ABSTRACT. Consumers can sustain markets that are morally questionable. They can make immoral or morally suspect demands of individual businesses, especially small businesses. Even when they do not, the costs to firms of consumer protection can sometimes drive them to ruin. This paper presents cases where deference to the consumer is variously unwarranted, cases that may prompt second thoughts about some kinds of consumerism.

Consumers as kings, consumers as victims

Rhetoric about consumers provides two conflicting images of the people who buy things. In one image consumers are discerning, demanding and need to be deferred to. Thus the slogan, 'The consumer is king' or 'The customer is always right.' At other times consumers are potential victims who need to be defended by the law, by individual firms' consumer charters, by consumer protection schemes, and by consumer journalism and television. The rhetoric which conjures up the first image is usually to do with the economic dependence of firms on consumers. Firms that want to stay in business have to sell things that people want to buy, on terms that will make the buying easy and pleasant. If a willingness to take trouble to accommodate the consumer — if a willingness to treat the customer as king — is expressed by the style of selling, then that, too, is justified by the dependence of seller on buyer. A business is after all at the mercy of the economic power of its customers, who are always being enticed to buy from competitors; so it pays to do what it takes to keep one's customers loyal, including treating them as kings.¹

On the surface, the rhetoric associated with the image of the customer as potential victim has a very different thrust. It emphasizes the financial sophistication of business people in comparison to the typical customer, and it usually takes the point of view of the individual consumer, whose economic power may be small, rather than the combined economic power of the many. The message of this second sort of rhetoric is that, since consumers are weak and the firms that they buy from are strong, consumers need protection, and need it on the moral grounds there always are for protecting the weak from the strong.

Although the images we have before us are not very similar, the rhetoric in the two cases is decidedly pro-consumer, and fussy customers who also know how to exploit the protections extended to the unwary or the ill-informed benefit twice over by making firms treat them now as kings and now as victims. In what follows I shall first consider whether there are sometimes moral or other grounds for not deferring to a customer, even if it is economically advantageous to do so; and, symmetrically, whether there are sometimes cases where firms have commercial grounds for being excused from the duties attending consumer protection. The conclusion toward which the discussion will head is that the pro-consumer drift of the familiar types of rhetoric is sometimes overdone. There are occasions when consumers are overdeferred to for the

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sake of more business or overprotected at the expense of business. To recognize this is not to repudiate the bulk of the protections to consumers that are either voluntarily compiled with or legally enforced: most of these are in any case morally justified by the need to protect human beings from avoidable harm; but it does mean thinking twice about how much is justified by the bare fact that a lot of consumers want a thing, or the fact that someone who asks for something has the status of a consumer.

**Consumer demands with moral costs**

It can sometimes be morally expensive to give the customer what he wants. At one extreme of a spectrum of cases there is significant demand worldwide for films and photographs of women and children who are being sexually assaulted. These films and photographs would be bad enough if the assaults were simply faked for the camera; but typically what is photographed in hard pornography in the present day is real assault, which is flatly impermissible morally. Written pornography that describes extremes of violence, such as *American Psycho* or De Sade's *Justine*, has been sold in Britain and elsewhere in Europe in mainstream bookshops. As with the films and videos, there are good reason for outlawing the sale of these books.

Hard pornography may be agreed to provide a clear case where it is morally wrong to meet consumer demand, but it might be thought that this case is too far from the range of normal business activity to have a widely applicable lesson. For one thing, the sale of hard pornography is illegal in many countries, and, for another, the cruelty involved in making it is not typical of what is involved in making other products for which there is a big demand. These differences are undeniable, but to call attention to them is to miss the point of the case of hard pornography. The point is that there are certain things that no amount of consumer demand can justify. In the case of hard pornography, the weight of consumer demand is overridden by the impermissibility of the things done to satisfy it, namely violence and sexual assault.

Where consumer demand can be met legally and there is less agreement about the harm involved, things are perhaps not so clear. Soft pornography on film, almost universally legal in Western Europe, could be held to demean the women it depicts, and could be held to make its audience more tolerant of hard pornography. These points amount to a moral argument against meeting a demand for soft pornography. But the argument is controversial. Some people deny that women who take part voluntarily in pornographic films and who say they are happy to do so are really demeaned. Some people wonder whether a taste for hard pornography is aroused by indulging a taste for soft pornography. Another controversial moral argument against the satisfaction of demand can be mounted in the case of cigarettes, where the hazard to the health of smokers and those who live or work with them is at stake. Here the response sometimes made is that it is morally right for people to decide for themselves whether to take the risks associated with smoking. Now the fact that in both these cases the arguments for and against are inconclusive is less important than the fact that there are arguments for and against – that it is not obvious that the satisfaction of the demand for soft pornography or cigarettes is right, even though the two things are legal.

The range of cases in which it can at least be asked whether accommodating the consumer is morally permissible extends well beyond the cases where meeting the demand poses a threat to safety or health or where it involves extreme cruelty or injustice. Consider the example – based on fact – of a driving school in a racially mixed section of London. Intending customers of the school are asked whether they are willing to be taught by instructors of a different race. Whites are asked whether they feel comfortable being taught by oriental or black people; blacks whether they mind having white instructors, and so on. The question is put because customers in the past have sometimes asked to change instructors on racial grounds, and settling the matter in advance is thought by the management to save embarrassment all round and to have the effect of retaining customers who might otherwise leave. Is it morally right for customers to have a