



Journal of Economics and Business

Reddy, T. Raja, Reddy, E. Lokanadha, and Reddy, T. Narayana. (2020), Ethics of Marketing to Children: A Rawlsian Perspective. In: *Journal of Economics and Business*, Vol.3, No.4, 1251-1258.

ISSN 2615-3726

DOI: 10.31014/aior.1992.03.04.278

The online version of this article can be found at:
<https://www.asianinstituteofresearch.org/>

Published by:
The Asian Institute of Research

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Ethics of Marketing to Children: A Rawlsian Perspective

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Abstract

Children constitute an important demographic for marketers. Driven by their insatiable hunger for profits, marketers are recklessly and relentlessly targeting the children with their actions and promotions. However, there are growing concerns and widespread criticisms associated with marketing to children. With the arguments for and against marketing to children polarized to extremes, the assessment of moral strengths of these arguments would be of great importance and consequence. John Rawls, in his monumental book, Theory of justice, has provided us with a framework for examining and adjudicating the rightness or wrongness of an action in a fair and unbiased way. In this study, an attempt is made to examine the ethics of marketing to children from a Rawlsian perspective. From Rawls 'original position', behind the 'veil of ignorance', many criticisms associated with marketing to children stand their ground, making it next to impossible to grant blanket approval for actions of marketers targeting children. The instances of the use of force, coercion, and deception by marketers violate the Rawlsian ideas of justice. Further, the actions of marketers also contradict the principles of justice derived from the original position. From a Rawlsian perspective, marketing to children is anything but just.

Keywords: Marketing to Children, Marketing Ethics, John Rawls, Theory of Justice, Original Position, Veil of Ignorance

1. Introduction

Marketers consider children's segment extremely lucrative, for they buy products and services for their consumption, influence their parental purchases, and are also potential customers in making (McNeal, 1992; Mediastreams, 2015). Recent estimates suggest that the children accounted for over a trillion dollars in their purchases, and influenced another \$670 billion in parental purchases (Mayo & Nairn, 2009; Schor, 2004).

Driven by their greed for profits, the marketers are going all-out with their marketing promotions targeted at children, capturing them young and holding them captive for the remainder of their lives (Calvert, 2008). Changing demographics, permissive parenting, ubiquitous media presence, intrusive technologies, and insensitive regulators have aided marketers in targeting children. Marketers outfox the children and their parents by assessing specialized knowledge from the fields of anthropology, psychology, and sociology (Kunkel et al., 2004).

There is a fiercely contested on-going debate on the ethics of marketing to children which is polarized to the extremes (DCSF, 2009). Critics have vehemently argued that children lack the necessary cognitive and developmental abilities to decipher the persuasive intent behind marketing promotions and also lack the required defenses to resist the onslaught of marketers, making them uniquely vulnerable (Kunkel, 1988; C. Oates, Blades, & Gunter, 2002; Rozendaal, Buijzen, & Valkenburg, 2009). They launch a scathing attack on the marketers, terming their actions ‘unfair’, ‘exploitative’, ‘hostile’, ‘toxic’ and ‘deceptive’, with some critics even labeling them ‘child molesters’ (Linn, 2004; Moore, 2004; Nader, 1999; Palmer, 2007; Schor, 2004). Marketers have altogether a different take on the subject of marketing to children. Marketers insist that children are autonomous beings with recognizable needs and wants, who have every right to fulfill those needs and wants, just like the adults do (Cowell, 2001). Marketers often indulge in self-praise for the part played by them in developing the children into competent consumers (Cowell, 2001; Davidson, 1998; Kline, 2010). With the arguments for and against marketing to children polarized to such extremes, the assessment of the moral strengths of these arguments would be of great importance and consequence. John Rawls, in his monumental work, Theory of Justice, proposed widely accepted and valued philosophical arguments for examining the ethics of a subject in a fair and unbiased way. In this study, we examine the ethical issues arising out of marketing to children from a Rawlsian perspective. The arguments of Rawls with his concern for the most vulnerable parties of an agreement in cases of unequal power seems to be the most appropriate for examining the ethical issues concerning children. Employing Rawlsian principles, the ethics of marketing to children are examined through an imaginary ‘Veil of Ignorance’ from the ‘Original Position’.

2. Ethical issues in marketing to children

There are growing concerns and widespread criticisms connected with marketing to children (Oates, Newman, & Tziortzi, 2014; Watkins, Aitken, Robertson, & Thyne, 2016). These concerns stem from the view that considers children to be ‘uniquely vulnerable’ who do not possess the requisite cognitive and developmental abilities to indulge in the marketplace activities. Researchers found that younger children do not recognize the difference between commercial and non-commercial content, increasing their susceptibility to marketing messages (Wartella, 1980). Marketers use their rational might and creative talents to further blur the difference by employing subtle and sophisticated forms of marketing (Grohs, Reisinger, Wolfsteiner, & Haas, 2013). The increased susceptibility of children results in undue advantage to marketers, thus granting them the position of power in their relationship with children. Previous researchers have exposed the vulnerability of children resulting from their inability to recognize the persuasive and selling intent behind the marketing messages, and employ the cognitive defenses to guard themselves against the actions of marketers (Edling, 1999; Kunkel et al., 2004; Rozendaal, Buijzen, & Valkenburg, 2011). The new-age hybrid models of communication and engagement have made it doubly hard for the children to decipher the motives behind the marketers’ actions (Verhellen, Oates, De Pelsmacker, & Dens, 2014). Children’s inability to decipher the intentions of marketers led to the actions of markets being labeled as ‘unfair’ or ‘deceptive’ (FTC, 1981). Also, the lack of ‘skepticism’ among children further increases their susceptibility and decreases their ability to resist the actions of marketers (Moses & Baldwin, 2005). Marketers are also accused of commodifying childhood and treating children as consumption vehicles driving their profits (Langer, 2004). The identities of children are woven around commodities, making it difficult for them to resist participation in market culture (Linn, 2004; Schor, 2004; Steinberg & Kincheloe, 1997). The reckless implication of children into the consumer culture was linked to a host of undesirable physical, social, and psychological outcomes. (Goleman, 1995; Hill, 2011; Kilbourne, 1999; Kline, 1993; Linn, 2004; Schor, 2004). Marketers are often criticized for promoting materialistic orientations among children (Opree, Buijzen, van Reijmersdal, & Valkenburg, 2014). The increased proclivity for

materialism was linked to social, educational, psychological, and behavioural problems in children (Dittmar, Bond, Hurst, & Kasser, 2014; Ku, Dittmar, & Banerjee, 2012; Roberts & Clement, 2007; Vandana & Lenka, 2014). Marketers use children to ‘pester’ or ‘nag’ their parents into a purchase, which could lead to discontentedness and conflict when the purchase requests of the children are denied (Goldberg & Gorn, 1978; Nash & Basini, 2005; Powell, 2003). Driven by marketing promotions, children often employ unsophisticated persuasion strategies like whining or anger that could also lead to possible conflict with their parents (Buijzen & Valkenburg, 2007). Marketers are charged with promoting unsafe and unhealthy products to children, including tobacco, alcohol, and foods high in saturated fat, salt, and sugar, disregarding the health and well-being of the children (CTFK, 2012; NHTSA, n.d.; SAMHSA, 2016; WHO, 2008, 2018; WHO European Office., 2018). Also, the distorted image of body and self, promulgated by the marketers was linked to many unintended consequences, including body-dissatisfaction, eating disorders, and behavioral problems (Bissel, 2007; Neumark-Sztainer, 2005). The attempts by the marketers to sexualize childhood and objectify children are well documented (APA, 2007; O’Donohue et al., 1997; Reichert & Lambiase, 2003). Marketers are also criticized for assigning stereotypical roles based on gender in their promotions, which distorts the self-identity of the young girls and lowers their confidence (Kilbourne, 2004; Maker & Childs, 2003). Studies have found that the excessive use of violence in marketing promotions desensitizes the children, and promotes aggressive and violent behaviors in them (Anderson, Gentile, & Buckley, 2007; Shanahan, Hermans, & Hyman, 2003).

3. The Rawlsian Perspective

Rawls, a contractarian, believed that society is an arrangement of agreements, both implicit and explicit, that have been rationally agreed upon by its members, and that are to be followed by individual members (Rawls, 1971). He assumed that the ideal members of the society are ‘moral’, ‘free’, and ‘equal’ individuals, who possess the understanding of the rational good and have a sense of justice (Freeman, 2019). Since these members already held positions in society and also have access to factual knowledge, their judgments may be distorted, resulting in unfair principles or agreements. Rawls believed in ‘justice as fairness’, and designed a thought experiment, which he calls ‘original position’, to overcome the prejudices and distortion in our judgments resulting from the social positions held by us (Rawls, 2001). In the ‘original position’, the parties to the social contract have no access to information that might otherwise result in their inclination towards principles that are better suited to them, thus incorporating procedural justice (Rawls, 1971). The essential feature of the original position is the ‘veil of ignorance’. Rawls, in his quest for fairness and equality, demands a thick imaginary veil on all participants, depriving them of the knowledge about the self, others, society, and its history (Freeman, 2019; Rawls, 1971). From the ‘original position’, behind the ‘veil of ignorance’, the philosophical ideas of justice gathered from various sources are examined, and the best possible conception of justice that advances their interest is chosen. Rawls thinks that only two principles of justice can be chosen from the ‘original position’ (Rawls, 1971). The first principle guarantees equal basic liberties to all individuals in society. Further, the second principle permits inequalities under the conditions of fair and equal opportunity, and those that favor the least advantaged (Rawls, 1971; Sandel, 2009). Rawls also attaches priority to liberty and opportunity over economic gains, making it impossible to trade-off between the two (Rawls, 1971).

4. Examining ethical issues from a Rawlsian perspective

To begin with, we examine what Rawls had to say about the question of whether children can be a party to the social contract. For Rawls, the parties to the social contract must possess two moral powers, having a conception of the good, and having a sense of justice (Rawls, 1999). Does that mean that children who possess limited capacities are denied the protection of justice that is granted to adults? Rawls explicitly states that any being with a capacity for moral powers, whether fully developed or yet to be developed, should receive complete protection under the principles of justice (Rawls, 1999). According to him, even the potentiality to moral powers is sufficient ground for claims to justice (Cahill, 2013; Rawls, 1999). Children grow up to become adults with fully developed moral powers required to become a party to the social contract. Such future potentiality substantiates their claim to be protected under the principles of justice. From the Rawlsian perspective, it is very unlikely that children will be a party to the social contract, nonetheless, they are granted complete protection under the

principles of justice (Cahill, 2013; Rawls, 1999). Rawls also details reciprocal grounds for delivering justice, claiming that “those who can give justice are also owed justice” (Rawls, 1999). Accordingly, though the children do not have fully developed ideas of justice, they nonetheless have some understanding of it, and hence, deserve justice on reciprocal grounds (Cahill, 2013; Rawls, 1999). Thus, Rawls bestows upon children the equal rights to an adequate scheme of liberties and opportunities. Rawls also mandates the consideration of childhood circumstances while deliberating on the justness of action from the original position.

Let us examine the rightness or wrongness of the marketers in targeting children from the ‘original position’ behind the ‘veil of ignorance’. In such a position, we don’t know if we are marketers, parents, policymakers, social activists, or any other interested parties; we don’t know the effect of our decisions on us; we don’t know whether we tend to gain or lose in the process; we don’t know our disposition towards marketing (in general) and marketing to children; we are unaware of our social and economic positions and limitations; we don’t know if we are the majority or minority, and we don’t know our interests and surrounding circumstances (Rawls, 1971). Original position remedies the moral arbitrariness and injustice resulting from the unequal distribution of primary goods (Hall, Journal, & Boynton, 1977). And, from such an impersonal and impartial position, we decide on the fairness of marketing to children. In such a position, do we wish to position the might against the meek? The marketers’ fully developed rational capacities, unlimited access to knowledge, and resources grant them the position of might in their relationship with the children. The limited cognitive and developmental abilities of children leave them defenseless against the onslaught of marketers. What if, the vulnerabilities of our children are exposed, and are left alone to be exploited by the greedy marketers? Research suggests that children do not understand the intentions of marketers. In the absence of such an understanding, the actions of the marketers are deemed to be ‘unfair’ and ‘deceptive’(FTC, 1981). From the Rawlsian perspective, there can be no justice in the absence of ‘fairness’.

Rawls mandates that any idea of justice should be devoid of threats of force, coercion, deception, and fraud (Rawls, 1971). Cage (2012) in a scathing attack on marketers accused them of the use of intimidating, agitating, interrupting, pestering, nagging, poking, and stimulating tactics on children, which are intended at forcing the child to act in a market-desired manner. No right-thinking person would permit his/her child to be forced by a stranger (marketeer). Marketers are also accused of targeting the gullible children, exploiting their emotional fragility, and coercing them into a purchase (IP, Mehta, & Coveney, 2007). Marketers are also accused of deceiving children in their quest for bottom lines. Marketers use a generous dose of ‘puffery’, a deceptive technique of making exaggerated claims, in their communications and promotions. Use of puffery with children who cannot invoke ‘skepticism’ as a cognitive defense would create false impressions and deceive them into favorable response or purchase. Marketers also confuse children to elicit a favorable response from them. Researchers have reported that fast food retailers use packaging and presentation to create a false association between their standard range of products and their healthier alternatives (Bernhardt, Wilking, Gottlieb, Emond, & Sargent, 2014). Do we allow the children to be deceived by marketers? With arguments claiming the presence of force, coercion, and deception in marketing communications targeted at children, the blanket approval for marketing to children from the original position seems next to impossible.

Marketers alter the reality around children’s existence, linking their identities, happiness, and success with commodities. Commodities are woven into the fabric of their existence. Do we allow our children to become vehicles of consumption? Do we disregard the negative consequences associated with their reckless implication in commercial culture? Children are used as instruments to pester their parents into a purchase. The denial of purchase requests leads to anger and discontent, leading to conflict. Can we allow someone to induce conflict between parents and their children for their self-interest? Such conflict inducing actions, ignoring the resulting consequences, would be impermissible from the original position. Marketers exhibit a blatant disregard for the health and safety of children by promoting unsafe and harmful products to children. Marketers through their promotions entice and addict children to alcohol and tobacco, ignoring the staggering social and economic costs associated with it (CTFK, 2012; Grant & Dawson, 1997; Worland, 2015). They circumvent the laws that prevent them from doing so, showing scant respect to the agreed principles of social co-existence. They also conveniently ignore the research findings implicating them for their contributory role in the worldwide obesity crisis among young children. The present generation of children is the first in the last 200 years to have a shorter

life expectancy than their parents (Olshansky et al., 2005). Do we permit the marketers to turn our kids into underage drinkers and tobacco consumers? Do we permit the marketers to cut short the lives of our children, and inflict suffering upon them? The attempts of marketers to sell unsafe and unhealthy products, endangering the lives of children, would never merit approval from the original position.

Marketers tap into the inner feelings and emerging curiosities of children, and in the process sexualize their childhood (APA, 2007; Bakan, 2011). The sexualization of childhood is associated with a range of negative consequences, including the lack of confidence, body dissatisfaction, eating disorders, depression, low self-esteem, and other social, psychological, and sexual problems (APA, 2007). Can we ignore the harmful effects of the sexualization of children, jeopardizing their health and well-being? Such attempts of marketers to sexualize childhood would be deplorable and unpardonable from the original position. Rawl's first principle of justice demands equality in the distribution of primary goods, including rights, liberties, opportunities, powers, income, wealth, and the social bases for self-respect (Rawls, 1971). The self-respect of the individuals is placed on par with the rights, liberties, powers, and economic opportunities. Therefore, all the actions that undermine self-respect would be avoided in the original position. The sexualization of childhood undermines the self-respect of the children and hurts their self-esteem, thus violating the principles of justice, and therefore would never be approved from the original position. Marketers also resort to gender stereotyping in their promotions. In the original position, one is not aware of his/her gender and therefore would never approve of any actions which impose a certain identity on a particular gender that would undermine the self-respect or self-esteem of individuals associated with individuals of that gender. Marketers use violence to grab the attention of the children, engage them, generate fear in them, shock them, and generate market-desired responses from them (Jones, 2002; Jones, Cunningham, & Gallagher, 2010; Ruiter, Abraham, & Kok, 2001). Inducing fear among children and forcing them to act in market-desired fashion is akin to coercion, and hence would not be permitted from the original position. Shock affects the rational responses of the individual and anything that takes rationality away from individuals would never be permitted. This is more so in the case of children, for they possess only limited rational capacities. Depiction of violence is also associated with an increase in aggressive behaviors among children (Anderson et al., 2007). The perpetrators of violence indulge in violation of the rights and liberties of the affected parties. Since the depiction of violence is associated with an increase in aggressive behaviors, and aggressive behaviors are associated with violation of rights and liberties, the depiction of violence would be criticized for encouraging the violation of rights and liberties of individuals in society, and therefore would never be considered just from the original position.

Marketing to children violated the principle of liberty that guarantees a set of equal rights for all the participants in society. The marketers enjoyed the position of power, and children were left helpless in their defense against them. This allowed the marketers to infringe on the rights and liberties of children with utter disregard for their health and well-being. This also violated the necessary condition of equality. The difference principle permits inequalities only when it benefits the least advantaged. Children are considered least-advantaged in the context of their relationship with marketers. The actions of marketers are known to make the children worse-off, and would not be considered just. However, marketers defended their actions directed at children. They argue that children live a market-driven society and that their market participation is a social and economic necessity. Rawl's priority rules gave priority to liberty and opportunity over economic benefits, making it impossible for the trade-off between the two. Marketers claim that freedom is fundamental to a free-market economy and that they should be allowed to exercise freedom completely, including marketing to children, for they believe that all that they are doing is educating the customer (Cowell, 2001). According to the principle of liberty, members of society have equal rights to the adequate scheme of equal basic rights and liberties only when they are compatible with a similar scheme for all others (Rawls, 1971). Marketers in exercising their freedom are violating the conditions of freedom granted to children under the same principle.

5. Conclusion and Implications

Rawls provides us with a theory that helps to impersonally and impartially examine and settle the conflict arising out of marketing to children. Though Rawls does not include children in the social contract for the lack of fully

developed social powers, he nonetheless argues for consideration of childhood circumstances while deliberating the justness of any action, and also guarantees them full protection under principles of justice. Examining the ethics of marketing to children from the ‘original position’ behind the ‘veil of ignorance’ brings forth many instances of injustice meted out to children, under the guise of free-market ideals and claims of educating them to become competent consumers. The accusations against marketers for exploiting the gullibility of children, recklessly implicating them into consumer culture, promoting materialistic ideals, causing disharmony in parent-child relationships, promoting unhealthy and unsafe products, sexualizing childhood, and excessively depicting violence seem to stand ground when viewed from the original position. Also, the marketers' use of force, coercion, and deceptive tactics to elicit market-favored responses from children contradict the Rawlsian idea of justice, thus constraining us from acceding blanket approval to the actions of marketers targeted at children. For Rawls, justice is fairness. However, there can be no fairness in the relationship between the might and the minor. Further, there can be no fairness when one party (marketers) causes substantial harm and induces great damage to the other party (children). In an unequal relationship between the might and the minor, the might is accused of trampling the rights and liberties of the minor, thereby violating the principle of liberty. In the context of marketing to children, the children are considered least advantaged and the actions of marketers further worsen their condition, thereby violating Rawl's difference principle. From a Rawlsian perspective, marketing to children is anything but just. The Rawlsian perspective provides the much-needed narrative to draw the attention of all stakeholders, including policymakers and the members of civil society, towards the injustice meted out to children by the marketers and the inherent dangers accompanying it, and elicit their support for a tougher regulatory framework to restrict the actions of marketers directed towards children. It is a wake-up call for the marketers to self-regulate their actions directed at children, lest they attract stringent sanctions for restricting the same.

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