Against the Right to Know: Autonomy and Food Labelling

Many people claim that consumers possess a "right to know" when food products contain ingredients derived from genetically modified organisms (GMOs).\(^1\) Centrally, proponents of this right to know argue that, regardless of their effect on individual health or the environment, mandatory labelling of GMO products is justified because it protects consumer autonomy.\(^2\) In this paper, I draw on recent theoretical work on the nature of autonomy, to critically evaluate the claim that consumer autonomy is protected by such a mandatory labelling scheme. In particular, I distinguish three distinct conceptions of autonomy - neo-liberal, solidarist and perfectionist - and articulate the circumstances under which they would support mandatory labelling of a property. I argue that none of the potential regimes would endorse mandatory labelling of GMO products.

The Right to Know and Mandatory Labelling

In broad terms, if A has a right to know F then there is a (defeasible) positive duty on the part of B to disclose F to A. The existence of this right is typically justified by appeal to an agent’s autonomy – their fundamental interest in being able to make informed decisions with respect to F (or, where F is relevant to those decisions).\(^3\) Consumer autonomy plays a similar role in an argument for mandatory labelling of certain properties of processed and packaged foods.\(^4\) First, it is claimed that a consumer’s interest in being able to make autonomous choices with respect to some property, F, implies a “right to know” whether a product possesses property F. Second, the

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\(^1\) See G. Hirshberg. Testimony Before the Senate Committee on Agriculture [Internet]. Just Label It. 2015.


consumer’s right to know F implies that manufacturers (or retailers) have a positive obligation to actively disclose whether a product possesses property F. Third, it is claimed that this positive obligation is fulfilled only if products with property F are labelled as F-products. Thus, protecting consumer autonomy with respect to F requires the mandatory labelling of F-products. Let us call this the right to know argument.

The Right to Know and GMO Labelling

Unfortunately, the right to know argument is unsound when applied to the mandatory labelling of GMO products. In particular, a closer examination of consumer autonomy shows that it does not require (and may even be impaired by) mandatory labelling of GMO products. To show this, I explore three different conceptions of autonomy – neo-liberal, solidarist, and perfectionist – which provide competing articulations of how the state ought to respond to individuals differing degrees of autonomous capacity.  

The neo-liberal conception holds that the state ought to respect the choices of almost all individuals, since even those with a low degree of autonomy ought to have that capacity respected. On this view, food labelling law should be oriented towards enabling consumers to seek out information if, and only if, they judge this information to be sufficiently important to their product choices.  

Moreover, manufacturers, whilst prevented from making false or deceptive claims, ought to have their choice not to disclose information respected. Unsurprisingly, the neo-liberal would thus be opposed to mandatory labelling of GMO products. Where there is sufficient consumer demand for information to distinguish GMO from non-GMO

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6 M. Loi, op. cit. note 4.
products, the neo-liberal expects a voluntary system of labelling to spontaneously arise (i.e. just as has occurred in the US with certified “non-GMO” labelling).\(^7\)

The solidarist conception holds that the state ought to protect those with a low degree of autonomy, even if this involves interfering with the choices of highly autonomous individuals. On this view, food labelling law should be oriented towards protecting the least informed consumers from making choices which are likely to harm their fundamental interests. For instance, such a conception would support so-called “traffic light” nutritional labelling, in so far as there is good evidence that the habitual consumption of high calorie, high-saturated fat foods is likely to cause harm.\(^8\) Importantly, the emphasis on harm within the solidarist conception suggests that they would also be opposed to mandatory labelling of GMO products, in so far as there is little evidence that GMO products have short or long-term health effects. Whilst some individuals possess conscientious or religious objections to GMO products, such individuals are likely to be highly informed, and thus able to proactively seek voluntarily labelled products.

Finally, the perfectionist regimes holds that public policies ought to promote the autonomy of all individuals, including those with an already high degree of capacity. On this view, food labelling law should be oriented towards comprehensively educating individuals about a wide range of properties which may be relevant to their choices, systematically promoting their knowledge and understanding of the food they consume. Importantly, product labels only promote autonomy if they interact with background beliefs and desires which are themselves formed through careful consideration of relevant and accurate information. In this respect, rather than endorsing labelling of GMO products, the perfectionist would seek to educate consumers on the health, environmental and ethical considerations relevant to the consumption of GMOs.


Importantly, as individuals become more educated about GMO products, those who come to autonomously prefer non-GMO food will generate a market for certified non-GMO labelled food. In this respect widespread education on the topic of GMOs, ultimately undermines the need for a system of mandatory labelling.

In conclusion, once we disambiguate the concept of consumer autonomy, we notice that there is no right to know that a product contains GMO-derived ingredients. In the presence of a voluntary scheme of disclosure for non-GMO products, the absence of evidence of harm to consumers with low degrees of autonomy, and the ability to promote consumer autonomy more comprehensively through public education, a mandatory labelling scheme for GMO products is not justified by appeal to consumer autonomy.