

The specificities of modern consumer society in the European Union

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Abstract

The article aims to analyse the specificities of modern consumer society in the European Union and, therefore, it presents the genesis and the essence of consumer society development in Europe. It points to the idea of consumer society in terms of economy, politics, sociology, and philosophy. The specificities of the modern consumer society in the European Union are influenced by legislative processes in regard to the economical safety of consumers including safety of goods in terms of information, education, and redress, with special regard to cross-border transactions. The article presents the definition of consumer ethics and the specifics of certain ethical norms connected with the purchase process, what have evolved together with the development of consumer society in the EU.

Keywords: Consumer ethics, consumer society, European Union, specificities, consumer policy

Uwarunkowania współczesnego społeczeństwa konsumpcyjnego w Unii Europejskiej

Streszczenie

Artykuł ma na celu dokonanie syntezy uwarunkowań funkcjonowania współczesnego społeczeństwa konsumpcyjnego w Unii Europejskiej. Przedstawiono genezę oraz istotę rozwoju społeczeństwa konsumpcyjnego w Europie. Wskazano na definicję społeczeństwa konsumpcyjnego w ujęciu ekonomiczno-politycznym i socjologiczno-filozoficznym. Na uwarunkowania współczesnego społeczeństwa konsumpcyjnego Unii Europejskiej wpływają procesy prawotwórcze w zakresie ochrony bezpieczeństwa ekonomicznego konsumentów, w tym bezpieczeństwa towarów, w zakresie informacyjnym i edukacyjnym oraz w zakresie systemu dochodzenia roszczeń, ze szczególnym uwzględnieniem zakupów transgranicznych. W artykule zdefiniowano pojęcie etyki konsumenckiej oraz określono, że wraz z rozwojem społeczeństwa konsumenckiego w Unii Europejskiej wykształciły się specyficzne normy etyczne związane z procesem nabywczym.

Słowa kluczowe: etyka konsumencka, polityka konsumencka, społeczeństwo konsumpcyjne, Unia Europejska, uwarunkowania.

The aim of the article is to analyse economic, political, sociological and philosophical specificities of modern consumer society in the European Union. The paper presents the nature of consumer society development in the European Union. It shows analysis of certain legal regulations that influence the development of consumer society and regulate the purchase process: safety of goods, unfair trading practices, and the redress system. Moreover, it considers modern consumer ethics. The analysis of consumer ethics has helped to create a model of modern European consumer. The article focuses on the influence of consumer ethics on two aspects of purchase process: consumer decisions and choices of certain goods or services, and consumer behaviour during the sole purchase process.

The latter part of the article takes the form of conclusions on the actual shape and role of consumer society in the European Union. Its character is determined by different types of behaviour, good manners that influence the consumption choice, and legal regulations that affect the safety of goods and services.

The following research questions have been stated: What are the specificities that influenced the development of consumer society in the European Union? Does the modern consumer have ethical autonomy of purchase choices? Is the decision affected by the actions of retail specialists, economists, psychologists and lawyers who are trying to identify consumer's needs and desires and, therefore, influence the decision he makes? Is the consumer protected by European law after the purchase?

The article critically verifies the following research hypothesis: Firstly, modern European society is perceived to be a consumer society. It is a civilization that prioritises the purchase of goods and satisfaction derived from it over common interest, customs, and social standards. Secondly, the assumption is that the growth of consumer society in the European Union is connected with evolution of regulations regarding widely understood purchase process, safety of goods, protection against unfair commercial practices and different types of redress mechanisms with a special focus on cross-border transactions. Thirdly, the decision-making process may be analysed in the context of secondary system analysis.

The nature of consumer society in European Union

The idea of consumer society may be defined in the context of economy and politics and in the context of sociology and philosophy. In the first approach, consumer society is perceived to be a product of capitalism, and the idea of consumption refers to market consumption (Iwasiński 2015: p. 129). It is a kind of society where buying and selling of goods and services is a prevailing economic and social activity. With regard to this particular context, the main focus is put on the surplus of goods and changes within the range of needs considering the raising needs for intangible assets (Cohen 2017: p. 21). Consumer society is a historical stage in the development of consumption in a capitalist community that is influenced by certain consumer policies that aims to protect consumer's economic interests during the purchase and redress processes. In the context of sociology and philosophy, consumer society is connected with the growing importance of consump-

tion as a determinant of social development. Furthermore, it seems to be associated with the development of consumer culture within the consumerism ideology, changes of social values, and the impact of consumption on the functioning of various social areas. Consumer society perceives itself to be ideal. It has developed particular spheres of life, especially the manner of eating, drinking or spending leisure time. There is no other specific society that conforms to that model.

Bauman draws attention to the socio-philosophical aspect. He claims that the basic features of consumer society are total commodification and commercialisation of almost all aspects of life. Moreover, it is a kind of society where a customer plays the most significant role (Bauman 2009: p. 27). Consumer society is a type of society where life and everyday duties are focused around consumption (Iwasiński 2015: p. 155).

When analysing the nature and specificities of consumer society in the European Union, it is necessary to note that the first sign of consumer society in Europe was the growing market for sugar at the end of the 16th century. It was a time of fruitful production of sugar within the colonies in the islands of southern Atlantic Ocean, e.g. the Azores and America. The production stimulated the development of the market, where sugar became the world's first mass consumer good that could be bought for money. Another attractive stock was tulip market. At first they were imported from Asia, but since 1630, they have been a domain of Holland. In the 17th century, consumption of coffee and tea became very popular and trendy. The beneficial expansion of colonial trade stimulated the growth of consumer's needs. In order to point to the nature of consumer society, it is necessary to note that since the 16th century there has been a "consumer revolution" in the Western Europe, which resulted in the growth of consumption in "consumer context" (McCracken 1987: p. 140, 157).

The growth covered the increase in goods and service acquisition by sellers and consumers whose need for possessing was limited to the basic living necessities. An important feature of the revolution was the fact, that retailers tended to manipulate the consumer by creating and embellishing the reality. The consumer revolution was associated with changes in the sales methods and in the way products were organised according to human needs. The notion of human needs and aspirations was redefined and consumers have started to show willingness to protect their rights (Stearns 2001: p. 16, 18, 23).

Moreover, the consumer revolution involved the change in the term: "to consume". Since the 14th century, it had a pejorative connotation in the English language and meant "to destroy", "to use up", "to waste", "to exhaust". The negative connotation was present until the end of the 19th century when it began to refer to the fulfilment of human needs. Throughout the centuries, the idea of consumption had, thus, changed its original meaning from the one associated with "an end of living" to "living life" (Gabriel, Lang 1995: p.7).

Consumer society began to develop in the middle of the 18th century in the countries where consumption played a vital role in comparison to the other spheres of life, such as the Great Britain, France, the Netherlands, part of Germany and Italy. Signs of consumer society could also be found in the British colonies and in the North America (Stearns 2001: p. 15).

Changes within the area of industrial production and organisation were caused by a rapid growth in the production of goods and services. They contributed to the increase of consumption on the turn of the 19th and 20th centuries. It was that time when the focus was switched from production to consumption, which became a common phenomenon involving larger parts of communities (Vlad et al. 2011: p. 49).

The thrive of consumer society was connected to the great transformation, which made traditional western countries relatively innovative and fast-growing. This particular time in history was characterised by the expansion of shops, new marketing methods and the growth of companies dealing with long distance selling with domestic customers as recipients (Strasser 2003: p. 376).

An intensive growth of the consumer society in Western Europe was observed after the World War II. The process of religious, social, ethnical, national, economic, and ideological opening of cultures was observed in the consumption of goods. The consequence of establishing the European Economic Community on 25th March 1957 was that the European Communities have become vulnerable to the influence of other member states' cultures. The consumption of goods available in member countries mixed up and a new consumer culture has appeared. This culture influenced specific, emotional consumer's attitudes. Retailers started to sell goods of secondary need and used mainly for decoration. The opening of great department stores in the middle of the 20th century continued the process of consumption. Stores were supposed to make shopping more attractive and pleasant (Galbraith 1973: p. 77–84).

The growth of consumption in Western Europe after the World War II has been influenced by economical changes, like economic growth, that covered all sectors of economy, the rise of real incomes, and changes in the system of social values and cultural specificities of consumption. The development of industrialization and urbanization has contributed to the formation of new social sections of society with a broad access to a variety of goods and services. (Thompson 2012: p. 914).

The European Economic Community granted consumers the right of special protection. It was based on the notion that, in comparison to retailers, consumers are in a rather weak position. The new rights have strengthened an average customer's sense of safety in the market and encouraged them to trade. The evolution of support for consumers' rights within the European Economic Community could have been observed at two levels. Indirectly, the protection of consumer rights was included in primary law, and directly: the rights were specified in consumer protection programmes adopted by European Commission. Despite the lack of a legally binding status, they created an impulse for the secondary law-making.

In all ECC member states non-legislative forms of customer protection called "codes" have functioned. There are three spheres of codes. The first unilateral codes covered cases when manufacturers and their associations determined a certain number of regulations as "codes" within the economic sphere of consumer laws and interests. The main intention of unilateral codes was to avoid legislations that would be more restrictive than the abovementioned self-control. The aim was to build the reputation and

create a certain entrepreneurial image. The second category included codes negotiated with consumer organisations. They were possible only when consumer organizations in a given country were strong enough to put the pressure on traders in order to make them accept certain solutions. The last category included "codes negotiated with public authorities". The rules of self-regulation were negotiated between the public authorities and entrepreneurs. The policy of such regulation was the self-regulation, which may have the same effects as legislation and it referred to all the codes (European Consumer Law Group 1983: p. 209–224).

Consumer society vs consumer ethics

The evolution of norms and rules concerning the process of consumption was strongly connected with the formation of consumer society. The modern consumer society is a civilisation, where consumption is linked to a continuous and satisfying purchase of goods and services, and stands above all other values like morality, common good, customs, and social norms. The consumer society degrades sustainability and identifies "old" with "old-fashioned" – that is useless and shall be thrown away (Bauman 2009: p. 27). Consumption in modern consumer society permeates human relations and has become a means of fulfilling desires, communicating with other people, marking place within the social hierarchy, and even contrasting and categorising yourself and your surroundings. Consumption has started to perform a psychological role in the life of individuals, providing a sense of safety (Lewicka-Strzatecka 2002: p. 165).

Together with the development of a consumer society, we may observe a formation of specific ethical norms that refer to the purchase process. We can note the development of a consumer ideology which says that the world is a warehouse of potential objects of consumption, and individual life is a perpetual search for bargains; the life's purpose is seen as the maximal consumer satisfaction, and life success as an increase in each individual's own market value (Bauman 2008: p. 21).

In the scholar literature we may notice a lack of uniform definition of consumer ethics. It is connected with the idea of economic ethics and consumption ethics. Consumer ethics in the context of economic ethics may be defined as a moral obligation of a person whose actions aim to fulfill material and spiritual desires through acquisition of goods and services. (Majka 1997: p. 180). Consumption ethics is connected with a conscious and thoughtful purchase decision, so that certain consumer choices are based not only on moral values, but also on beliefs. Ethic consumption is a responsible consumption that may be described by having a moral approach to the market and consumption of goods and services. Moral factor is associated with the idea of following your values and moral goals (Kalajtzis 2016: p. 40).

Consumer ethics defined as a set of principles and rules of conduct associated with a broadly understood consumption process, which was accepted at a given time, and has gained a new dimension. It was mainly referred to as "the rules, standards, or principles that influence the individual or a group of people with regard to the acquisition, use, and

disposition of goods" (Muncy, Vitell 1992: p.298). It may be pointed out, that ethical ideology is a significant determinant of ethical belief, as well as it influences one's perceptions of the rightness and wrongness of questionable behavior (Chun-Chen et al. 2012: p. 317).

Analysing modern consumer ethics in the context of society growth, this article focuses on its forms in two spheres. Firstly, it is associated with broadly understood consumer decisions and factors that influence the choice of a particular product. Secondly, it refers to consumer behavior during the process of purchase.

The first sphere relates to the factors that influence the choice of certain goods and services and may refer to the idea of utilitarianism in ethics and, to be more specific, the utility principle that has evolved since the 18th century. According to that principle, the conduct is correct if it leads to the greatest happiness i.e. by possession of material goods. Happiness in the context of consumption is understood as pleasure the consumer gains from the sole retail process, and the process of using the goods and services (Mill 2012: p.10). The consumption object is valuable if it leads to pleasure. It is an individual consumer who makes the decision about the attractiveness of the product and, therefore, about buying it.

In the context of consumer ethics, value judgements play an important role as they decide about purchasing the product. A product that used to be valued by an individual because of the presumable pleasure it may provide, can lose the merit as it falls down the scale of socially assigned values. A consumer is public-spirited to such an extent that he will be willing to resign from his own deliberate actions in order to compensate moral values. He will search for such sources of pleasure that are socially accepted. In this case, the decision-making process is rather influenced by cultural aspects rather than instincts (Klimowicz 1974: p. 136).

The doctrine of freeganism that has developed in the 1990s in the USA is a modern idea that relates to consumer ethics in the purchase process. Freeganism in this context is understood as the minimisation of purchasing and the role of consumption in a man's life. (Thomas 2010: p 98). According to freegans, the fundamental ethical standards that determine the process of consumption are society, generosity, freedom, cooperation, and sharing. They are contrary to consumer society that is built on materialism, moral apathy, competitiveness, conformism, and greed (Persson 2011: p. 17).

Another sphere is associated with the influence of consumer ethics on consumer's behavior during the purchase process. Ethical assumptions should be consistent with the standards of conduct and good customs existing in a certain community. Various trading practices used by entrepreneurs influence customer's behavior. They are used to create different methods of purchasing which are often in conflict with socio-cultural standards of purchasing goods and services, and to create desired shopping trends. The globalization of trade and the formation of a uniform European market resulted in the creation of subcultures of the owners of certain goods. The possession of certain goods has generated the sense of belonging to a specific group. For example "Jeep owners", "sportsmen", "motorbike owners", "perfect moms", "perfect housewives" (Quinteros 2014: p. 265). A modern consumer purchases goods not only to fulfill essential needs, but to belong to the

certain economic, technological, and even geographic and spiritual structures they live in (Dalgliesh 2012: p. 6–37). The purchasing behavior of a modern European consumer is also influenced by unfair marketing practices e.g. activities that aim to persuade the customer to purchase the product by any means. According to Unfair Commercial Practices Directive (Directive 2005/29/EC), they take forms of aggressive or misleading marketing practices. Marketing practices used by sellers are considered unfair when they are contrary to morality and significantly distort the marketing behavior of an average consumer before conclusion of a product-related contract, during the process of conclusion, or just after it. Marketing practices are recognized as misleading if they influence the consumer to make an agreement-related decision that he would not make in other circumstances.

An aggressive marketing practice involves putting pressure on a consumer that would restrict the freedom of choice or their behavior towards the product and the consumer makes a decision that in other cases he would not make (Velentasa et al. 2012: p. 412). This involves practices when the prices of products are reduced on particular days in the year. Sellers not only encourage customers to buy a reduced price product, but they have created a fiction about the shortage of such products that triggers aggressive behaviors among consumers. A good example of such activity in capitalist countries is "Black Friday". It is a day following Thanksgiving Day in the United States (the fourth Thursday of November). It has been regarded as the beginning of the Christmas shopping season in the US, and most major retailers open very early and offer promotional sales. The encouragement for purchasing the product in the form of a reduced price raises pathological situations, including violence (McLinden 2015: p. 45). Misleading advertisements and aggressive selling techniques have been forbidden in the European Union since 2005. The European Union protects economic interests of consumers before, during, and after the transaction (Gonzalez 2015: p. 210).

Consumer society vs consumer policy in the European Union

Consumer society is influenced by the process of harmonisation of European markets, and appropriate regulations facilitate the trade, making it accessible even for consumers from the other countries. The EU provides consumers with a set of regulations that ease the acquisition process i.e. regulations that guarantee the safety of purchased products, protection against unfair commercial practices, or a broad redress system.

The development of pro-consumer policy was an important element regarding the growth of consumer society within the Union. The consumer policy in the European Union after 1992 has been created through programmes and strategies where we may find strategic goals related to the protection of customers in various areas of safety: health, economy, information, and education or within the frames of redress. In addition to prime objectives, there are legal solutions that aim to implement their realisation (McDonald 2000: p. 39–40).

Within the context of an enhanced acquisition process, that is common for any consumer society, the European Union introduced regulations that covered basic areas. The first area covered the matter of consumer and products' safety. The second covered

the sphere of information and education, whereas the third related to redress system and cross-border transactions. (Directive 2013/11/EU).

Economic safety is defined as the level of income considered to be basic, so the one that ensures survival, balanced development, and personal dignity. (Human Development Report 1994: p. 23–25). Management of income depends on personal needs of a buyer. An income determines purchasing abilities of an average consumer. Any consumer who concludes a contract should possess broad knowledge about the real terms of agreement, including financial aspects. The economic safety of consumers is particularly associated with the legal protection of financial interest during the process of concluding agreements. Safety is based on eliminating unfair commercial practices used by retailers who seek to persuade the consumer to make financially unattractive retail decisions, which they wouldn't make in other circumstances. Safety is guaranteed by providing the possibility for redress that results from purchasing a good that is not in conformity with the contract.

Only those products which meet standardising norms can be introduced to the market. Directive 2001/95/EC on the general product safety says that any product introduced to the EU market has to meet the general safety requirements, compatibility criteria, and European standards. The retailers shall be required to introduce only these products that are safe. A product is considered to be safe when, in the lack of certain provisions concerning the safety of a given product, it meets the requirements of national legislation in the territory where the product is being sold. A product is said to be safe if all threats covered by national standards have been taken into account. Additionally, it should meet optional, national standards being transposal of European standards. The conformity of the product with the general safety requirements is evaluated by consideration of national standards being transposal of European standards, norms drawn up in the Member Country where the products is being sold, or recommendation of Commissions that regulate the risk assessment of a given product.

An important role is played by the codes of good practice in relation to the safety of products, the implementation rate and the technology used, and possible expectations of consumers about the product safety (article 3).

The sense of consumer safety in EU, whilst increasing the process of the acquisition of goods, was influenced by regulations relating to information. Consumer safety in the context of information may be analyzed at two levels. The first one is the education of a European consumer and raising his consciousness within a widely understood economic and legislative context. It allows for a smooth and conscious participation in a free market. It is important to recall the resolution on consumer education in primary and secondary schools (Resolution of the Council 1986). The right for information provides a consumer with a free and independent choice and guarantees safety. It provides broader content and form of information that is offered in certain situations.

The second level constitutes real and accurate information about the product provided by the retailers and entrepreneurs to consumers. We can distinguish two types of information that a consumer may expect to receive: information about the product, and

about the terms and provisions of consumer contracts. Information about the product comes down to the policy that every product intended for consumers should contain information about its features, purpose, and way of use. EU Directives paid a lot of attention to the products purchased in bulk, such as: food, cosmetics, medicines, childcare products. In case of such products the information about the ingredients, way of use, and the possible dangers was very important. (Streżyńska 2000: p. 98).

The process of purchasing goods may become even more attractive when customers are guaranteed with an accurate complaint and redress mechanism. Especially important are the out-of-court complaint systems, the so called ADR (Alternative Dispute Resolution) that function in the European Union and which are meant to help consumers and retailers who failed to reach the agreement by themselves. The basic ADR systems in Europe are mediations and consolidations, arbitrage, the activity of IRS, and ombudsman. They differ in the binding force and the nature of taken decisions. In some cases they take the form of a contract (e.g. model of a mediator or ombudsman), in other cases they are bidding on the retailer (e.g. IRS), and, in other, they bind both parties (e.g. arbitrage).

In the context of attractiveness of purchasing process beyond borders of a Member State, the alternative systems of out-of-court dispute resolution are important in the sphere of consumer safety. It is worth paying attention to the two primary legal acts: Regulation (EU) No 524/2013 provides for the establishment of an online dispute resolution, and Directive 2013/11/EU about the alternative methods of dispute resolution. The mentioned Regulation shows that online shopping becomes more and more popular among consumers and retailers, which is why both parties should feel safe while making online transactions. An important tool with regard to customer and seller safety may be the establishment of an efficient online dispute resolution platform at the EU level (ODR platform). The ODR platform should take the form of an interactive website offering a single point of entry to consumers and traders seeking to resolve disputes out-of-court which have arisen from online transactions. It should allow consumers and traders to submit complaints by filling in an electronic complaint form available in all the official languages of the Union and to attach relevant documents.

According to Regulation (EU) No 524/2013 which provides for the establishment of an online dispute resolution, it should transmit complaints to an ADR entity competent to deal with the dispute concerned (point 18). The aim of the Directive is to provide access to simple, effective, fast, and cheap methods of national and cross-border dispute resolution resulting from marketing and service contracts. The procedure of consensual dispute resolution in case of transactions by use of Internet networks and other kinds of transactions ought to be beneficial for consumers and should strengthen their trust for the market (point 4). According to the act, ADR shall meet the uniform quality requirements applicable in the Union. The Directive covers all permanently established entities that deal with dispute resolution between consumers and entrepreneurs within the frames of ADR and which are included in the list.

In connection to the growing international trade and the movement of people, the Directive introduces regulations concerning cross-border dispute resolutions, where

both consumers and entrepreneurs had different places of residence or headquarters in different Member States at the time of concluding the agreement.

Conclusions

The growth of consumer society within the European Union was associated with the socio-economic changes in Europe in the 20th and 21st century i.e. harmonization of the markets, societies growing wealthier, and the rise in the standard of living, access to products that were earlier unavailable, establishment of international organizations which aimed at economic development of Member States, and at the same time legal provisions within the frames of a broadly understood purchase process.

The established hypothesis has been positively verified. Without a doubt, modern consumer society in the European Union is considered to be a consumer society. Analysing the nature and idea of consumer society, it should be noted that modern consumerism means the conversion of humans into consumers – homo consumer, and turning all the other dimensions of humanity into the secondary and minor role. Acquisition processes in this context aim to fulfil not only the basic, physiological human needs, but all the other needs and the ultimate objective (Bauman 2011: p. 109). Modern consumers make purchase decisions under the influence of various external factors like actions of professionals (entrepreneurs, retail specialists, economists, psychologists and lawyers) who are trying to recognize the needs and desires, and therefore, influence consumer's decisions.

The growth of consumer society in the European Union is associated with the development of legal measures within the frames of broadly understood retail process, product safety, protection against unfair commercial practices, and mechanisms of dispute resolution with a special attention to cross-border consumer transactions. The European Economic Community, and then the European Union, emphasize the need to guarantee consumer safety through measures in the field of product safety or the protection against unfair commercial practices. Nowadays, consumers are well guarded by the developed system of dispute resolution with particular reference to cross-border transactions. Modern consumers enjoy the freedom of purchasing goods in the European market. The Union seeks to protect consumers during the process of concluding cross-border agreements. Modern consumers are said to be digital consumers who make cross-border transactions via Internet. The possibility of cross-border shopping made the bargains even more accessible.

The decision-making process may be analysed through the lens of consumer ethics. The decision about the choice of product will be associated with prioritizing different spheres of life. It depends on an infinite number of determinants e.g. the society the consumer lives in, cultural, ethical, geographical, upbringing, lifestyle, character of a consumer, fashion preferences, nutritional style, etc. (Turcotte 2011: p.19–20).

For one consumer, buying and consuming meat may be ethical, and for another it may be immoral as it affects animals' lives. It is doubtless that decisions made by modern consumers are ethically independent. However, they are also influenced by various methods of manipulation used by retailers and trading specialists. An important matter is

the awareness of such practices, broadly understood knowledge, and consumer's consciousness. Educating uniform, consumer society does not have to result in the degradation of moral and ethical standards. It is only their flexibility and range that is increasing. Moral standards that used to be a domain of a small social group shall be suppressed by global customs and consumption standards, however they are applied individually by every customer who decides about the form and character of the consumption process.

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