

rational process. Instead, autonomy for Dworkin means that those beliefs and desires, however acquired, can realistically be subject to critical scrutiny.

This account of Dworkin's may provide some way of understanding that vague feeling about subliminally acquired desires. If we are unaware of how the desire came to be, we are less likely or able to critically evaluate it. When we know a desire has been acquired through some overt advertising pitch, on the other hand, we are more likely to take a critical and skeptical stance toward it. All of us have had the experience of catching ourselves being seduced by a particularly effective ad presentation. (See Decision Scenario E for examples of how a product desire is created.)

This discussion of acceptable and unacceptable influence, of deceptive and non-deceptive forms of manipulation, of autonomy requires us to draw an important moral distinction. That is the distinction between intended deception and manipulation on one hand and unintended deceptive or manipulative effects. These different categories call for different ethical evaluations. Presumably, if I intend to kill you, I am not entitled to a "no harm, no foul" defense. (We are "presumably" because there may be reasons that justify the action as an exception to a rule against intending to kill, for example, self-defense.) The mere fact that I intended to harm you is sufficient to judge the act as presumptively wrong. My failure to achieve my objective is irrelevant in assessing my moral (or legal) guilt. The same is true of deception and manipulation. If I intend to violate your autonomy and treat you as a mere tool for my own purposes, I have presumably acted wrongly whether or not I succeed.

The matter may be different if I unintentionally create a false impression through my communication. Whether that is morally wrong is a more complicated judgment. That judgment involves questions about whether I was unduly careless in my communication and, hence, bear responsibility for the misimpression. What counts as unduly careless in marketing, advertising, and sales involves questions about the target audience and its level of understanding and sophistication, as well as questions about the characteristics of the product in question. If I am communicating with an audience that is highly educated, I might be able to presume a level of understanding that I could not presume were I communicating with a less sophisticated group. If I am communicating about a product that carries substantial potential to cause harm, I might bear greater responsibility to exercise care in communicating about it. Consider that we intuitively expect a higher level of care in advertising about pharmaceutical products than about potato chips, a higher level of care when communicating with younger adolescents than with adults.

In addition, if I become aware of an unintended misimpression that followed my attempt to influence, I might in some cases bear a responsibility for correcting the error. Again, the urgency of that responsibility to correct a misimpression will depend on the audience, the product, and its potential to cause harm. An unintended and unforeseeable misunderstanding of this sort occurred with Tylenol, the over-the-counter painkiller. The infants' and children's formulations of Tylenol are different