



Conceptualizing Consumer Justice

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Disclosure: I offer the idea of consumer justice for your consideration and comments. I tried and failed to have it published in several peer reviewed journals, but I am still convinced that the idea merits an academic and scholarly conversation. So I am placing it here as a scholarly monograph.

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Abstract

The longstanding *consumer access to justice* movement has morphed into *access to consumer justice*, albeit with little attention to defining the concept. After describing the three concepts of justice, access to justice (regardless of the context), and consumer access to justice, this monograph raised many questions around what is *consumer justice*. To try to answer this question, the discussion turned to access to consumer justice, consumer injustice, and a sense of consumer injustice as they pertain to market injustice, social injustice, consumer rights, and consumer protection. What do people access when they access consumer justice? The monograph concluded that consumer justice is a very large, holistic, values-oriented, principle-based concept. It encompasses market infractions as well as social infractions that impinge on the interests and rights of consumers around the globe (and on global workers and the Earth). Consumer justice is a unique form of justice, which warrants further conceptual exploration.

Introduction

The longstanding *consumer access to justice* movement (Cranston, 1979; Spiller, 1997) has morphed into access to *consumer justice*, albeit with little attention to defining the concept. To address this conceptual gap, this monograph raises many questions around what is consumer justice, consumer injustice, and a sense of consumer injustice as they pertain to market injustice, social injustice, consumer rights, and consumer protection. This paper attempts to answer these questions, and strives to inspire consumer scholars to engage with the idea of conceptualizing consumer justice.

Actually, this monograph was prompted by Consumers International's (CI) announcement of its 2015 congress theme, *Rights, power, action! A new vision for consumer justice and protection* (Viel & Upchurch, 2013). Although familiar with the concept of *justice*, I was intrigued with the new term *consumer justice*. And, the fact that the largest consumer organization in the world is embracing this new idea further compelled me to explore it. CI is a world federation of over 240 national consumer organizations spanning 120 countries (Brown & Asher, 2013). These organizations take their lead from CI, meaning its adoption of the idea of consumer justice may spread worldwide.

Although CI has not yet defined the term, they are using it in an interesting way, linking it to both consumer protection, and how global injustice in the marketplace is impacting the consumer interest and consumer rights (CI, 2012). One other consumer organization, the Union des consommateurs (Quebec, Canada) discussed both *consumer access to justice* and *access to consumer justice* (Carreau, 2011), addressing the former but not defining the latter (to be addressed in the next section).

Sensing that access to *consumer justice* felt different than consumer access to *justice*, which emerged during the seventies (Cranston, 1979; Spiller, 1997), I posed the following questions. How (if at all) do consumer access to justice and access to consumer justice differ? Is it just a matter of semantics or syntax (the way words are arranged in a sentence), or are there conceptual differences? In *consumer access to justice*, the consumer (noun) is an agent capable of accessing justice. In *access to consumer justice*, the word consumer becomes an adjective modifying the noun justice, intimating a new type of justice. What *are* people accessing with they access *consumer justice*?

To begin to address these questions, I explored possible conceptual contributions to *consumer justice*. After briefly discussing the emerging trend for the concept, I continued with an overview of the broader concept of justice, followed with the associated concepts of *access to justice*, and *consumer access to justice*. I then discussed the connection between *access to justice* and consumer protection, two historically linked ideas (Rickett & Tefler, 2003). Accessing *justice* through consumer protection may not capture the type of justice required to address global injustices experienced by consumers, or the injustices they commit on others and the Earth. *Consumer justice* seems to imply a more holistic, inclusive idea than does *consumer access to justice*. To that end, I examined the implied link between market injustices and social injustices as a way to conceptualize *consumer justice*, *consumer injustice*, and *a sense of consumer injustice*.

Emerging Trend for Consumer Justice Concept

Without defining it, CI now uses consumer justice as the anchor for its consumer

protection-related work (Brown & Asher, 2013; CI, 2012, 2013, 2015). CI has developed a keen interest in examining the struggle for greater justice within an emergent global context that is impacting consumer rights. However, instead of a concern for infractions on consumer rights, they are reframing their work as consumer injustice. CI (2012) referred to *strengthening consumer rights by tackling injustices in the consumer marketplace*. They maintained that the entrenchment of consumer rights in consumer protection frameworks better ensures consumer justice. The CI 2015 strategy document is titled *Consumer Justice and Protection* (CI, 2012).

The only other major consumer organization engaging with this concept is the *Union des consommateurs* (a Canadian consumer organization) (Carreau, 2011). It is interested in consumer justice as a concept, although it does not define it either. Carreau did ask very compelling questions about what does justice mean when linked with consumer issues: “What is hidden behind the word ‘justice’? What is the meaning of this ‘justice’ to which access should be made easier? What are the specifics of this problem in consumer affairs?” (p.9). He referred to both “consumer access to justice” and “access to consumer justice” (p.7).

Respectively, Carreau’s (2011) framing implied that if consumer scholars want to focus on consumer access to justice, then the word *justice* has to be defined within the consumer context. If they are concerned with people’s access to consumer justice, then *consumer justice* must be defined, so it can be operationalized and recognized as present or absent. There is no standardized way to describe either justice or access to justice; yet, they must be described if people are to employ these concepts (Wrbka, 2015).

The same argument holds for consumer justice. To begin to address this perceived conceptual gap in the consumer literature, the following text provides an overview of (a) justice (including different types of justice), (b) *access to justice* (regardless of the context), and (c) *consumer access to justice* (justice in the consumer context). An appreciation of the nuanced distinctions among these established justice-related concepts provides useful insights for this initial attempt to conceptualize the newer notion of *consumer justice* (see Figure 1).



Figure 1 Justice-related concepts

Justice as a Concept

Justice is a large, multifaceted concept, with many different meanings and types. There are several dominant theories of justice, and it differs in each culture (United Nations, 2006). Fundamentally, justice is defined as just behaviour and treatment, with *just* meaning morally right and fair, appropriate or deserved. In a definitional pause, *jus* is Latin for right and *iste* is Latin for having to do with; hence, justice means ‘having to do with what is right.’ Right is Old English *riht* for what someone deserves, a just claim, what is due, a legal entitlement, a privilege. If something is *just*, it is justifiable, equitable, impartial, fair, and conforming to rules (Harper, 2017). *Unjust* simply means unfair or not right. Fair can mean what is appropriate given the circumstances, and it can mean treating people equally (equality, or according them the same status, value, respect, treatment) (Waite, 2012). Unfair means a condition or circumstance that places people in an unfavourable position. They end up being treated unequally and in an inconsiderate manner, resulting in harm and inconvenience (Costello & Costello, 2015).

Moving from an etymological stance, Wrבka (2015) provided an overall distinction between non-valuing and value-oriented justice. Non-valuing justice refers to “the judicial apparatus, its main decision-making actors or court proceedings. [These] do not take any value judgements into consideration” (p. 6). Conversely, value-oriented justice is more philosophical than non-valuing justice, which is very technical in nature. Value-oriented justice is a value-centered system deeply concerned with fairness, equality, and moral correctness. It “goes beyond mere legal concepts and also touches upon sociological, political or philosophical ideas” (p. 8). It is conceivable that any conceptualization of consumer justice will depend on both of these orientations, privileging the value-oriented approach with its focus on fairness and equality, longstanding foundations of consumer protection and consumer rights.

Types of Justice

There are many types of justice (see Hardon, 1980). This section identifies 10 of them, most of which are conventionally used in the consumer field in varying degrees (see Table 1). Appreciating that all of these are very complex concepts in their own right, they are all touched upon briefly because each has the potential to contribute to conceptualizing what is and is not consumer justice. Future efforts to take this conceptual conversation further will benefit from this modest inventory of these types of justice. Sufficient information is provided to clearly distinguish them from each other, and to explain how they have historically or recently been aligned with the concepts of consumer interest, protection, and rights.

Table 1 Main Types of Justice

Type of Justice	Common jargon	Brief Definition
Social	The common good	Take the right actions to shape the common conditions of social life (common good); these actions lead to equality and solidarity in society by ensuring people co-operate with others in order to help make the institutions of society better serve the common good; concerned with how these institutions ensure the equality of the distribution of society’s wealth, opportunities, outcomes, and privileges

Distributive	Fair share and rewards (spread things around evenly)	Pertains to distributing (give out or spread around) certain goods and services to individuals in just proportions to their contributions and needs. People want to get their fair share, with this share being comparable to what others are getting (e.g., pay, jobs, health care)
Economic (form of distributive)	Income and wealth distribution	Concerns income and wealth distribution and division of labor; also involves contracts and sanctity of property (each person gets what they get (e.g., wages, prices, profits) according to their contribution). The principle of participation holds that people have the right to contribute to the economy but they do <i>not</i> have the right to equal results from contributing
Legal	Uphold the law (I want my day in court)	Those in authority ensure that laws are upheld so the common good is served; they judge how well citizens meet their obligations to the community and society
Commutative	Exchanges (everyone gets what they have a right to have; their due)	Measures the mutual exchanges (and substitutes) between people in a society and, as such, requires honouring and fulfilling contracts freely agreed to by two or more parties. It regulates people's private right to contract, and is concerned with the treatment of individuals in transactions (what one person does to another). This type of justice gives people what they are due. Lack of this is called fraud, theft or damages
Procedural	Fair decisions (I want fair treatment)	Concerned with the fairness of the decision making processes involved in arriving at an outcome (e.g., promotions, raises, performance reviews, mediation, complaint resolutions)
Interactional	Respect and treat me with dignity	Concerned with the dynamics of the relationship during the procedural process (e.g., empathy, politeness)
Retributive	Pay-back/vengeance (an-eye-for-an-eye); also, moral outrage	Concerned with what to do when rules have been broken or ignored. Presumes punishment is the best form of response; also, victim wants to punish the wrong doer (make him or her suffer in return) because it is just too hard to compensate the victim; also linked to moral outrage (when people feel their rights under the rules of society have been breached)
Vindictive	The punishment fits the crime	Justice can only be restored by using punishment in proportion to the crime
Restorative	Corrective; make everyone whole again; reintegrate offender back into the community	Put things back to the way they were before by healing everyone (relationship building), holding offender accountable, and reuniting what has been divided (with the intent to heal the future by restoring the victim, the offender and the community); this approach to achieving justice is transformative
Eco-justice	Sustainability	Links ecology with justice; socio-economic justice is necessary for a healthy earth community and a thriving Earth. This entails ecological responsibility and a concern for sustainability (i.e., meet present day needs without compromising future generations)

Legal, and commutative. When consumer scholars engage with consumer protection, as well as complaints and redress, they tend to lean toward legal, commutative, and distributive (especially economic) justice (see Carreau, 2011; Rickett & Telfer, 2003). Respectively, they aim to make sure that (a) consumer laws are upheld, (b) freely entered contracts are honoured and people get what they are due, and (c) people get their fair share and their fair rewards in the marketplace, relative to what others are getting for the same thing.

In more detail, legal justice means that those in authority ensure that laws are upheld so the common good is served; it judges how well citizens meet their obligations to the community and society. Commutative justice measures the mutual exchanges (and substitutes) between people in a society. As such, it requires two or more parties honouring and fulfilling contracts to which they freely agreed. It regulates people's private right to contract, and is concerned with the treatment of individuals in transactions. This type of justice gives people what they are due. Lack of it is called fraud, theft, or damages.

Distributive. In particular, economic distributive justice is concerned with how evenly income and wealth are distributed and labor is divided among people in a society. The guiding *principle of participation* holds that consumers have the right to contribute to the economy but do not have the right to equal results from contributing (Rickett & Telfer, 2003). This principle leads to discussions of poverty, fair wages, and women's participation in the labor market, for example.

Two related concepts are *equity* (fairness under the circumstances) and *equality* (being treated the same, which may or may not be perceived as equitable and fair) (Waite, 2012). In the marketplace context, distributive justice refers to the fairness of an outcome, given the service provided or the product purchased. If there is an injustice in the way things are 'spread around' (distributed), consumers will want compensation (Blodgett, Hill, & Tax, 1997; del Río-Lanza, Vázquez-Casielle, & Díaz-Martín, 2013; Judge & Colquitt, 2004; Martínez-Tur, Peiró, Ramos, & Moliner, 2006; Thibaut & Walker, 1975; Williams & Henderson, 2010).

Procedural. Procedural justice is concerned with the fairness of the decision making process (i.e., the way things are done), and focuses on the perception of a fair procedure in relation to a just outcome (Martínez-Tur et al., 2006). The "concept of procedural justice can be boiled down to four 'pillars'...: 1) a voice in the process, 2) transparency in the decision-making process, 3) neutrality in the decision-making process, and 4) respect for the person's rights and dignity" (McCurdy, 2013, p. 1).

Saxby, Tat, and Thompson Johansen (2000) observed that procedural justice (as perceived by consumers) is an unexplored issue. Recently, Wrbka (2015) recognized there is "a procedural side of access to consumer justice" (p. 150), with Creutzfeldt (2014) suggesting that consumer dispute resolution schemes should be based on procedural justice. Retailers can address any alleged procedural injustices by dealing with accessibility, timing/speed, process control, delays, and flexibly adapting to consumers' needs (Blodgett et al., 1997; del Río-Lanza et al., 2013; Judge & Colquitt, 2004; Martínez-Tur et al., 2006; Thibaut & Walker, 1975; Williams & Henderson, 2010).

Interactional. Interactional justice pertains to how people are treated after the consumer transaction when they are complaining or seeking redress (i.e., the employees' sincerity, respect, empathy, courtesy, sensitivity, treatment, and the effort they expend). When something goes

wrong, people want the retailer to treat them humanely and with dignity (often considered far more important than just being compensated). Interactional justice comprises two other forms of justice. *Informational* justice refers to the usefulness and importance of information provided for the transaction (i.e., adequate, honest explanations about the product or service). *Interpersonal* justice pertains to the quality of the relationship during the interaction (Blodgett et al., 1997; del Río-Lanza et al., 2013; Judge & Colquitt, 2004; Martinez-Tur et al., 2006; Thibaut & Walker, 1975; Williams & Henderson, 2010).

Retributive, vindictive, and restorative. Respectively, people would (a) punish the wrong doer of very serious crimes because it is too difficult to compensate the victim of injustice, (b) exert punishment in proportion to the crime, and (c) hold the offender accountable while rebuilding relationships (restore and transform everyone). These three forms of justice are most relevant to fraud, class actions, and consumer product liability issues (Mascarenhas, 2007). He proposed that marketers have a legal responsibility to use retributive justice to compensate consumers harmed by their products. And, they have a moral responsibility to compensate said consumers with retributive, distributive, and social justice. As well, the “globalised world increasingly involves growing mass consumer markets that often have a cross-border nature [necessitating] access to consumer justice” (Laurinkari, 2011, p. 2). The global marketplace is rife with distant, invisible sellers and contestable jurisdictions (see Ha & McGregor, 2013), necessitating access to retributive, vindictive, and restorative justice.

Eco-justice. “Eco-justice envisions and values ecology and justice together” (Hessel, 2007, p.1). Hessel identified four ethical norms of eco-justice ethics: (a) solidarity with other people, creatures, and earth community; (b) ecological sustainability; (c) sufficiency as a standard of organized sharing, especially as it pertains to equitable or fair consumption; and, (d) socially-just participation in decisions about how to live life for the good of the commons. Gibson (1985) asserted that the well-being of humankind is contingent on achieving access to eco-justice. This access requires a thriving, productive Earth.

Social. On a final note, social justice occurs when things are evenly distributed within a society, including money, housing, health care, education, job opportunities, food, safe working conditions, and access to the marketplace. Social justice is concerned with right actions that shape the common good so it benefits everyone. By ensuring people co-operate with others in order to help make the institutions of society better serve the common good, these actions lead to equality and solidarity in society. Social justice is concerned with how these institutions ensure the equality of distribution of society’s wealth, opportunities, outcomes, and privileges. It exists when “all people share a common humanity and therefore have a right to equitable treatment, support for their human rights, and a fair allocation of community resources” (Toowoomba Catholic Education as cited in Robinson, 2016).

When social justice is present, people have equal access to liberties, rights, and opportunities, and the least advantaged members of society are cared for. Basic liberties include freedoms of conscience, association, expression of democratic rights, and property rights (Rawls, 2001). Especially, social justice demands that “[a] free market system must be set within a framework of political and legal institutions that adjust the long-run trend of economic forces so as to prevent excessive concentrations of property and wealth, especially those likely to lead to political domination” (Rawls, 2001, p. 44). Lack of social justice in the marketplace has negative

connotations for consumer justice because citizens are disenfranchised and left voiceless and powerless. This injustice has contributed to the worldwide anti-consumerism movement, which pushes back against the unjust repercussions of top-down, corporate-led, economic globalization and capitalism (Hilton, 2009).

Access to Justice

CI (2012) and Carreau (2011) claimed that consumers have a right to *access* to justice. Access means having the ability, right, or permission to approach, speak with, or use (Costello & Costello, 2015). Access to anything means a person has been enabled to enter a certain desired condition, moving from one state to another (Wrbka, 2015). In general terms, a *lack* of access means the state of being without or not having enough of something; that is, a deficiency or lack of mobility.

“The words ‘access to justice’ are admittedly not easily defined, but they serve to focus on two basic purposes of the legal system - the system by which people may vindicate their rights and/or resolve their disputes under the general auspices of the state. First, the system must be equally accessible to all; second, it must lead to results that are individually and socially just” (Garth & Cappelletti, 1978, p. 182). Carreau (2011) posited that “access to justice is a broader issue than simple access to the courts. Justice takes many forms, and... a ‘one size fits all’ approach cannot function adequately. We must take into account the diversity [and complexity] of situations (social, geographic, economic, cultural, etc.)” (pp. 9, 17) (see also Roach & Sossin, 2010). In other words, justice is contextual (see Figure 1).

Referring to Garth and Cappelletti’s (1978) seminal work on access to justice, Currie (2004) set out three waves of reconceptualizing the concept. Wave one of the access to justice movement was the emergence of legal aid. Wave two focused on collective and group rights and addressed systemic problems of inequality. It was especially concerned with reforms aimed at providing legal representation for diffuse interests, especially in the areas of consumer and environmental protection, and other unorganized interests. The third wave is concerned with finding alternatives to litigation in court by simplifying the justice system and facilitating greater accessibility (i.e., *access* to justice). The goal is to address barriers to access in a more articulate and comprehensive manner so that people who are denied the benefits of equal justice can more effectively exercise their rights.

Carreau (2011) explained that access to justice is a matter of (a) putting in place just (fair) laws and systems, (b) ensuring a fair and equitable means to apply those laws within the system, and (c) respecting the importance of results (arriving at a satisfactory outcome as simply, quickly and cheaply as possible). Barriers to access to justice include, but are not limited to, cost, red tape (convoluted procedures), complex systems and proceedings, consumers’ lack of knowledge and experience, dispersed responsibilities, and lack of trust in the system (see also Rickett & Telfer, 2003). MacDonald (as cited in Carreau, 2011) classified access barriers as physical and material, objective, subjective, sociocultural, and psychological. A good civil justice system would minimize these barriers, thereby ensuring “equilibrium in the market for consumer justice” (Rickett & Telfer, 2003, p. 19). The next section discusses *access to justice* as it applies to consumers in the marketplace, using the phrase *consumer access to justice*.

Consumer Access to Justice

Lacking access to justice in the marketplace means people cannot engage in morally right

and fair actions in their best interest as a consumer. “If something is of *interest* to people, it benefits them or gives them an advantage. Succinctly, it is in the *best interest* of *consumers* (to their benefit or advantage) to have marketplace failures (the *conditions* that affect the realization of their interests) and resultant consumer issues (if a power imbalance arises) dealt with effectively and expediently, in a sustainable manner” (McGregor, 2012, p. 5). Access to justice *for* consumers and their interests is an urgent issue of rapidly growing importance (Galligan & Yu, 2016). They defined consumer access to justice along two dimensions: (a) fair, impartial and timely resolution of disputes involving rights and grievances, and (b) free, easy and genuine access (means and opportunity).

The consumer justice movement emerged during the 1970s as did the accompanying demand for more accessible institutions of justice so consumers could access justice (Cranston, 1979; Spiller, 1997). During this time frame, legal aid, small claims courts, and dispute tribunals became prominent. Since then, additional forms have emerged, including: class action suits, contingency fees (lawyer’s fee depends on the outcome), ombudsman, mediation, arbitration (alternative dispute resolution), access to lawyers and the courts, access to bureaucratic and legislative forms of justice, and access to the markets, consumer education, and political regulation (Cranston, 1979; Kalajdzic, 2010; Roach & Sossin, 2010; Spiller, 1997).

Consumer access to justice includes both substantive and procedural law. Substantive law consists of written statutory rules and laws passed by legislatures that govern how people behave (the power relationship between people and the state). It defines both (a) crimes and attendant punishments and (b) citizens’ rights and responsibilities. An example is consumer protection legislation. Procedural law refers to the set of rules that govern court, civil, and administrative proceedings. It pertains to due process and to fair practice and procedures while applying and enforcing the substantive laws (Pavlović, 2015). Procedural law also comprises case law, which accumulates as judges make judgements after hearing cases for marketplace infractions. Consumers benefit from effective judicial protection in the matter of consumer protection (Sarrión, 2014).

Appreciating both approaches to law, Poncibò (2009) recognized the recent trend of improving consumer access to justice through procedural laws (due process), compared to the earlier approach of improving consumer rights through substantive law (e.g., consumer protection legislation). Yuthayotin (2015) disagreed with Poncibò, positing instead that consumers’ access to justice depends on their consumer rights being enhanced. The latter necessitates a shift from procedural law to substantive law; that is, from due process to statutory laws (i.e., more consumer protection legislation). Roach and Sossin (2010) also argued for a return to substantive law, “to the legislative and regulatory process as a means to advance the access to justice agenda” (p. 374).

Regarding consumer access to justice, Carreau (2011) envisioned a system that exercises strong deterrent and preventative functions, meaning merchant violators would face consequences, lessening consumers’ need to be constantly wary of merchants. He posited that respecting the *principles of justice* would further ensure consumer access to justice. These principles include equity, equality, neutrality and impartiality, consistency, fairness, trust, need, desert (what people deserve), and standing or status (Maiese, 2013). This principle-based approach, which privileges justice, augments the conventional wisdom of privileging

marketplace principles (e.g., profit, growth, competition, scarcity, individualism, and wealth accumulation). Indeed, the final section of this paper explores how both of these principled approaches (marketplace principles and justice principles) contribute to attempts to conceptualize access to *consumer justice*.

Conceptual Contributions to Consumer Justice

This monograph began with an extended discussion of three established ideas in the consumer field: justice, access to justice, and consumer access to justice. The general conclusion was that these three ideas are not the same as the notion of access to consumer justice (see Figure). Because CI (2013) assumes that consumer protection will ensure consumer justice, this section begins with a discussion of this idea followed with an exploration of how market and social injustices relate to consumer protection. The section continues with a discussion of the direction of the link between consumer justice and consumer rights (which comes first), introduces the idea of *consumer injustice*, and ends with the notion of a *sense of injustice* as a mobilizing force to ensure consumer justice. Figure 2 sets out the logic shaping this discussion of what might contribute to conceptualizing consumer justice.

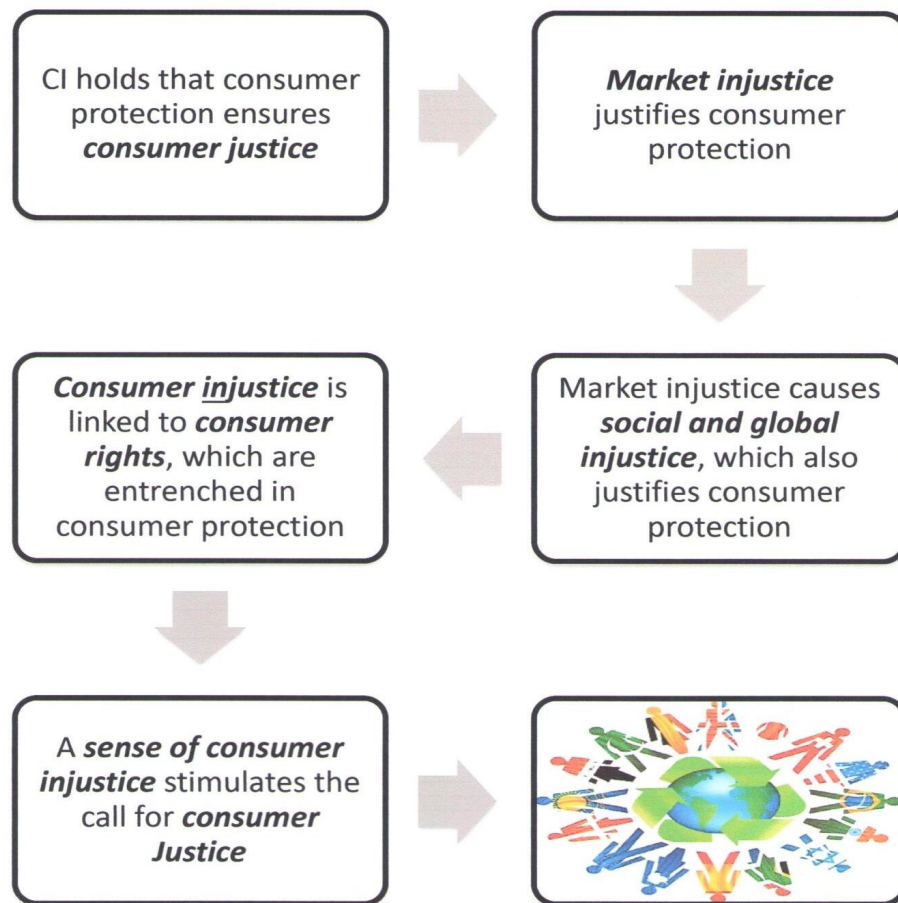


Figure 2 Logic for conceptualizing consumer justice

Consumer Protection and Access to Justice

Yuthayotin (2015) suggested that consumer access to justice underlies the very idea of consumer protection, which serves to “bring justice to consumers” (Cheriyana, 2013, p 5). When consumer protection ameliorates inequality in the market, consumers are more likely to experience marketplace justice. Swagler (1979) proposed that, in its broadest sense, consumer protection pertains to any government policy (all levels of government) that “sustains consumers in the marketplace by helping them cope with its size and complexity” (p. 180). Many countries now include consumer protection in their constitutions (Ramsay, 2012). The core principles of consumer protection are fairness, respect, and equality (equal in power to business), intimating that consumers are entitled to the most basic rights of fair trade, fair contracts, safe products and services, and access to justice if these rights are not respected (Deutch, 1994).

Consumer protection policies give consumers the advantages that other groups of the economy enjoy. Those without this leverage are called disadvantaged and/or vulnerable consumers (whether it is persistent or temporary) because they lack the power to contend with the vagaries of the marketplace (or better yet, different marketplaces). When the market falls short of its potential, and people experience subsequent losses in their consumer welfare, they are said to experience *consumer detriment* (i.e., harm, damage or loss). These liabilities place them at a disadvantage in the marketplace, necessitating government intervention in the form of consumer protection (Organization for Economic Cooperation and Development [OECD], 2010).

Consumer protection shields people from harm or injury during their market transactions (i.e., it mitigates consumer detriments). This shield weakens when businesses gain so much power that they can create imbalances in the market, or when consumers lose too much power. Both situations lead to unjust, unfair and unequal situations. Maintaining market equilibrium is so important that consumer rights have evolved from social rights to legal rights. Consumer rights serve to prevent abuse of marketplace power, and are ensured via consumer protection regimes (Deutch, 1994). The latter tend to include provisions for consumer access to justice (using that exact phrasing) (Ramsay, 2003). Consumer “access to justice is intimately connected with the rise of consumer protection and is embedded in the United Nations Guidelines for Consumer Protection” (Ramsay, 2003, p. 17).

CI (2013) claimed that consumer protection will help build a safer, fairer world because it helps ensure consumer justice. CI’s approach to consumer justice is anchored in the injustices committed on consumers in the contemporary global context. These injustices comprise both market failures and unjust societies, representing two rationales for intervening in the market to address consumer protection issues (Dorfman, Wallack, & Woodruff, 2005). On both accounts, the consumer interest can be harmed. The next two sections explore how these two interrelated concepts pertain to consumer protection and the concept of consumer justice.

Market Injustice

The ethic of market justice is the biggest barrier to achieving justice for consumers and social justice (Beech, 2004; Dorfman et al., 2005). This ethic includes the following norms: (a) the inegalitarian criterion of earned desserts (get what you deserve) rather than the criteria of equality and need; (b) the limited-to-no government intervention in or direction of the economy; (c) the availability of economic opportunity; (d) equity in income distribution; (e) the fairness of

profits (profits benefit all); and, (f) the need for inequality to motivate people's efforts and contributions (i.e., inequality motivates) (Mason & Kluegel, 2000). Market justice also depends on the following values: self determination and self-discipline, individualism and self-interest, benefits based on personal effort, limited obligation to the collective good or the commons (minimal collective action or obligation), and voluntary behaviour (no concern for the social conditions or contextual determinants of people's decisions) (Beauchamp, 1976; Dorfman et al., 2005).

The "rough justice of the market" (i.e., market justice) has "sentenced many societies to economic polarization and attendant social stress [because] it has supplanted explicit political commitments to social equity [and...] social justice" (Gleeson, 1996, p. 231). Indeed, when the market operates on the aforementioned norms (see Mason & Kluegel, 2000), and people are harmed before, during or after their consumer transactions, the market is said to have failed, warranting government intervention to correct the injustices (Shiell, 2010).

Social (In)justice

"Social disparities and our refusal to challenge and overcome them... are the root causes of inaccessible justice, and of injustice itself. [In order] to improve access to justice [we] must redistribute social power" (MacDonald as cited in Carreau, 2011, p. 12). Without this access, various forms of social exclusion combine and accumulate, exacerbating ongoing access to social justice, especially in the marketplace. The concept of market failure focuses attention on what is and what is not in the domain of individual free choice (the private world). This focus diverts attention from underlying inequities and root causes of injustice (Shiell, 2010). Regardless, market injustice is not going away, and its tenacity is destabilizing the idea that consumers are economic entities exercising free choice in a private world (Sassatelli, 2007). Recent calls for social justice and consumer justice in the marketplace reflect this state of affairs.

Because social justice outright rejects the economic/market failure argument and it rejects market norms, it is a sound rationale for government intervention in the market (Dorfman et al., 2005). With its focus on political values, social justice "behoves people to interrogate and surface deeply-held and often invisible values and the interests they serve" (Shiell, 2010, p. 13). Identifying these values and interests exposes the roots of the inequities that are causing a lack of justice for consumers. Unless the problems that underscore market injustices are properly diagnosed, steps to address or correct the resultant social injustice will be inappropriate. This is unacceptable because social injustice is closely intertwined with the correction of market injustice. In particular, it is principally concerned with the structural ills of the market economy. Because markets can never be perfect, there will always be a degree of market injustice; hence, social injustice (Beech, 2004).

Because their rights are constantly undermined by social injustices and market abuse, consumers need to be protected (CI, 2013). Social injustice, which is difficult to define, occurs when policies or government actions adversely affect societal conditions to the extent that social welfare is compromised. It also occurs when there is a preventable difference in the state of affairs among a population of people. Any differentials must be addressed if justice is to be restored (Williams & Henderson, 2010). Addressing these marketplace issues will be a challenge if justice is not on people's radar. A recent encyclopedia of consumer rights, safety and

protection (see Reiboldt & Horn Mallery, 2014) did not contain entries for justice, social justice, market justice, or consumer justice.

Indeed, Hilton (2009) asserted that members of the consumer movement eschewed the social justice elements of a consumer society, opting instead for a focus on individual choice as it plays out in market transactions. As a result, consumer protection regimes failed to account for consumers' access to economic *and* social justice. This is unfortunate because "there is much more to consumer society than offering basic protections to individual shoppers in the market" (p. 122). From a social justice perspective, "any inequities that emerge [in the market] must be corrected in order to ensure that the least advantaged are not maintained in their relative destitution and that fairness is maintained in principles of justice" (p. 189).

Barnhill (1972) agreed, asserting that a concern for social justice in the marketplace is imperative because the marketplace is inherently imbalanced; hence, unjust. Williams and Henderson (2010) concurred that it is very appropriate to apply a social justice perspective to explain and examine marketplace injustices. The latter result from consumers not receiving "equal treatment for equal dollars" (p. 174), thereby creating an oppressed segment of marginalized consumers who experience marketplace disenfranchisement (i.e., they are deprived of their rights, privileges and voice).

By assuming that rigorously monitored consumer protection measures will ensure consumer rights, people ignore the reality of widespread social injustice stemming from Northern consumption (Hilton, 2009). Stearns (2006) further maintained that as long as people's buying power and interests in the market are protected, the power of consumerism makes them reluctant to confront the social injustice that is caused by their behaviour and their complicity in the system. This rise in social inequality goes hand-in-hand with the rise of consumerism (Gabriel & Lang, 1995). As Sassatelli (2007) so aptly put it, "consumer choice is *not universally good* and it certainly is *not a private issue*. ... Rather it is a consequential and momentous practice" (pp. 186-187).

Global Justice. In addition to social injustice, CI (2012) is deeply concerned with how *global injustice* in the marketplace is impacting the consumer interest and consumer rights. With likeminded thinking, Brock (2015) tendered *global justice* as a new concept. Given the context of contemporary global phenomena, including intensified globalization, economic integration, and potentially catastrophic anthropogenic (human caused) climate change, the idea of global justice is necessary. A global justice issue arises when "the problem either affects agents resident in more than one state or the problem is unresolvable without their co-operation" (Brock, 2015, p. 4). An example of a global justice issue is poor and harmful employment conditions in developing countries. When consumers purchase products manufactured in these contexts, are they guilty of contributing to workers' exploitation and, if so, what should be done to mitigate the unfairness and unjustness of this situation? (see again Figure 2).

Consumer Injustice and Consumer Rights

CI (2013) maintained that entrenching consumer rights into consumer protection regimes would help build a safer, fairer world because it would help ensure consumer justice by preventing marketplace abuse (see also Deutch, 1994). This section explores how consumer rights and consumer justice are linked, and ponders which comes first: the chicken or the egg. An infringement of consumer rights (something people are entitled to) can lead to "situations not

in the best interest of consumers (individuals or aggregate/groups) because they: (a) have not received any benefits; (b) are harmed, injured or left less secure or unprotected; (c) are disadvantaged, exploited or marginalized in some way (morally, personally, financially); or, all three of these scenarios” (McGregor, 2012, p. 5). These are called consumer injustices.

Although the focus of this monograph is consumer justice, perhaps conceptualizing *consumer injustice* might move things forward. Injustice is Latin *in* for not and *jus* for right; that is, something is not right (Harper, 2017). The minimum condition for injustice to exist is that people want something they do not have, and believe they deserve it. If people are deserving of something, they believe they are worthy of favourable treatment. “A sense of deservedness is central to the concept of justice” (Lane, 1986, p. 386).

For the market to be considered fair and just, people must see it as open for opportunities (if not equality) and the market must respond to people’s efforts (i.e., their hard work). When people experience deprivation in the market (i.e., are disadvantaged or experience hardship and detriments from lacking or losing something), they incur an injustice (Lane, 1986). The resultant compromised sense of deservedness (i.e., a sense of injustice) makes people want the situation to be rectified and corrected. They *want justice* because they feel deprived of something they justly or rightly earned or are owed... ‘someone has to make things right.’

If people experience an injustice, they endure an outcome that they did not deserve, meaning they experience a violation of a right against their reasonable will. This can be a wrong against them, other humans, other species, the Earth, or a wrong against society, humanity and the common good (Maiese, 2013). Now to the chicken and the egg. Some consumer scholars maintain that a consumer right has to exist before something can be deemed unjust (meaning it was deserved but not met or fulfilled). Others disagree, claiming that access to justice guarantees consumer rights, implying that justice has to be in place first (Cranston, 1979). This conundrum begs the question, are *consumer justice* and *consumer injustice* more powerful conceptual constructs than infringement or abuse of consumer rights? Is CI (2012) onto something with its notion of *Consumer Justice and Protection*?

CI seems to be implying that a market or social *injustice* has to occur (i.e., a consumer endures an outcome not deserved) before a consumer *right* can be said to be abused or infringed upon, intimating the right existed already (the chicken and egg question). With that insight, maybe it makes sense to focus on injustices in the marketplace as a proxy or precursor to a focus on consumer rights, per CI’s recent approach (2012). Given that the rights of consumers are already entrenched in most consumer protection frameworks, perhaps it *is* time to shift the focus to justice and injustice, despite that the “vindication of consumer rights remains problematic [and] access to consumer justice, therefore, remains illusory for many” (Kalajdzic, 2010, p. 374).

Pursuant to the notion of global justice (Brock, 2015), the concept of consumer injustice seems especially apropos when used in conjunction with consumer purchases that violate the Earth, other species, and any humans who labor to make and deliver goods and services (rather than sellers committing an injustice on consumers). Would consumer injustice be better placed in relation to shirked consumer responsibilities (consumers committing an injustice on other people) instead of just consumer rights (violated by sellers)? Consumers who neglect their responsibilities in the marketplace, causing harm with their purchase decisions, would be creating an injustice because people or species elsewhere endured an outcome they did not

deserve. The people who experience this form of consumer injustice (usually women and children) work in sweatshops, slave labor, child labor, and prison labor. But they are *so* distanced from the everyday consumption behaviour of Northern consumers, it is too easy for the latter to leave them in the shadows. This situation creates a grave injustice - something is not right and something must be done about it (Brock, 2015; Micheletti & Stolle, 2007).

This idea may have merit. Consider that Vadackumchery (1999) used the term consumer justice to mean aggrieved consumers suffering an injustice committed on them. Committing an injustice means someone engages in an unjust or unfair act that causes another to suffer from abuse, misconduct or wrongdoing. In addition to sellers committing an injustice on consumers, Northern/Western affluent consumers often *commit an injustice* on other citizens, species, and the Earth. These market injustices manifest “as socio-spatial polarisation and environmental degradation” (Gleeson, 1996, p. 231).

Sense of Consumer Injustice

On a final note, a *sense of injustice* is another perspective that merits consideration when conceptualizing consumer justice. Justice scholars maintain that justice requires only contemplation of the state of affairs, while a *sense of injustice* leads to action (e.g., Cahn, 1975). Would a sense of consumer injustice compel people to more immediate action, with less contemplation and lamentation about the complexity of the marketplace? This line of thinking may prove productive in the quest for access to consumer justice because feeling that something is the case means it is on one’s radar.

As well, injustice may not be intentional malice or an attempt to gain an unfair advantage; rather, it may be nothing more than flawed human decision making because people are not aware of the inherent injustice of the market. Rather than guilt, maybe it would suffice to raise people’s *awareness* that justice is absent in the marketplace and that people can consume in a way that mitigates injustice. This gained *sense of injustice* can be a powerful motivator, causing people to take action rather than just contemplating the unfairness of everything or becoming mired in guilt. With a *sense of injustice*, people would be more inclined to proactively act on any potential decision that could cause misuse, abuse, neglect or malfeasance.

A vivid example of this global injustice is the impact of unsustainable consumption driven by the consumerism ideology (McGregor, 2014). Consumers’ actions often have repercussions that are uncorrected or, worse, are sanctioned by laws, social institutions, or fellow humans (Cahn, 1975; Moore, 1978; Shklar, 1992). Appreciating this situation, Skylar (1997) called for the disruption of the smooth running of the global, capitalistic system, and rallied people to find ways to globalize these disruptions, spreading them worldwide. Perhaps consumer justice could refer to creating a *sense of injustice in the marketplace* as a way to get people to take action rather than just bemoaning the state of affairs. CI (2012) seemed to be leaning this way with its new language of tackling injustices in the consumer marketplace so as to strengthen consumer rights.

Discussion and Conclusions

In 1979, Cranston observed that the emergent *access to justice* movement was having “repercussions in the consumer protection arena” (p. 291). However, he also asserted that “widening access to justice will not have a great impact on the substantive rights of ...

consumers” (p. 292). CI (2012). The Union des consommateurs (Carreau, 2011 is now refuting Cranston’s opinion. The movement has morphed into access to *consumer justice*, albeit with little attention to defining the concept. To address this conceptual gap, this monograph raised many questions around what is consumer justice, consumer injustice, and a sense of consumer injustice as they pertain to market injustice, social injustice, consumer rights, and consumer protection.

To date, consumer justice is an underdeveloped idea, more a form of rhetoric than an operational concept. What do people access when they access consumer justice, or what is missing if it is inaccessible? An interim answer was offered in this monograph. With its link to global injustice, consumer justice encompasses market and social infractions that impinge on the interests and rights of consumers around the globe (and on global workers and the Earth). Consumer justice exists *when* corporations are profitable, economies are human-centered, consumers find value and their rights are protected in the market, workers attain satisfaction and security, societies value solidarity, peace and justice, and the Earth is sustained. When any of these is absent, so is consumer justice. The concept encompasses justice for consumers, justice for global workers engaged in producing goods and services, justice for other species impacted by consumer behaviour, and justice for the Earth.

Holistically, consumer justice is a very large concept. And, the contributing concepts are interrelated in a convoluted way (see Figure 2 for example). **Market justice** and the *ethic of the market* cause *injustice* for consumers and *social injustice*. Consumer behaviour in the marketplace can cause social injustice (intentionally or not). Striving for *social justice* can ameliorate *market injustice*, which in turn would lead to less injustice committed on consumers, global workers, and the Earth - and so on and so on. Consumers International’s focus on justice to ensure rights and mitigate global injustice is a vanguard idea.

Respecting that “it is very difficult, maybe even impossible, to come forward with a one-size-fits-all definition of justice” (Wrbka, 2015, p. 8), it seems that consumer justice warrants further conceptual exploration. Consumer scholars and theorists are invited to deliberate this monograph’s contributions along with their own conceptual innovations and connections pursuant to providing a richer understanding of consumer justice.

To jumpstart this process, consider that consumer justice appears to be mainly a value-oriented approach in that it is deeply concerned with fairness, equality, and equity at the local and global level. It goes far beyond mere economic and legal concepts, and touches upon sociological, political, ecological, and philosophical ideas (Wrbka, 2015). Also, consumer justice seems to have a holistic flavour, with its focus on how *global injustice* (both market and social) is impacting the consumer interest, consumer rights, and consumer protection (see Figure 2).

Innovative and groundbreaking approaches to consumer protection and consumer rights depend on evergreening the concept of justice in the marketplace. Accessing *justice* is not the same thing as accessing *consumer justice*. It is offered here as a unique concept at a time when the global marketplace is undergoing profound changes that are impacting the consumer interest in unforeseen and deeply challenging ways.

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