

Empowering consumers through law?

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PROPOSITIONS RELATING TO THE DISSERTATION

“Empowering Consumers Through Law? Rethinking the Concept of EU Consumer Empowerment”

Kate Elizabeth O'Reilly

1. The evolution toward a decarbonized internal market and a circular model of economic ordering in the EU puts pressure on the prevailing understandings of the role of the consumer in the marketplace and on the meaning of consumer protection.
2. It has become accepted as a truism that the normatively constructed consumer in EU consumer policy cannot avoid reduction to the unboundedly rational *homo economicus* but more discussion is needed that considers other hidden understandings of the consumer that thread consumer policy.
3. Findings from the field of behavioural economics have proven to be invaluable for, amongst other reasons, unveiling the conceptual flaws behind the average consumer benchmark and the information model in EU consumer law but valuable insights can also be gained for consumer law scholarship from the application of theoretical lenses that move beyond the limits of methodological individualism and that recognise the consumer as a socialised actor.
4. Rather than diminishing in importance, the consumer empowerment agenda has become progressively embedded into the blueprint of both consumer policy and secondary legislation.
5. Due to the contested nature of the empowerment concept, scholarship on EU consumer empowerment that draws on (neo)liberal political and (neo)classical economic theory to ascribe meaning to the concept of EU consumer empowerment would benefit from a dialogue with other disciplines that engage with the concept of empowerment.
6. The concept of the disempowered consumer rather than the rational consumer offers a more theoretically robust starting point for both analysing and critiquing EU consumer empowerment.
7. The EU consumer empowerment agenda should not be dismissed out of hand by consumer law scholarship on the grounds that it is inherently detrimental for consumers because there is conceptual space for framing both consumer empowerment and consumer protection as interdependent and complementary regimes.
8. This thesis developed a novel framework for analysing the vague concept of EU consumer empowerment and for rethinking what it means when law is used as tool to both objectively and subjectively empower consumers but the core findings in this thesis only begin to scratch the surface of the puzzle of EU consumer empowerment and it is therefore vital that these findings are followed upon with more conceptual and critical discussions on this concept.
9. “A critique does not consist of saying that things aren't good the way they are. It consists of seeing just what type of assumptions, familiar notions, and established and unexamined ways of thinking the accepted practices are based on... To do criticism is to make harder those acts which are now too easy.” Michel Foucault
10. One of the challenges while writing a PhD thesis is learning how to become comfortable with taking risks and PhD researchers can take heart from Oscar Wilde who said “Be yourself, everyone else is taken. In order to be oneself, one has to take risks, to accept that one is not perfect and to be courageous enough to say what one really thinks.”