

Reading 11.1 by John McCall explains in more detail the grounds for thinking that deception is wrong. It argues that, regardless of the effect, any attempt to deceive is presumptively immoral. McCall goes on to apply that analysis to a variety of advertising techniques, and he concludes that advertisers and the public are mutually critical of contemporary advertising practices. Reading 11.2 by Thomas Carson extends the analysis of deceptive marketing practices by looking more specifically at deceptive sales practices. Carson argues that salespersons not only have duties to refrain from deception and lies, but also have positive duties to warn about potential risks and to fully and honestly answer questions and disclose information.

McCall and Carson challenge us to determine just when a failure to disclose information counts as deception. One answer to this challenge is to hold that persons in advertising and sales are obliged to disclose information when it is known to be materially relevant to a consumer's choice. Withholding such materially relevant information is, on this account, a practice of intentional deception by omission. This approach poses a problem for advertisers or salespersons who believe in a caveat emptor approach in which consumers are responsible for finding out materially relevant information on their own.

The instance of this approach has been mentioned a few times already in this chapter. We can recall Goldman Sachs CEO Lloyd Blankfein's response to questioning during a Senate hearing into the financial collapse indicated that he believed Goldman's clients were sophisticated investors who were capable of looking after their own interests. Because of this, Blankfein concluded that Goldman had no obligation to disclose to clients the fact that the very people who designed one of the company's securities were betting it would fail.

The readings by McCall and Carson both suggest that this approach effectively replicates the attitude of itinerant patent medicine "snake oil" salesmen who believed that customers were patsies ripe for the picking. It is an attitude, they argue, that turns the relationship between seller and buyer into an adversarial one. The consequent erosion of trust erodes the values necessary for the efficient functioning of markets and, in the process, undermines the prospects for long-term viability of a firm and makes repeat business less likely.

MANIPULATION, AUTONOMY, AND VULNERABILITY

There are ways other than deception or force to exert undue influence and to interfere with autonomy. Nondeceptive forms of manipulation can subvert an individual's rational judgment. Nondeceptive forms of manipulation attempt to short-circuit or bypass a person's capacity for critical reasoning. There are many ways to engage in such manipulation. I might manipulate my students to study by constant reminders about how much their parents are paying for their education. A lawyer might manipulate a client by asking leading or intimidating questions. A car salesman might manipulate a potential new car buyer by emphasizing the dangers women face when their car