were being manipulated in accordance with his stated preferences; whereas Maya’s were not. This might not necessarily undermine his autonomy. Consider the case of Samantha who goes to a hypnotist in order to quit smoking. Samantha sincerely insists that she does care about the means used to achieve this goal. She has tried everything and she autonomously consents to altering her behavior through hypnosis. If the hypnotist gets her to quit smoking by taking advantage of some unconscious fear or desire, would that mean that Samantha’s autonomy has been undermined? Crisp’s view directs us to this implausible conclusion. The same is true of Noggle if the hypnotist gets her to quit smoking by way of instilling discordant quasi-beliefs.

What this shows is that coarse-grained objections to the mechanisms of manipulation might prove too much. If we think that this kind of desire-manipulation, (e.g., Ricardo and Samantha), does not constitute a wrongful violation, then we must adopt a different view of autonomy — one that makes room for the permissibility of altering desires through non-rational means. There ought to be conceptual space for us to distinguish between manipulation and wrongful manipulation.

*3.* *The Historical Account of Autonomous Desire*

On some views of autonomy, we must reflect not only on the state of a desire at a given time (and its possible consistency with higher-order desires at that time), but we must also consider the process through which that desire was developed. This is sometimes called the “historical” or “genetic” account of autonomy. John Christman (1991), one prominent defender of such a view, provides the following conditions for an autonomous desire:

(i) A person P is autonomous relative to some desire D if it is the case that P did not resist the development of D when attending to this process of development, or P *would not have* resisted that development had P attended to the process;

(ii) The lack of resistance to the development of D did not take place (or would not have) under the influence of factors that inhibit self-reflection;

and

(iii) The self-reflection involved in condition (i) is (minimally) rational and involves no self-deception. (Christman 1991, 11)

Christman argues that this conception of autonomy can avoid some of the difficulties with Dworkin’s view.[[8]](#endnote-8) But it can also help us see what is wrong with some of the manipulative actions that Crisp and others condemn. Consider the classic (albeit apocryphal) story of New Jersey moviegoers who bought more soda and popcorn because of a subliminal, “sub-threshold,” advertisement.[[9]](#endnote-9) Crisp rightly finds such manipulation objectionable, but Christman’s account better explains how this manipulation violates the viewers’ autonomy. The alien desire for popcorn is one that the moviegoers would reject if they attended to the process that gave rise to it. The same could be said of my advertising-induced desire for Coca-Cola. If I were to reflect on the process that gave rise to my desire (the unconscious association of the beverage with youthful exuberance), I would repudiate it as an alien desire rather than endorse it as an autonomous one. The process that led to me desiring Coca-Cola involved an association that I could not rationally endorse. Maya would feel the same way about the products she purchased. If she had been given the opportunity to reflect on the process that created the desire for those products — the stoking of her fears by deceptive stories on social media — she would have resisted it. What is crucial here is that Christman’s account offers the possibility of giving different verdicts on the manipulation of Maya and Ricardo. Unlike Maya, Ricardo might not repudiate his desire after finding out about the process that developed it.[[10]](#endnote-10) This option would not be available to us if we concerned ourselves excessively with the *means* employed when circumventing faculties of rational desire-formation, as Crisp, Noggle, Sher, and Santilli do.

Christman’s view also allows us to make sense of the smoking cessation case. If the hypnotist got Samantha to quit smoking by instilling some discordant quasi-belief, then Noggle’s account would condemn the action. But Christman’s account leaves room for the possibility that Samantha would accept the process through which the desire was created. She sought out the hypnotist in order to quit smoking, and she might accept the fact that her rational faculties had been circumvented in order to achieve this end.

This conclusion has interesting implications for advertising. Although it will condemn some acts of manipulation, the condemnation is more fine-grained than the accounts discussed in section 2. It leaves open the possibility that persuasive advertising could create desires in ways that are consistent with consumers’ autonomy. Before exploring that possibility, however, more should be said about the kind of self-reflection that is required for autonomy on Christman’s view. A great deal of advertising is aimed at children, and we might wonder whether or not they are capable of the kind of self-reflection at issue in Christman’s first and third conditions. In addition to young children, there other vulnerable agents whose reflective endorsement of the desire formation might not suffice for autonomy. Indeed, many consumers are irrational to some extent, so we might worry that this notion of autonomy requires fully informed, perfectly rational agents.

But the self-reflection required on Christman’s account only requires that it be “minimally” rational and not involve self-deception. By keeping the account sufficiently thin, the bar is low enough that the agent does not need to be ideally rational in order for her self-reflection to ensure the autonomy of her desire. Ordinary consumers are capable of satisfying the third condition even though they are not perfectly rational. A brainwashed cult follower, on the other hand, might not meet this condition. Her reflection might involve self-deception or it might fall short of minimal rationality. Similarly, young children are probably not capable of rationally reflecting on their advertising-induced desires. So the account I advocate would not extend to those who are incapable of “minimally rational” self-reflection, but it would apply to ordinary consumers.

*4. Advertising, Manipulation, and New Media*

It should be noted that the view I am defending still condemns the vast majority of manipulative advertising as it operates today. People do not typically want to have alien desires planted in them simply because someone else wants to profit off of their desires. Ricardo might allow himself to be manipulated if it is for his own good (as he understands it),[[11]](#endnote-11) but people are not likely to submit to such manipulation if the advertiser does not have the consumers’ preferences in mind at all. My point is that there is more to the issue than simply asking whether or not our desires have been manipulated. We must ask whether or not we have been manipulated for ends that we would accept and by means that we could endorse.[[12]](#endnote-12)

 Crisp’s description of the second-order desire not to be manipulated might actually leave room for such an addendum. He says, “Many of us have a strong second-order desire not to be manipulated by others without our knowledge, and *for no good reason*” (414; emphasis added). Ricardo was manipulated without his knowledge but it was for a reason that he might accept, *viz.* the advertiser was acting in accordance with the desires he shared with them.[[13]](#endnote-13) The moviegoers were manipulated for a reason that they would probably not endorse. The same goes for my desire to drink Coca-Cola. They manipulated me because they wanted me to purchase their product, not because they were benevolently promoting my self-interest in accordance with my preferences. In Ricardo’s case, by contrast, there was overlap between his autonomously chosen ends and the advertiser’s aim.

 The important question is not whether I am being manipulated but whether I am being manipulated *for a good reason* — where “good reason” is defined as one that the agent would accept if they were to evaluate the desire-formation process. The profit motive that drives the vast majority of advertising (excepting things like public service announcements) is not a reason that most consumers would endorse as a good one for manipulating their desires. There is the possibility, however, that advertising could function in a way that mutually benefits advertisers and their audience.

 This has become increasingly possible in the context of new technologies that have greatly enhanced advertisers’ capacity to know their audience and to understand (and manipulate) their behavior. When we consider the tools that advertisers have at their disposal today, the manipulative techniques that concerned Crisp and Arrington pale in comparison. In 1987, when Crisp’s paper came out, it would have been hard to foresee a situation in which advertisers would have access to vast troves of location data that allow them to determine if someone goes into a store after seeing an ad on a mobile phone. It would have been even more difficult to imagine that two-thirds of Americans would be getting their national news from social media and the extent to which attention-maximizing algorithms determine the news content that someone sees.[[14]](#endnote-14) Crisp and Arrington were not dealing with an environment in which the audience sees targeted ads that draw information from the content of their e-mails, their browsing history, their location data, and so forth.

 The manipulation of Ricardo provides a model of how advertising could be mutually beneficial in this modern context. By asking Ricardo what kind of news content he wanted to see, they were able to send him targeted ads that accommodated his preferences. But this is not just a win for Ricardo, the media outlets will also be pleased with this result. Both parties have gotten what they wanted. We can contrast the manipulation of Ricardo with what typically happens under the status quo. Unlike Ricardo, the content that Maya saw was chosen by algorithms that aim solely to maximize the amount of time she spends on those sites. These algorithms have the notorious problem of exacerbating echo chambers and creating “filter bubbles.”[[15]](#endnote-15) Because they are recommending content based on what she has already watched, Maya might be shown increasingly biased content and she may begin to ignore sources that contradict her views. By becoming trapped in a filter bubble, her capacity to rationally scrutinize her beliefs has been undermined. She cannot fairly consider alternative viewpoints that would allow her to critically assess her own.

 Filter bubbles have become a serious political and moral concern.[[16]](#endnote-16) There are fairly obvious reasons for these worries: they pose a grave threat to the healthy functioning of democracy, for instance. Filter bubbles also undermine our autonomy. Insofar as critical self-reflection is a central component of autonomy, we should worry about the extent to which filter bubbles undercut individuals’ capacity for such reflection. But the technologies that led to these situations have the potential to reverse this trend as well. Indeed, in the case of filter bubbles, some developers have been working on tools to combat this problem, precisely because of the threat they pose to democracy (Bozdag and van den Hoven 2015).

If these issues are approached in a socially conscious way, there would be tremendous potential for good.In his virtue ethics critique, Waide 1987 suggests that advertisers “desensitize themselves to the compassion, concern, and sympathy for others” (73), but this does not have to be the case. By following the model I have suggested here, advertisers could, in some cases, achieve their aims while nevertheless keeping consumers’ well-being and autonomy in mind. In Ricardo’s case, the advertisers did not desensitize themselves; they retained a concern for Ricardo’s well-being and their sympathy could remain intact.[[17]](#endnote-17) This would also speak to the utilitarian critics like Galbraith 1994. Rather than undermine the public good, advertising could be done in a way that promotes it. Combating filter bubbles is a good example of this. If the manipulation of users’ media consumption is done with the sole intention of maximizing profits, they not only violate the audience’s autonomy, they also pose a serious threat to certain societal goods.

 The filter bubble is but one of many examples of how new media and the “attention economy” have made people increasingly susceptible to manipulation.[[18]](#endnote-18) Given this context, it is important to know when (if ever) it is permissible to manipulate other people’s desires without their knowledge. The traditional argument against manipulation forbids all acts of this kind. On my view, the restrictive focus on the mechanism of manipulation is misplaced. We should not simply ask whether or not someone was manipulated; we should ask whether they would reject the desire that resulted from the manipulation if they were to reflect on the process through which the desire was developed.

This leaves open the possibility that people might want to have their desires manipulated in certain ways. Not all agents are open to such manipulation, but some might be. I, for one, would be happy to be manipulated into having stronger first-order desires for a healthful diet, routine exercise, or pleasure reading. I would not object to the use of associative techniques (or manipulation of my unconscious desires) to achieve these aims. But that is not to say that I would endorse *any* manipulative tactics. It would be possible to get me to exercise by threatening me with violence, and I surely do not want to be manipulated in this way. On the other hand, I might download an exercise or language-learning app on my phone. These apps give me notifications alerting me about my streak of consistent activity. Such notifications are certainly trying to manipulate me into using the app.[[19]](#endnote-19) I would consent to this kind of manipulation. It promotes an end that I have set for myself (exercising regularly or studying German), and it does so in a way that I could endorse even if the manipulation is achieved through non-rational means, such as the triggering of a dopamine surge when I am reminded of my streak.[[20]](#endnote-20) It would be too hasty, however, to think that my endorsement of the manipulation is, by itself, sufficient for autonomy. I would have to engage in further reflection about what is driving my desire to diet or exercise in the first place. Perhaps I have these desires because I have internalized an unhealthy and unrealistic body image that has been forced on me against my will. To fully ensure that my desire to exercise is autonomous, I must endorse not only the momentary desire prompted by the app; I must also endorse the desire for exercise itself. I should subject both desires to questions about the processes that gave rise to them.

In this way, advertisers can respect agents’ autonomous desires and pursue campaigns that are mutually beneficial. For instance, there is ample evidence to suggest that mobile phone addiction is harmful. Problematic use of such devices has been linked to anxiety, depression, diminished attention span, sleep disturbance, and decreased relationship satisfaction.[[21]](#endnote-21) Many users have expressed a desire to spend less time on their phones, and I would count myself among them. Some developers have added functions that allow users to see how much time they spend on their devices and what prompted the usage (e.g., which apps they used, what notifications led them to unlock the device, etc.). I might choose to buy a phone from one company over another if that company can help me pursue my autonomous desire to spend less time looking at my phone (or to look at it only for things that I believe add real value to my life). I would even consent to certain forms of non-rational manipulation to help me achieve this aim (such as the “gamification” suggested above).

The problem with the status quo is that advertisers are almost always trying to manipulate us in ways that we would probably not accept and for ends we would not endorse. By and large, preferences that result from persuasive advertising are alien desires. I do not want to have consumerist desires implanted in me by advertisers. Such desires are inconsistent with my conception of the good life. Advertising as it exists today, is thus deeply objectionable. I believe that some of the objections to it have been misguided, however, by focusing too narrowly on the manipulative tactics themselves.

 In the scenario presented above, Samantha sought the help of a hypnotist in order to quit smoking, and I suggested that this kind of manipulation would not necessarily undermine her autonomy. The model of Ricardo could be deployed in this case as well. One day, Samantha’s favorite social media site presents her with a questionnaire asking about alien desires. She indicates that she would like to quit smoking but that she has struggled to do so; she simply cannot muster the motivation to quit. Based on their psychological profile of Samantha, the site determines that she can be manipulated by means of her unconscious desire for social status. They present her with targeted ads that establish an association between smoking and lower social status. They achieve this by means of discordant quasi-beliefs. This approach is successful. Samantha purchases nicotine patches, and she quits smoking.

 Once again, the arguments from Crisp, Sher, Noggle, and Santilli condemn this as wrongful manipulation. But Samantha has purged an alien desire.[[22]](#endnote-22) She is arguably *more* autonomous as a result of the manipulation. If we were to insist on straightforward engagement with people’s rational faculties of desire-formation, then this kind of benevolent manipulation would be ruled out as impermissible. Indeed, the tobacco industry successfully leveled such an argument in their legal battle against the FDA requirement to put images on cigarette warning labels.[[23]](#endnote-23) The judges claimed that the images “were problematic because they were ‘crafted to evoke a strong emotional response,’ rather than to educate or warn consumers” (Perrone 2019).[[24]](#endnote-24) This echoes the conclusions of nearly every autonomy-based criticism of advertising. Crisp 1987, Beauchamp 1984, Santilli 1983, and Sher 2011 all suggest that advertising which aims to persuade through non-rational means (i.e., manipulate) is more problematic than advertising that merely informs. I think the ruling may have been right about the fact that the graphic warning labels evoked a strong emotional response, but I am not so opposed to this kind of manipulation. My suggestion in this paper is that we should be less concerned about the means through which someone is manipulated and more concerned about the agent’s acceptance of the process. If the agent would be willing to accept the process of desire-formation, then perhaps the manipulation is not problematic.

*5. Conclusion*

 I have argued that we should refine the argument against persuasive advertising by making use of the historical conception of autonomy. Rather than focusing narrowly on manipulation and the coherence of first-order and second-order desires, I suggest that we adopt a view of autonomy that asks us to look at the process through which our desires developed. My reason for this change was that there are some cases where, surprisingly, someone could autonomously consent to having their desires manipulated by advertisers. This distinction is especially important in a context where manipulation is rampant and concerns about it might be misguided. There is tremendous potential to harness the power of persuasive advertising for good, but, at present, that potential is being squandered.[[25]](#endnote-25)

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1. As I explain below, there are two additional conditions: the self-reflection on the process of development must be minimally rational and uninhibited. [↑](#endnote-ref-1)
2. This suggestion – that one’s autonomy could be enhanced through external manipulation – is not new. Sneddon 2013 provides an example in which a benevolent neuroscientist helps an agent act in accordance with her commitment to a project of drinking more tea (37). This is precisely the sort of benevolent manipulation that I will defend here.

Although they approach the possibility differently, the possibility of autonomy-enhancing advertising is raised by Anker et al 2001. They adhere to the Dworkin/Frankfurt model of autonomy, but they claim that “divergent marketing” is at odds with autonomy while “convergent marketing” is not. [↑](#endnote-ref-2)
3. Throughout the paper I use the term “persuasive advertising” in keeping with Crisp’s usage. Crisp uses this label to distinguish persuasive advertising from informative advertising. Phillips 1994, following Beauchamp 1984, prefers the term “manipulative advertising” because this leaves room for the possibility of advertising that makes use of rational persuasion, which no one takes to be problematic. Although I use the term “persuasive advertising,” I am typically talking about manipulative advertising, not ads that work by means of rational persuasion. [↑](#endnote-ref-3)
4. He writes, “In fact, it is odd to suggest that persuasive advertising does give consumers a choice. A choice is usually taken to require the weighing-up of reasons. What persuasive advertising does is to remove the very conditions of choice” (*Ibid.* 416). [↑](#endnote-ref-4)
5. One would expect a Kantian objection to pertain to autonomy as well. Villarán is indeed concerned with autonomy but only in the strict Kantian sense of being a moral agent who acts out of respect for the moral law. Villarán argues that advertising threatens to make us heteronomous by directing us to obey self-interested desires that are at odds with Kant’s notion of duty. This is certainly about autonomy, but it is distinct enough from the standard manipulation objection that I do not discuss it at length here. Villarán and Kant are principally concerned with *moral* autonomy, but the views I am discussing deal with *personal* autonomy. For more on this distinction and an attempt to generate a Kantian view of personal autonomy, see Taylor 2005.

Nevertheless, if Villarán is right about advertising, that would cast doubt on my conclusion about the moral permissibility of manipulative advertising. Although I cannot give a full response here, I believe that my conclusion could be defended from the Kantian critique. First, Villarán presents examples of advertising that encourage obeying desires even when this means violating one’s moral duty (10). I would agree that such advertising is morally problematic, but I do not think that all advertising is guilty of this charge. Advertising might lead me to act on a desire in a way that is *consistent* with my moral duty. If I act on an inclination that was induced by advertising, then the heteronomous action could be “in conformity with duty” even if it was not done “from the motive of duty.” For instance, an ad might show me pictures of starving children and evoke my compassion and sympathy, prompting me to donate money to famine relief. Such an action conforms with the duty of beneficence even if the advertising-induced inclination was the determining ground of the will. Second, Villarán suggests that a Kantian account of manipulative advertising must begin by “denouncing that it implies treating humanity merely as means” (11), but this is not necessarily true of the kind of advertising that I defend here. In the cases like Ricardo’s, the persuasive ads respect the agents’ capacity to set ends for themselves, so it could be argued that they are not treated as a *mere* means

It is possible that Kantians will my find this response to Villarán’s criticism unsatisfying. They might persist in their belief that manipulative advertising (even construed along the lines I have suggested) is at odds with the Kant’s ideas about autonomy and respecting rational agency. If that is the case, then I would defer to Crisp’s point that Kant’s “standards are too high” (414). Kant’s view of moral autonomy ultimately requires us to conceive of an agent that is “entirely external to the causal nexus found in the ordinary empirical world” (Crisp 1987, 414) and this is not the common sense notion of personal autonomy at stake in most discussions of advertising. Acting from the motive of duty is a noble moral principle, but requiring advertising to be consistent with this kind of moral autonomy sets an unreasonably high standard. Because of the arguments I defend throughout the paper, I think we ought to lower the bar given that circumventing rational faculties appears to be morally permissible in some cases. As Hyman 2009 points out, if we believe in the idea of responsible ads at all, we must accept that “non-cognitive appeals can be used responsibly” (201). Cf Maciejewski 2004. [↑](#endnote-ref-5)
6. The account of autonomy defended by Dworkin 1988 requires procedural independence. The account I favor in this paper — that of Christman 1991 — also requires procedural independence. Some have argued that this does not go far enough and that there must be substantive independence in addition to procedural (see, for example, Stoljar 2000 and Benson 2005). [↑](#endnote-ref-6)
7. Cunningham’s objection to Sneddon might be something of a straw man argument. First, she is treating autonomy like an all-or-nothing affair, but an agent’s autonomy comes in degrees. Sneddon’s argument is pointing out how the capacity for strong evaluation can make an agent more autonomous, and he argues that the bombardment of consumerist advertising diminishes agents’ capacity for such evaluation. Second, Sneddon does not claim that autonomy requires that agents *engage* in strong evaluation; autonomy might simply require the *capacity* for strong evaluation. Cunningham makes it sound as if Sneddon limits autonomy to the very few individuals who actively question all of their most basic commitments, but that is not the case on Sneddon’s view. Third, the comparison with Catholicism overstates Sneddon’s point. Adherence to an ideology does not undermine autonomy; the question is whether or not one’s adherence to the ideology is autonomous in the first place. I am grateful to an anonymous reviewer for raising these concerns. [↑](#endnote-ref-7)
8. Christman (1991) worries that Dworkin’s view might have an infinite regress problem. We use second-order desires to validate the autonomy of our first-order desires, but then it seems that we must find a third-order desire to sign off on the second-order desire. And so on. See also Thalberg 1978. Another concern is that the time-slice view might endorse problematic manipulation. It is not enough to require second-order approval of a first-order desire; we must consider the possibility that an external manipulator has created both the first-order desire *and* the second-order approval of it. See Sneddon 2013, 34. These problems are interesting, but it is not my aim to address them in depth here. My interest in adopting Christman’s view of autonomy is not avoiding such problems; rather, my aim is to accommodate differing intuitions about cases like Ricardo’s.

Christman’s view also allows us to maintain the intuitions motivating Frankfurt and Dworkin’s view. For example, consider an agent who has a second-order desire to rid herself of first-order desires for junk food. She is inundated with advertisements that promote her first-order desires for junk food. Christman’s view tells us that her desire for junk food would be autonomous only if she does not resist (or would not resist) the development of her first-order desire. Presumably she *would* resist the process, given that she does not want to have such desires. In this way, Christman’s account can preserve much of what is plausible about Frankfurt and Dworkin’s view. [↑](#endnote-ref-8)
9. Even Crisp mentions this experiment, although he says that it was ice cream rather than soda and popcorn. This story continues to circulate even though all attempts to replicate the experiment have failed and the initial researcher, James Vicary, has been charged with falsifying the data: “Nobody has ever replicated Vicary’s findings and his study was a hoax” (Karremans et al. 2006). See also Rogers 2001. [↑](#endnote-ref-9)
10. It should be noted, however, that Christman’s view does not guarantee that Ricardo would endorse this particular manipulative tactic. Even if Ricardo wants to have his desire for diverse media consumption promoted, he might not approve the advertiser’s manipulation of his desire for sex appeal. When reflecting on the desire-formation process, he very well might repudiate such manipulation. The desire would therefore be alien, not autonomous. This is consistent with my view, however. What I hope to show with the example is only that there is a possibility that Ricardo’s desire is autonomous in spite of being the product of external, non-rational manipulation. This possibility is ruled out by the accounts from Crisp, Noggle, Sher, and Santilli. My objection to their views does not depend on the claim that Ricardo is autonomous with respect to his desire; it depends only on the *possibility* that his desire could be autonomous. It would be enough to show that autonomy is potentially consistent with manipulation through advertising. [↑](#endnote-ref-10)
11. I do not intend to license paternalistic manipulation of desires. [↑](#endnote-ref-11)
12. As I note in this section, my argument refines Crisp’s, but his position leaves room for such an adjustment. It is not as if he objects to all forms of manipulation. He says that “Often, we are manipulated by others without our knowledge, but for a good reason, and one that we can accept” (Crisp 1987, 414). He gives an example of consenting to have our emotions manipulated by a skillful actor. [↑](#endnote-ref-12)
13. It is also possible that Ricardo would reject the manipulation. Perhaps he is the sort of agent who finds all external manipulation repugnant. Christman’s account allows for this kind of agent relativity. The key question is whether or not the agent accepts the process through which the desire was formed. Reasonable people may differ on this issue. My aim here is to show that *some* manipulation through advertising could be accepted by *some* agents. This qualification is important to avoid overstating the conclusion. [↑](#endnote-ref-13)
14. This is according to a 2017 Pew Research Center poll. See, Elisa Shearer and Jeffrey Gottfried, “News Use Across Social Media Platforms 2017” [↑](#endnote-ref-14)
15. This term was coined by Eli Pariser in his book *The Filter Bubble: What the Internet Is Hiding from You*. Cf., Bozdag 2013. [↑](#endnote-ref-15)
16. For a discussion of filter bubbles, new media, and many other components of the “attention economy,” see Castro and Pham (forthcoming). Among other things, Castro and Pham discuss how filter bubbles undermine our agency. [↑](#endnote-ref-16)
17. Although I believe that this point addresses Waide’s concern about advertisers desensitizing themselves, there are several other facets of the virtue ethics critique that deserve consideration. Waide worries that advertising sells us the message that consumption of market goods will make us happy, but virtue ethics tells us that this is mistaken. On the Aristotelian view, the good life is one that is achieved through proper cultivation and exercise of virtues, but when associative advertising supplants this pursuit with materialistic desires, it yields “the result that we become worse and, quite likely, less happy persons” (Waide 1987, 73). I would agree on all these counts, and I think the virtue ethics critique provides a powerful argument against advertising that simply promotes consumerism. But as Villarán 2017 points out, on Waide’s view “advertising that does not promote materialism is free of blame” (4). So Waide is not condemning all manipulative advertising *per se*. He is condemning it insofar as it promotes vapid consumerism, and this is consistent with my view. There could be a manipulative advertisement that does not promote consumerism (such as the Oxfam ad that I suggested in note 5), and this would be immune to the virtue ethics objection but would still be subject to the manipulation objection that I rebut in this paper. [↑](#endnote-ref-17)
18. Social media sites can manipulate more than users’ media consumption. In 2012, Facebook engaged in an experiment on roughly 700,000 users to see if they could alter their moods by filtering the content they saw. The results confirmed the hypothesis. Altering users’ news feeds had an appreciable effect on their emotional states. See Kramer et al. 2014. [↑](#endnote-ref-18)
19. The empirical psychological research on this subject is vast. See, for example, Eyal 2014 for a discussion of how people become “hooked” on these technologies. Software developers have been immensely successful at deploying such psychological research in order to get people to spend more time looking at screens. I am not, by any means, suggesting that this situation is good. I argue elsewhere that it is, in fact, quite harmful. I am, however, suggesting that these manipulative methods could theoretically be harnessed for good.

Thanks to Clinton Castro for suggesting this example. [↑](#endnote-ref-19)
20. Eyal 2014 discusses dopamine in particular. Its manipulative function is not merely that it brings us pleasure; it actually suppresses our critical faculties: “Research shows that levels of the neurotransmitter dopamine surge when the brain is expecting reward [...] *which suppresses the areas of the brain associated with judgement and reason while activating the parts associated with wanting and desire*” (Eyal, 2014, p.7; emphasis added). So when I return to the exercise app because it has successfully triggered my dopamine response, it is certainly manipulating me through non-rational means. But I can (on reflection) consent to this kind of manipulation given that (1) it is for an end that I want to pursue and (2) it is done in a way that I would endorse. [↑](#endnote-ref-20)
21. It would be difficult to provide an exhaustive list. For a review of the literature in psychology, see De-Sola Gutiérrez et al. 2016. Cf. Lee et al. 2015; Rotondi et al. 2017. Rosen et al., 2013; and Thomée et al., 2011. [↑](#endnote-ref-21)
22. This desire could be seen as alien on Dworkin’s view given that the first-order desire to smoke is inconsistent with Samantha’s second-order desires. But it would also be alien on Christman’s view if Samantha rejects the process that led to creating the desire to smoke. In the folly of her youth, Samantha did not think that she would become addicted, and regrets ever starting. [↑](#endnote-ref-22)
23. I am grateful to Amy Sepinwall for suggesting that I include this example in the paper. [↑](#endnote-ref-23)
24. The tobacco companies also argued that the labels violated their right to free speech. [↑](#endnote-ref-24)
25. I am grateful to everyone who participated in the Zicklin Center Normative Business Ethics Workshop at the Wharton school. I received a great deal of useful feedback there. In particular, I would like thank Amy Sepinwall, Brian Berkey, Robert Hughes, Arudra Burra, and Ittay Nissan. I would also like to thank Clinton Castro for many helpful discussions of autonomy, advertising, and technology. Finally, I would like to thank Emma Prendergast for sparking my interest in this subject and for giving helpful feedback on earlier drafts of this paper. [↑](#endnote-ref-25)