

PHILOSOPHY COMES TO DINNER

Arguments about the Ethics
of Eating

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CAN WE REALLY VOTE WITH OUR FORKS?

Opportunism and the Threshold Chicken

Andrew Chignell

Becoming a vegetarian is not merely a symbolic gesture. . . . Becoming a vegetarian is a highly practical and effective step one can take toward ending both the killing of non-human animals and the infliction of suffering upon them.

—Peter Singer, *Animal Liberation*

Opportunism

Consider Oppy, an average, middle-aged guy who skims a few of Mark Bittman's pieces in the *New York Times* and starts to worry that what he buys and eats somehow contributes to the global supremacy of the industrial "meat-guzzler."¹ One day he comes across Michael Pollan's *Omnivore's Dilemma* in an airport bookstore and spends his whole flight devouring it. As he learns more about the industrial food system from Pollan, he becomes increasingly alarmed by its treatment of animals and workers, its reliance on government-subsidized corn and soy, its use of lobbyists to gain preferential treatment from lawmakers, and its effects on family farmers, local economies, and the environment.² Oppy gets off the flight feeling genuinely engaged by the issue for the first time: He now regards much of the treatment of animals and workers in the industrial agriculture system as wrong, and as a result he intends to donate to an animal sanctuary and spend his free time advocating on behalf of local undocumented workers.

But despite Pollan's apparent optimism about our ability to vote against the industrial food system with our forks (or pocketbooks),³ Oppy's subsequent research makes him aware of an important, sobering fact. The industrial food system is not only massive, global, and opaque to most individual consumers, it is also *deeply insensitive to slight changes in demand*. In other words, the purchasing choices of an individual consumer are extremely unlikely even to *register* in such a way as to effect any change at the level of production.⁴

So one day Oppy finds himself in a faraway town where he knows no one, and also finds that he *really* wants one of those spicy deep-fried golden-brown fast-food chicken sandwiches. Although he is morally opposed to the system that produces such food, and deeply invested in bringing about its reform or demise, he also knows, given the empirical facts about how purchase orders are made and how much waste and buffer there is at each step, that his individual purchase will *almost certainly have no effect at all* on the larger system. To him, the purchase of a chicken sandwich in that faraway town is equivalent, morally speaking, to eating a sandwich that just fell out of a speeding delivery truck.⁵ So Oppy seizes the opportunity to purchase, take, and eat.

How should we evaluate Oppy's decision? Is it wrong to *benefit by consuming the products* of wrongful activities on the part of others?

Note that this question is different from the question of whether it is wrong to benefit *in any way* from wrongdoing on the part of others. The answer to that question is almost certainly "No": Most of what we use and value, including our very existence, is the result of past wrongdoing (my parents wouldn't have met if the Germans hadn't invaded Poland in 1939, for example). The focus here is rather on this question:

Is it wrong to benefit by consuming the *products* of an activity that we know to be morally wrong, where *a constitutive aim of that activity is to generate those products*?⁶

By "constitutive aim" I just mean an aim that is an explicit part of the rationale for engaging in the activity. For example: Many of our cheap vegetables come from large farms that employ undocumented workers in abject working conditions, and arguably the main goal in employing those workers in such conditions is to produce those vegetables cheaply and sell them to consumers. If we assume that the people running the farms in that way are doing something wrong, we can then ask: Is it also wrong for the rest of us to benefit by consuming the products of that activity?

I will use "opportunistic" here to characterize acts in which

- (a) the agent *benefits* by
- (b) *consuming* products of activity on the part of others that
- (c) the agent *knows to be morally wrong*, and where
- (d) generating those products is a *constitutive aim* of the activity in question.⁷

Reflection on cases in which someone receives a gift, wins a prize, or finds something in a dumpster reveals, I think, that most of us take opportunistic eating to be permitted in some circumstances. "Freegans," for instance, have no problem consuming food that results from what they regard as wrongful activities on the part of others, even though they would never produce, hunt for, or purchase those

items on their own.⁸ To them, and to most of us who consider cases like these, *receiving* and *finding* kinds of opportunism seem intuitively permissible.⁹

The most natural and obvious way to account for this intuition, I think, is in terms of *economic nonparticipation*. The gift-recipient, roadkill-itarian, or freegan is not *financially supporting* the wrongful activity but rather merely absorbing its excess products. In fact, these ways of being involved in the system might make the whole situation *better*, since they at least prevent the products of the system from going to waste.¹⁰ But, again, what about those of us who benefit from a morally wrongful system or activity by *purchasing* its products? Can *that* ever count as a form of permissible opportunism?

My main goal in this chapter is to discuss this question—the question of whether and why opportunistic *purchasing* is different from opportunistic *accepting* or *finding*. It turns out (or so I will suggest) that in a massive, global system that is insensitive to slight changes in demand, it is hard to find a good argument according to which it is always wrong to *purchase* the products of what one knows to be a morally wrongful activity. A key case to consider here is that of a choice on a “threshold”—that is, a choice that, even in an insensitive supply system, does have a significant causal effect on the human workers or nonhuman animals involved in that system. It turns out (or so I will suggest) that even in that case it is surprisingly hard to find a good argument for the claim that we ought to strictly refrain from purchasing, provided we do not *know* that we are on the threshold. In the final section of this chapter, I briefly consider whether the notions of *symbolic value* or *collective obligation* provide additional resources against the purchasing variety of the opportunistic urge.

A final preliminary note: Oppy is not merely the inhabitant of an arcane philosopher’s thought-experiment. My own nonscientific surveys of dozens of college students and friends suggest that “it won’t really make a difference” (given the insensitivity of the present system) is *often* cited in the moment as the morally sufficient reason for occasional purchasing, even by those who are otherwise concerned about human and animal welfare in the industrial food system. So Oppy is not unusual: opportunism of this sort is widespread, tempting, and plausible-seeming to many of us (present author included).

Opportunistic Purchasing: The Basic Argument in Favor

As we have seen, here is what Oppy is thinking:

Opportunistic Purchasing—Given the insensitivity of the industrial food system (IFS), the occasional purchase of a factory farmed (FF) product makes no individual animal or person worse off than if no purchasing had taken place. Thus, other things being equal, it is morally permissible to benefit by privately¹¹ purchasing a FF-product occasionally.

One way to spell out this argument relies on the following account of moral wrongness:

Causal Consequences Principle (CCP): Action A is morally wrong only if the causal consequences of A are worse than they would have been if some readily available alternative to A had been performed.

This principle articulates the core idea of the “act consequentialist” tradition in ethics: what matters, from a moral point of view, is whether your act causes something worse to happen than what would have happened if you had acted in some other readily available way.¹²

In addition to CCP, this version of the basic argument for *Opportunistic Purchasing* cites the empirical fact, mentioned above, that the IFS is deeply *insensitive* to slight changes in demand. So the argument as a whole looks like this:

Basic Argument

- (1) The IFS is insensitive: Given the huge numbers of products involved, and the waste and built-in buffers at many stages along the way, the occasional purchase of a FF-product does not cause any bad consequences that would not have occurred if the purchase hadn't happened. [empirical claim]
- (2) CCP is true. [premise]
- (3) Therefore the occasional purchase of a FF-product is morally permitted. [from (1), (2)]

Note that this argument may *not* go through with respect to food purchased from small family farms, since those operations are *much* more sensitive to slight changes in demand and so there won't be a counterpart for (1). This means that someone like Oppy might reasonably hold that occasionally consuming factory farmed meat is morally permissible, whereas occasionally buying family farmed meat is not. Interestingly, this is the precise opposite of what a lot of people these days want to defend—that is, that purchasing family farmed meat is sometimes permissible but purchasing factory farmed meat never is.¹³

I will leave as homework the question of whether versions of the Basic Argument could be developed within other leading ethical frameworks as well. It seems clear, at least, that a framework in which the infringement of rights is the morally relevant factor could accommodate a version of the Basic Argument—Oppy could plausibly point out that no additional rights are infringed by his opportunism than would have been infringed if he had purchased nothing. Here, however, I will leave that open and focus on the consequentialist version above, since that is the ethical framework within which much of this discussion tends to occur.

Arguments against Opportunistic Purchasing

Pollan, Marion Nestle, some freegans, and many others who work on food issues find it intuitively plausible—indeed obvious—that we can vote with our forks (or our wallets).¹⁴ What they seem to mean by this is *not* that our food choices have about as much of a chance of influencing the outcome as a single vote in a presidential election. Rather, they mean the opposite: by boycotting a system that we regard as morally wrong, we not only avoid doing something morally wrong, but also do something morally right by contributing to a beneficial change in the system.

Most of us share these intuitively plausible thoughts: we think that by withholding our orders (or dollars), we will have a good effect on the system, or at least avoid having a bad effect. These intuitively plausible thoughts then lead (in a consequentialist framework, anyway) to the conclusion that we ought to financially boycott the products of a system or activity that we know to be morally wrong.

I have already highlighted the challenge that the insensitivity of certain systems poses to these intuitively plausible thoughts and the financial boycott conclusion that they underwrite. Oppy and others who are drawn to some version of CCP can appeal—reasonably enough—to such insensitivity as the key premise in their Basic Argument for *Opportunistic Purchasing*. In this section I examine four objections to the Basic Argument; each of them seeks to vindicate the intuitively plausible thought that we do make a difference, and should thus vote with our forks (or wallets).

But What if Everyone Did It?

Objection 1: Opportunistic purchasing is morally wrong, even when performed privately in an insensitive system, because we couldn't coherently will a world in which "everyone did it."

This objection employs the sort of "universalizing" idea that we learn from our parents and teachers, and find encapsulated, in different ways, in the Golden Rule and Kant's Categorical Imperative. The idea is that the activity described in *Opportunistic Purchasing* is underspecified—there is no indication of which and how many people can be involved in it, how often, and under what circumstances. So when Oppy is in that faraway town one afternoon and pulls up to the drive-through, he might be endorsing a "free-riding" version of the principle that applies just to *him*. In other words, he might be thinking this:

Given the insensitivity of the IFS, it seems clear that *my* occasional purchase of a FF-product makes no individual animal or person worse off than if no purchasing had taken place. Thus, other things being equal, it is morally permissible *for me* to benefit by privately purchasing a FF-product occasionally.

Objection 1 says that Oppy's principle here is arbitrarily focused on him, and cannot reasonably be invoked by *everyone*. And with respect to opportunistic purchasing, it's true: If all 7.2 billion of us do what Oppy does—even just once a week, say—that would result in a *huge* difference in demand, a difference to which even an insensitive supply system would quickly respond. In the case of animal agriculture, the IFS would respond by arranging for the production and slaughter of millions more animals whose flesh could constitute these 7.2 billion weekly meals. So the objection, in a nutshell, is that the *Opportunistic Purchasing* principle cannot be universalized. That is, it makes no sense to say this:

Everyone test: Given the insensitivity of the IFS, it seems clear that *everyone* could occasionally purchase a FF-product and still make no individual animal or person worse off than if no such purchasing had taken place. Thus, other things being equal, it is morally permissible *for everyone* (including me!) to purchase a FF-product occasionally.

This does seem incoherent. But a well-known problem with these “what if everyone did it?” tests is that they result in some overly demanding conclusions. Consider Denny, a recent college grad who is deciding whether or not to become a dentist. It would be crazy to suggest that in order for his action to pass the universalizability test, he has to consider what a world would be like in which *everyone* (all 7.2 billion of us!) becomes a dentist. Neither Denny nor anyone else can coherently want *that* to occur (as good as it would be for our collective teeth). But surely that doesn't make Denny's choice to become a dentist incoherent or morally questionable. Like Oppy, Denny merely needs to make sure he's not making an unfair or arbitrary exception of himself. And it looks like he's not: He can reasonably say that it's fine for *anyone* in his general situation to choose to become a dentist, even if he wouldn't will a world in which *everyone* does it.

The Denny case indicates that the “everyone” test may not be the best way to respond to the basic sense of fairness or nonarbitrariness that is expressed in the Golden Rule or the Categorical Imperative. For it seems that Oppy could just as well universalize his decision at the drive-through via an “anyone” statement.¹⁵ In other words, he could say:

Anyone test: Given the insensitivity of the IFS, it seems clear that anyone in my general situation could occasionally purchase a FF-product and still make no individual worse off than if no such purchasing had taken place. Thus, other things being equal, it is morally permissible *for anyone in my general situation* (including me!) to purchase a FF-product occasionally.

The shift from “everyone” to “anyone” obviously makes a huge difference. If the shift is acceptable (and I realize this is controversial among Kantians), then it

looks like Oppy *can* universalize his principle in at least this way. In other words, he can say that in a massive, globalized, industrial food system like ours, it is a near certainty that if *anyone* in his general situation purchases the relevant FF-product occasionally, that action is not going to cause any more harm (or rights-infringement, etc.) than if no purchase had occurred. Thus *anyone in Oppy's general situation* (including Oppy!) can be an opportunist without falling into self-defeating incoherence.

But You Might Be on the Threshold!

Objection 2: Opportunistic purchasing is morally wrong, even when performed privately in an insensitive system, because there is a threshold at which a purchase *does* make a genuine causal difference and, for all Oppy knows, his present choice occurs precisely on such a threshold.

This second objection to the Basic Argument for opportunism plausibly assumes that, even in a deeply insensitive supply system, there must be some sort of "threshold," "trigger," or "tipping point" at which the purchase of a FF-product leads—via a complicated causal process involving clerks and computers and managers and purchase orders—to another lot of avocados being produced under backbreaking conditions, or another lot of broiler chickens being hatched, debeaked, grown, slaughtered, defeathered, dismembered, reconstituted into patties, and so forth.¹⁶ Furthermore, because the threshold purchase occurs in an insensitive system, it will have disproportionately huge results: Oppy's buying that one chicken sandwich, when it is a threshold purchase, triggers a process that results in the miserable lives and deaths of a huge number of birds.

The objection to *Opportunistic Purchasing*, then, is that since we never *know* when we are facing a threshold choice, we should err (other things equal) on the side of caution. Even if there is only a 1 in 1,000,000 chance that Oppy is facing a threshold choice, the moral badness of being causally involved in the miserable lives and deaths of, say, 100,000 chickens is *so* serious that no decent person would want to risk it.¹⁷

In order to grasp the point here, let's go back to the Basic Argument that we considered above:

- (1) The IFS is insensitive: Given the huge numbers of products involved, and the waste and built-in buffers at many stages along the way, the occasional purchase of a FF-product does not cause any bad consequences that would not have occurred if the purchase hadn't happened. [empirical claim]
- (2) CCP is true. [premise]
- (3) Therefore the occasional purchase of a FF-product is morally permitted. [from (1), (2)]

Objection 2 simply points out that the first premise is false, and needs to be replaced with:

- (1') The IFS is insensitive: Given the huge numbers of products involved, and the waste and built-in buffers at many stages along the way, it is *extremely unlikely* (but not certain) that the occasional purchase of a FF-product causes any bad consequences that would not have occurred if the purchase hadn't happened. [empirical claim]

This change, in turn, requires an adjustment to the conclusion. For even given the truth of CCP, the opportunist can only get to

- (3') Therefore the occasional purchase of a FF-product is *extremely unlikely* to be morally wrong. [from (1'), (2)]

The strategy embedded in Objection 2, then, is to claim that the truth of (3'), together with a reasonable "err on the safe side" principle, renders *any* act of opportunistic purchasing morally impermissible.

Michael Almeida and Mark Bernstein appear to adopt this strategy: They suggest that any action that raises the likelihood of an extreme harm by even 0.0001% is morally impermissible, and support this suggestion by appeal to the example of a nuclear explosion that kills 1 billion people. Other things being equal, they say, it would be wrong to do something that makes it even 0.0001% more likely that such an event will occur; instead, we should err on the safe side. The same goes, according to Almeida and Bernstein, for purchasing the animal products of the IFS.¹⁸

I don't propose to dispute the "err on the safe side" impulse when the consequence in question is a nuclear explosion over a major city. But I disagree with Almeida and Bernstein in thinking that this is clearly relevant to Oppy's situation. We have granted that workers and especially the animals in the industrial system do indeed suffer badly. But no one is going to view the suffering (or rights violations) involved in the production and death of 100,000 chickens as being in anything close to the same category as what results from a nuclear explosion over a major city.¹⁹

Considered more closely, then, (3') seems toothless unless it's combined with an "err on the safe side" principle that is implausibly demanding. It is true of almost *any* action that it is *possible though very unlikely* that it will cause some bad consequences that would not have occurred if the action had not been performed. As Almeida and Bernstein themselves point out, when I order the vegan entrée at a restaurant, it is possible though very unlikely that the chef makes a mistake and prepares the dish with real chicken instead of mock chicken and that, tragically enough, this real chicken is in fact a threshold chicken whose purchase triggers, via the complicated causal chain mentioned above, the production

and destruction of 100,000 new chickens. But unlike Almeida and Bernstein, few of us will be tempted to think, in light of this far-flung possibility, that I should err on the safe side and refrain from ordering even the vegan entrée (and thus never go to restaurants that serve real chicken).²⁰

Similarly, if Oppy's choice to order the chicken sandwich raises the likelihood of 100,000 new chickens being produced and slaughtered by a mere 0.0001%, few of us will view his act as morally impermissible. The odds are just too long and the harm is too slight (keep in mind that 50 billion land animals in addition to billions of fish and sea creatures are raised and slaughtered each year in the current food system—the blood of another 100,000 birds is merely a drop in that bucket of woe).

A slightly better version of Objection 2, I think, looks at this situation comparatively. Perhaps the objection is not that we should *always* avoid doing anything that makes something very bad 0.0001% more likely. That would be incredibly demanding. Perhaps, instead, the suggestion is that if action A makes something very bad 0.0001% more likely, and an available alternative action B makes it less than 0.0001% more likely—and has at least as many positive consequences—then we should go for B. This seems a bit more plausible, though still very demanding.

A third and even better version of Objection 2 focuses on how the odds improve over time. We are supposing that Oppy has a 1 in 1,000,000 chance of making a threshold choice in any *particular* instance. So the odds of causing harm are the same as the odds of a particular number $N \leq 1,000,000$ coming up when throwing a million-sided die.

But suppose that Oppy is forty years old and typically eats three times a day, and also that he will live for another fifty years. That means that he has $50 \times 365 \times 3 = 54,750$ meals left (round up to 55,000 total food choices in order to account for the occasional snack). If someone throws a million-sided die 55,000 times, the chance of coming up with some number N in any *particular case* is, of course, 1 in 1 million = 0.0001%. But the chance of coming up with N at least once over those 55,000 throws is quite a bit better: $55,000 \times 1/1,000,000 = 5.5\%$. Likewise, although the odds of making a threshold choice in any particular instance are a deeply demoralizing 0.0001%, Oppy's sustained vegetarian purchasing practice over the next fifty years will improve his odds of encountering a threshold to a much more inspiring 5.5%.

Some people will be moved by the reasoning here. And perhaps Oppy in particular *should* be moved by it. After all, he's a healthy middle-aged male of reasonable means who lives near a farmers' market and a sustainable whole foods co-op, plus he has a small yard on which he can grow his own vegetables. Adequate nutrients for people like Oppy are easily secured without recourse to the animal products of the IFS, and the financial cost of abstaining from such products is not significantly higher than that of purchasing them.²¹ Thus there are no real nutritional or financial costs *for someone like Oppy* that would come with strict abstinence from factory farmed products for the next fifty years.²²

If that's right, then the only goods that Oppy would give up are aesthetic and sociocultural: the taste of bacon, the ability to participate fully in various familial and cultural institutions (hot dog-eating contests, neighborhood barbecues, Mom's meatloaf, chips and guacamole at the bar, Thanksgiving dinners, and so forth). But even with respect to these goods, developments in the produce and "mock meat" sectors have made the losses seem increasingly negligible. Oppy can now just grill up some tempeh bacon or an aesthetically-indistinguishable "Beyond Meat" patty²³ on the Fourth and enjoy a tofu-turkey feast at Thanksgiving, while at the same time notching a relatively robust 5.5% chance of saving a lot of animals from miserable lives and deaths.

This all sounds correct. But even for people in Oppy's relatively privileged position, I suspect that a 5.5% chance of making a causal difference over five decades will seem a bit slim. Morality may be so demanding as to require that someone in Oppy's position be moved by such odds; I'm not sure. I am sure, though, that many people will reject the idea that this argument shows that strict abstinence from FF-products over a full fifty years is Oppy's only permissible course of action. In other words, I think this second kind of objection shows us why it might be morally *good* or *admirable* to refrain from opportunism, but not that opportunistic purchasing is morally *impermissible*. Our reflection on this objection, however, naturally leads to the following related one.

But You Are Putting Someone Else on the Threshold!

Objection 3: Opportunistic purchasing is morally wrong, even when performed privately in an insensitive system, because there is a threshold at which a purchase *does* make a genuine difference. For any purchase, either it is a purchase on such a threshold; or it is a purchase that brings the system one step closer to the threshold. So in choosing to purchase, Oppy is morally responsible for the amount of harm caused by a threshold purchase divided by the number of purchases required to go from one threshold to the next.

This is a complicated objection, so let's return to the chicken case for illustration. Suppose, again, that there are around 1,000,000 purchases between each threshold, and that each threshold purchase leads—via a complicated causal mechanism—to the production and processing of 100,000 new chickens. We have seen that this means that Oppy's choice has a 1 in 1,000,000 (0.0001%) chance of being causally involved in the process by which 100,000 broiler chickens are produced and processed.

Objection 3 effectively suggests that we can divide through and conquer by thinking of *each* purchasing choice—at the threshold or not—as having a $(100,000 \times 0.0001\%) = 10\%$ chance of resulting in the miserable life and death of *one* chicken. That's because even if a particular purchase is *not* on the threshold, it is part of the process by which the system is brought to the next threshold, and so

it is the moral equivalent of purchasing a 10% chance of mistreating a chicken (or the moral equivalent of mistreating one-tenth of a chicken, whatever that means).

Shelly Kagan develops this idea in his influential paper, "Do I Make a Difference?" In Kagan's scenario, the agent is faced with the choice of ordering (or not ordering) an entire chicken. If we let N be the number of chickens that will be killed if this is a threshold choice, Kagan says, we can simply divide through to get the expected animal cost of this choice. In other words, each choice—on the threshold or not—has a $1/N$ chance of killing N chickens, and so the expected cost of each choice is $(1/N \times N) = 1$ chicken.²⁴

Mark Bryant Budolfson has pointed out that Kagan's setup here is flawed because it does not take into account an important empirical fact—namely, that there is a lot of excess and waste at almost every step in systems as complex and enormous as the real-world IFS. This implies, according to Budolfson, that the chance an agent takes of killing an individual chicken, even when we do divide through, is going to be *much*, much lower than $1/N$.²⁵

My articulation of the case also aims to take an important empirical fact into account—namely, that we almost never order or purchase an *entire* chicken, as opposed to *parts* of a chicken mixed together with lots of other ingredients. This means that the number of purchasing choices that will bring the real-world system to a threshold is much higher than the number of chickens that are killed once it surpasses a threshold. I have no clear idea what the numbers actually are, but it seems closer to the truth to set the numbers up the way I just did, where Oppy takes on at *most* a 10% chance of killing one chicken when he orders the chicken sandwich.

If this is right, then Objection 3 faces a problem similar to that which plagued Objection 2. A 10% chance is a lot higher than a 0.0001% chance, of course, but now the harm involved is much less serious (i.e., the production and death of one chicken). Some moral saints may be moved by this, but in a world where millions of birds are killed every day (and millions of others are regularly culled in order to prevent avian flu outbreaks), I suspect that most people won't find this sufficiently worrisome to regard the purchase as morally wrong. Indeed, some chicken-meat lovers might even argue that the pleasure and nourishment Oppy gets from eating the chicken sandwich is equal to or greater than one-tenth of the suffering endured by one average broiler chicken.

So far we've looked at responses to *Opportunistic Purchasing* that try to meet the challenge head-on by suggesting that such activity takes on an unacceptable chance of causing significant suffering (or violating significant rights). A fourth sort of response, by contrast, looks at the effect that opportunism has on Oppy *himself*.

But It's So Demoralizing!

Objection 4: Opportunistic purchasing is morally wrong, even when performed privately in an insensitive system, because it is motivated

by a thought (i.e., that individual actions under such circumstances are extremely unlikely to make a difference) that is prone to have a profoundly negative effect on the psychology of the average moral agent, and impede or undermine other important moral efforts.

In order to understand this argument against opportunistic purchasing, consider an alternative principle that we might call *Optimistic Purchasing*:

Optimistic Purchasing—Despite the insensitivity of the IFS, strictly refraining from purchasing FF-products will make some individual animals or persons better off than if FF-purchasing had taken place. Thus, other things being equal, it is morally wrong to benefit by privately purchasing FF-products occasionally.

As with the *Opportunistic Purchasing* principle, the reference to purchasing behavior is embedded here. There might be other kinds of optimistic principles that would advise strictly refraining from all *eating* of FF-products, too. But *Optimistic Purchasing* is focused on economic exchange, and is compatible with opportunism of the *accepting* and *finding* kinds (freeganism, etc.).

Notice that the principle says that *strictly* refraining (that is, refraining over the long haul as one is confronted with choice after choice) is what is key, and that only that sort of effort can license the thought that one will make a difference. But given the huge numbers and slim chances we were looking at above, what sort of argument could justify us in accepting *Optimistic Purchasing*?

The one I want to consider is inspired by the “practical arguments” utilized in a very different context by Immanuel Kant. This kind of practical argument, at least on one interpretation, moves from broadly psychological facts about what would be seriously “demoralizing” for the average human agent to a conclusion about what it is practically rational for such a person to accept (or try to accept). Kant, for instance, thought that without adopting some kind of faith that the virtuous will ultimately be rewarded with happiness (by God in the afterlife, say), all but the most stoical among us will become discouraged or demoralized—we will see the wicked continuing to prosper, and ultimately lose hope for the establishment of justice—and thus find it difficult to be steadfast in fulfilling our moral obligations.²⁶

So how does a practical argument from the threat of “demoralization” work in the case of the optimistic purchaser? Let’s focus again on the threshold chicken, just for simplicity, and consider Oppy’s optimistic alter ego (call him Opti). Like Oppy, Opti is morally concerned about the suffering and death of animals in the present IFS, and believes that it should stop. In other words, Opti wills a world in which no such animal suffering (or violation of significant rights) takes place. But it would be deeply demoralizing for Opti to will such a world—that is, to want it to be realized and strive consistently to bring it about—without also

holding (as an article of faith, at least) that *his own* strivings will contribute in some measurable way to realizing such a world. Given that such demoralization is morally undesirable, there is a clear moral or practical advantage for Opti in holding such an attitude. Thus, according to this form of argument, it is *practically* if not epistemically rational for Opti to accept that a long-standing policy of refraining from purchasing chicken will significantly reduce the amount of harm (or rights infringement) in which he is causally involved. Given the insensitivity of the system, this suggests that it is practically rational for Opti to accept (as an article of faith, at least) that one of his choices will be a threshold choice.²⁷

This sort of objection to the Basic Argument for *Opportunistic Purchasing* is intriguing, but it also raises a host of questions. First, why must Opti hold that one of *his own* purchasing actions will make the difference? Why couldn't he avoid demoralization by holding simply that the purchases of *some consumers or other* will make such a difference, whether or not he is one of them? If that were an option, then perhaps he could go out and encourage everyone else to refrain from purchasing chicken, all the while enjoying the occasional bit of private opportunism on the sly.²⁸

More pressing, the argument leaves it open that Opti could remain fully psychologically committed to his ideal—fully moralized—simply by accepting (as an article of faith, at least) that *one* of the instances in which he chooses to refrain will be on the threshold, even if he doesn't *always* choose to refrain. This indicates that as long as he *occasionally* chooses to refrain, he would also be able occasionally to purchase and privately eat a chicken sandwich in a faraway town without the threat of demoralization.

A proponent of practical arguments might reply to these two points by noting that Kant's idea, anyway, was that the agent employing the practical argument not only wills the good result (in this case, the eradication of chicken suffering at the hands of the IFS) but also wills that the realization of that result is connected in an important way to *his own ongoing activity* as it is sustained and habituated over time. Thus Kant focuses on agents who are trying to "promote with all our powers what is best for the world" by being *completely* virtuous, where a completely virtuous person is someone who wills the good end with complete consistency, even in the face of the longest odds and the most treacherous obstacles. Kant sometimes suggests that the conclusion of a practical argument like this can only be rationally accepted ("in good faith," we might say) by someone who is at least striving to approximate complete virtue of this sort.²⁹

But, third, it is not yet clear why Opti has to hold that his choices about what foods to *purchase* are the ones that will contribute in some small way to the actualization of the end he is envisioning. After all, Opti is an engaged activist working hard to curb the abuses of the IFS. The result of the practical argument could thus be simply that it is practically rational to accept that one of *those* actions, rather than any of his purchasing choices, will have an effect on the

insensitive system such that a large number of individuals will avoid harm or a large number of rights violations won't occur. This too, it seems, might keep Opti "moralized," while also allowing him to indulge in the occasional bit of delicious private opportunism.

Finally, fourth, even if Opti rationally accepts (as an article of faith, at least) that, if he stays the vegetarian course, he will—at least once!—stand upon the threshold, and thus—at least once!—have a real chance to refrain from causal involvement in a significant harm, it is not clear that this is equivalent to accepting that he will make an overall difference. For in a system involving as much demand as the present industrial agricultural one, the fact that Opti is on the threshold but chooses to refrain merely means that the next person in line will make the threshold purchase instead, a mere matter of seconds later. And while it may be important psychologically for Opti to accept (as an article of faith, at least) that *he* had the chance to be causally involved in significant harm and then chose to refrain, it doesn't bring the world that he wills—one in which there is no such suffering—any closer to being realized. Once he becomes aware of that, a different but still very familiar kind of demoralization might set in. One sees this in exhausted former activists quite a bit: "I simply have to accept that I made a difference, given all the work I put in, but on the whole the world seems none the better for it."

Symbolic Disvalue and Collective Obligations

We have now considered four objections to the Basic Argument for *Opportunistic Purchasing*. Although there is more to be said about each, we have also encountered reasons to think that none of them is clearly compelling.

In these final sections I want to look much more briefly at two other kinds of responses that do not fit very well within a consequentialist framework but are still worthy of consideration (though I won't be able to do either of them justice here). The first invokes the notion of "symbolic value" and argues that purchasing the products of a wrongful activity is itself wrong because of the symbolic disvalue of being economically associated with something that has those origins. The second focuses on *collective* obligations: it says that, other things equal, we ought to dissociate ourselves from actions that violate such obligations, and that this rules out opportunistic purchasing.

Symbolic Disvalue: Dirty Hands

Our passionless age substitutes the symbols of action for real action.

—Kierkegaard

Symbolic value is a concept that is less familiar in philosophy than it is in disciplines like anthropology, religious studies, and those parts of sociology that deal

with production, exchange, and consumption. The basic idea, however, is simple enough: An object might have far more “symbolic” value to a certain individual than its exchange or monetary value on some market or other, typically because of its causal origins or history. The copy of *Catcher in the Rye* given to you years ago by a now deceased high school friend (who used to act a lot like Holden Caulfield) might have far more symbolic value for you than the monetary or exchange value that it would fetch if you put it up on eBay. The reason for this, presumably, has to do with where that particular book *came from*—its origin in the generosity of a friend who has since died, its ability to invoke his memory, and so on. Other objects might have symbolic value because of who owned them, which associations and memories they bring up, and so forth.

Symbolic *disvalue* works in an analogous way. Some objects might fetch a certain exchange value on an open market (that 99-cent chicken sandwich, say), but have much more significant *disvalue* to those who know that they are the products of activities that are deeply morally wrong. This disvalue might be significant enough to make purchasing that product morally wrong, even if such purchasing is extremely unlikely to lead, causally, to any harm or rights infringement.³⁰

An initial issue to consider here is whether the appeal to symbolic value can handle the gift-recipient and other freegan cases. Recall that in these cases, too, the agents benefit by consuming a product of an activity that they regard as morally wrong. But we don’t, I have suggested, see their benefitting as morally wrong. The symbolic value theorist will either have to reject this intuition at the cost of giving all of us very dirty hands most of the time, or emphasize the difference in the nature of the consuming relation: in these cases, the agent merely *accepts* or *finds* the product before consuming it, but in the *purchasing* case he somehow *supports* the morally wrongful activity. The problem with this second response is that it either leaves the nature of that support *entirely mysterious*, or else makes symbolic disvalue depend on the existence of a *causal* connection between the purchasing and the wrongful activity, a connection that’s likely to make a genuine difference. But the latter is precisely what the opportunist calls into question.

A variation on this sort of account says that occasionally purchasing the products of a morally wrongful activity amounts to *cooperating with* that activity, whether or not it supports or causally contributes to that activity. The opportunistic purchaser does something wrong, on this view, by cooperating with the wrongful activities of others (or, to use McPherson’s phrase, by cooperating with the “wrongful parts of others’ plans”).³¹

A worry about this variation is that it too makes symbolic disvalue too easy to come by, and threatens to leave all of us with extremely dirty hands. When I use my email account or make a phone call, I cooperate with what I know (thank you Edward Snowden!) to be the morally wrongful activities and plans of my Internet service provider, my phone company, and the government. I know that these entities are monitoring emails, tapping calls, selling personal information,

and so forth, and so by signing up I am knowingly providing more emails to monitor, more calls to tap, and more personal information to sell. This isn't just affecting me—by opening an email account or a phone line, I knowingly cooperate with their wrongful plan to monitor and sell the information of *others* who will email or phone me (presumably I wouldn't open the account or the phone line if I didn't expect others to write or call back). In short, by sending and receiving emails, making phone calls, using social media, and so on, I am knowingly cooperating with the wrongful parts of others' plans, even when there are readily available alternatives (I could sign up for the Tor Project, for instance). Thus, my hands are dirty too—they are tainted with symbolic disvalue.³²

But this result seems implausibly strong: Other things being equal, it does not seem wrong, even in our current state of surveillance, to use email or make phone calls.

Collective Obligations: Many Hands

Where all are guilty, no one is.

—Hannah Arendt

There is more to be said about symbolic value theories, but in conclusion I propose to turn to a more promising route that invokes the notion of a *collective obligation*. Let's suppose that *we*—the group of food purchasers—have an obligation not to financially support activities on the part of others that are morally wrong. Suppose, too, that this means that *we*, collectively, have an obligation not to purchase the products of a morally wrongful activity whose constitutive aim is to generate those products.

What happens if we food purchasers have this collective obligation, and then some members of the group go ahead and purchase anyway? What should the other members of the group do? Unless we become steadfast freegans, it will be impossible to remove ourselves from the group of food purchasers. But one plausible suggestion is that we each now have an individual obligation to *dissociate ourselves* from those actions on the part of others in the group. In other words, I now need to do something that shows that I do not sanction the actions of the other members of the group—the actions that have led to a violation of our collective obligation.

There may be many ways to dissociate from such actions, but one clear, obvious, and (I would argue) minimally necessary way is to strictly refrain from participating in them ourselves, at least when a viable alternative is readily available. If I only *usually* refrain, or only in public refrain, then I don't succeed in fully dissociating myself from the part of the group whose actions led us to violate the collective obligation. Even if I protest against their actions and try to get them to change, I fail (I am suggesting) to fully dissociate from those actions

if I still occasionally perform them myself. Dissociation of this sort, then, is not merely a function of what other people witness or think.³³

By way of illustration, consider the (apparent) collective obligation that one race of humans has to refrain from systematically oppressing another race. This is not an individual obligation for most of us—we can't, all by ourselves, systematically oppress an entire race. Rather, if it is an obligation at all, then it is an obligation that we members of the race have as a collective. But now suppose that some members of that collective perform actions that lead to our obligation being violated. Suppose those actions include, among others, enslaving members of another race, setting up laws that systematically oppress them, routinely threatening them with physical violence or humiliation, and using racially charged epithets to describe them.

Under such circumstances, what is my individual obligation by way of response? I can't remove myself from the group (the race) that has failed to meet its obligation. But I can dissociate myself *from the actions* that led to our downfall. My suggestion here is that such dissociation requires *strictly* refraining from performing those actions myself whenever possible. The strictness seems important. If I hurl the occasional epithet in the privacy of my own home where there are no witnesses, I won't have harmed or influenced anyone else, but (I submit) I will still have failed fully to dissociate myself from the actions on the part of others that led to our collective moral failure.

If this is right, it might also offer a way to make sense of the intuition that was motivating the symbolic value theorists—the intuition that we have an obligation to “stand with the good” or to refuse cooperation with the wrongful parts of others' plans, even when doing so makes no causal difference. But here there is no need to invoke a mysterious notion of symbolic support to explain what it means to “stand with the good,” and there is also no need to cash it out in terms of refusing to cooperate with the wrongful plans of others. What it is to stand with the good is to fully dissociate from the actions of those in the group that led to the violation of our collective obligation. And fully dissociating, I want to suggest, requires strictly refraining.

The main problem with Oppy's opportunistic purchase, then, is that it renders him unable to dissociate fully from the actions of others that led us—as the group of food purchasers—to violate our collective obligation not to financially support systems that treat animals and workers with needless cruelty.

Although I've said that this route seems more promising as a response to *Opportunistic Purchasing*—as well to related ethical concerns about futility, impotence, complicity, and so on—what I have just offered is obviously a mere sketch. There are deep controversies about what a collective obligation is and how it could be binding, about whether a group so disparate, unofficial, and unstructured as “the group of food purchasers around here” counts as a collective in such a way as to have an obligation,³⁴ and about how collective obligations (if they exist) devolve to individuals (if at all).³⁵ Still, despite what Arendt suggests in the quotation

above, my sense is that this general area is where we are most likely to find an objection to *Opportunistic Purchasing* that has some genuine teeth.

Conclusion

Most of us share the conviction that we shouldn't benefit by purchasing the products of activities that we know to be morally wrong, provided that one of the constitutive aims of the activities is to generate those products. It seems clear that some of the activities involved in modern industrial food production (especially meat production) are morally wrong, and that they are aimed at producing those food products. Once we come to know that, it is natural to think that we have an obligation to refrain from purchasing those products.

I have pointed out here, however, that the real-world facts about our massive, opaque, and deeply insensitive supply systems open up moral space for the occasional opportunistic purchasing of those products. I have also argued that some of the initially promising objections to such consumer behavior seem inadequate. Finally, I have suggested that an appeal to collective obligations and the requirement to dissociate fully from the actions that led us to violate them seems (to me anyway) to offer the most traction against this sort of opportunism.³⁶

Notes

1. See Mark Bittman, "Rethinking the Meat-Guzzler," *New York Times*, January 27, 2008, Week in Review, <http://www.nytimes.com/2008/01/27/weekinreview/27bittman.html>, accessed May 1, 2015.
2. For a recent assessment of the ills of the industrial system, see John Rossi and Samuel A. Garner, "Industrial Farm Animal Production: A Comprehensive Moral Critique," *Journal of Agricultural and Environmental Ethics* 27, no. 3 (June 2014): 479–522. See also the chapters by Hooley and Nobis, Cuneo, Halteman and Halteman Zwart, McPherson, and McMahan in this volume.
3. Michael Pollan, "Voting with Your Fork," *New York Times*, May 7, 2006, <http://pollan.blogs.nytimes.com/2006/05/07/voting-with-your-fork/>, accessed May 1, 2015.
4. This is sometimes referred to as the "causal impotence" or "inefficacy" objection to moral vegetarianism and veganism. See the chapters by Warfield, Martin, Hooley and Nobis, and Harman in this volume as well as Shelly Kagan, "Do I Make a Difference?," *Philosophy and Public Affairs* 39, no. 2 (2011): 105–141; Julia Nefsky, "Consequentialism and the Problem of Collective Harm: A Reply to Kagan," *Philosophy & Public Affairs* 39, no. 4 (2011): 364–395; and Mark Bryant Budolfson, "You Don't Make a Difference: The Inefficacy Objection to Consequentialism, and the Problem with the Expected Consequences Response" (forthcoming).
5. The delivery truck example is from Hud Hudson, "Collective Responsibility and Moral Vegetarianism," *Journal of Social Philosophy* 24, no. 2 (1993): 89–104. Singer, too, endorses roadkill-itarianism and other kinds of freeganism in Singer, "Utilitarianism and Vegetarianism," *Philosophy and Public Affairs* 9, no. 4 (1980): 325–337; see pp. 327–328.
6. Tyler Doggett asks in correspondence whether the "benefitting" part is important. If you hate the taste of foie gras and avocado and are allergic to sausage, then you can't really benefit from their nutrients. So are you still doing something morally wrong

in accepting the "Deluxe Avocado, Foie Gras and Summer Sausage Basket" prize that comes with being selected as employee of the month? I don't propose to address that question here, though my guess is that in real-world cases most people wouldn't accept unless there was at least some benefit to be gained (appearing to be a collegial team player, gaining gratitude from the sausage-loving colleagues with whom you share the prize, etc.).

7. The term "opportunistic carnivore" is used in zoological circles to describe animals that are typically herbivorous, but will at times eat carcasses and other meat that are the by-products of the activity of normal carnivores. Such opportunists include hyenas and vultures. As far as I know, Almeida and Bernstein are the first philosophers to use the term to refer to certain kinds of humans. See Michael J. Almeida and Mark H. Bernstein, "Opportunistic Carnivorism," *Journal of Applied Philosophy* 17, no. 2 (2000): 205–211.
8. From Freegan.info:

Freeganism is a total boycott of an economic system where the profit motive has eclipsed ethical considerations and where massively complex systems of productions ensure that all the products we buy will have detrimental impacts most of which we may never even consider. Thus, instead of avoiding the purchase of products from one bad company only to support another, we avoid buying anything to the greatest degree we are able (Freegan.info, <http://freegan.info/>, accessed May 1, 2015).

9. Someone might reasonably worry that the situation is less clear when we add a certain kind of *witness* to the situation. Suppose you have a retired peeping capitalist as a neighbor (Tom, naturally) who has recently adopted the irritating habit of observing your activities from his deck much of the day. For all you know, when Tom notices how much you enjoy Grandma's gift of homemade guacamole on your deck, he might be inspired to use his spare capital to start an industrial avocado farm that relies on cruel labor practices to produce cheap products. Thus, for all you know, your public opportunism will play an important role in leading someone *else* to do something that is clearly morally wrong. But as long as you perform your opportunism *privately*, even the most vehement critic of the evils of the industrial avocado system is likely, I think, to admit that you aren't doing anything wrong.
10. From Freegan.info:

As freegans we forage instead of buying to avoid being wasteful consumers ourselves, to politically challenge the injustice of allowing vital resources to be wasted while multitudes lack basic necessities like food, clothing, and shelter, and to reduce the waste going to landfills and incinerators which are disproportionately situated within poor, non-white neighborhoods, where they cause elevated levels of cancer and asthma (Freegan.info, <http://freegan.info/>, accessed May 1, 2015).

11. Make it as extreme as you like: Maybe Oppy decides to wear a ski mask, a scarf, and a large jacket as he uses the drive-through, and always pays in cash—that way, he thinks, no one could possibly recognize or identify him, even using closed-circuit television cameras. Perhaps he also slobbers and rants in an unattractive way while ordering the chicken sandwich so that any witnesses to the act (the employees at the drive-through, for instance) are repulsed and (Oppy hopes) associate that repulsion with the act of ordering industrial meat.
12. I leave it as a merely necessary condition here, though many consequentialists will view some version of CCP as providing both necessary and sufficient conditions for moral wrongness in an action. Compare Almeida and Bernstein, "Opportunistic Carnivorism," 206. The set-up of the Basic Argument here is otherwise very similar to theirs.

13. See, for instance, the chapters by Cuneo and Lipscomb in this volume.
14. See Marion Nestle, "Ethical Dilemmas in Choosing a Healthful Diet: Vote with Your Fork!" *Proceedings of the Nutrition Society* 59, no. 4 (2000): 619–629. See also Nestle's interview in the MOOC on "The Ethics of Eating" (<https://www.edx.org/course/ethics-eating-cornellx-phil1440x>).
15. Compare Almeida and Bernstein, "Opportunistic Carnivorism," 208–209.
16. Singer, Norcross, and Almeida/Bernstein use "threshold," Stuart Rachels uses "tipping point," and Shelley Kagan uses "trigger." See Alastair Norcross, "Puppies, Pigs, and People: Eating Meat and Marginal Cases," *Philosophical Perspectives* 18, no. 1 (2004): 229–245; Stuart Rachels, "Vegetarianism," in *Oxford Handbook of Animal Ethics*, eds. Tom Beauchamp and R. G. Frey (New York: Oxford University Press, 2014), 877–905, and Kagan, "Do I Make a Difference?"
17. See Singer, "Utilitarianism and Vegetarianism," 336; Norcross, "Puppies, Pigs, and People," 233.
18. Almeida and Bernstein, "Opportunistic Carnivorism," 207. In the case they discuss the difference is actually $1/10,000 = 0.001\%$. But the point is presumably the same.
19. Perhaps Almeida and Bernstein do—they start their article by calling the situation of animals in the industrial system a "Holocaust" and then defend their use of that term (p. 205). For comparisons to the Holocaust, see also Rachels, "Vegetarianism," 900ff.
20. Almeida and Bernstein, "Opportunistic Carnivorism," 210.
21. For the nutrition and cost and references here, see Hooley and Nobis (this volume).
22. See Van Dyke (this volume) for an argument according to which this is not true for members of other demographic groups.
23. Consider for instance the taste test conducted on the *Today Show* on April 25, 2014, in which all five hosts participated in a blind taste test involving a piece of "Beyond Meat" mock chicken and a piece of real chicken. Each of them was asked to guess, based on flavor, texture, and appearance, which was mock and which was real. Each of them guessed wrong. Today.com, <http://www.today.com/food/today-puts-meatless-meat-test-does-it-taste-chicken-1D79579619>, accessed Sept 1, 2014. Thanks to Matthew Halteman for this reference.
24. Kagan, "Do I Make a Difference?," 123–124.
25. Budolfson, "You Don't Make a Difference." For more objections to Kagan, see the chapters by Harman and Martin in this volume, as well as Nefsky, "Consequentialism and the Problem of Collective Harm."
26. See Immanuel Kant, *Critique of Judgment* 5:445–446n; 5:450–451n, and the discussion "the righteous man (like Spinoza) who takes himself to be firmly convinced that there is no God" in Immanuel Kant, *Gesammelte Schriften*, 29 vols. (Berlin: Deutsche Akademie der Wissenschaften zu Berlin, 1902–), 5:452. See also the exploration of the psychology of commitment and overcommitment in the chapter by Doggett and Egan in this volume, as well as the discussion by Anscombe that they cite from her 1961 piece "War and Murder," in G. E. M. Anscombe, *Ethics, Religion and Politics: Collected Philosophical Papers* (Oxford: Wiley-Blackwell, 1991).
27. For this way of interpreting at least some of Kant's practical arguments, see Robert Merrihew Adams, "Moral Arguments for Theistic Belief," in *Rationality and Religious Belief*, ed. C. F. Delaney (Notre Dame, IN: University of Notre Dame Press, 1979).
28. In Kant's own discussions of practical arguments, it often seems like an "empirically conditioned" question whether, when, and by what a given agent will be seriously demoralized. See, e.g., Kant, *Critique of Judgment*, 5:453–454.
29. *Ibid.* For more on this broadly Kantian argument, see Chignell, "Practical Arguments against Opportunistic Carnivorism," in *Kant and Animals*, ed. Lucy Allais and John Callanan (Oxford: Oxford University Press, 2016).
30. See Cuneo's chapter in this volume for an invocation of "symbolic value" along these lines. Norcross may be using an appeal to symbolic value on p. 232 of "Puppies, Pigs,

and People." For more on symbolic value generally, see Robert Merrihew Adams, *Finite and Infinite Goods: A Framework for Ethics* (New York: Oxford University Press, 1999) and Thomas E. Hill, "Moral Purity and the Lesser Evil," *Monist* 66, no. 2 (April 1, 1983): 213–232.

31. See McPherson (this volume).
32. See Warfield (this volume) for a different kind of "phone bill" objection.
33. Compare Thomas E. Hill Jr., "Symbolic Protest and Calculated Silence," *Philosophy & Public Affairs* 9, no. 1 (October 1, 1979): 83–102.
34. See Virginia Held, "Can a Random Collection of Individuals Be Morally Responsible?," *Journal of Philosophy* 67, no. 14 (July 23, 1970): 471–481.
35. An excellent collection of new papers on the topic of "forward-looking collective responsibility" was published just as this volume was going to press. See Peter A. French and Howard K. Wettstein (eds.), *Midwest Studies in Philosophy* 38 (2014), especially the essays by Marion Smiley and Carol Rovane.
36. For helpful comments on earlier drafts, I am grateful to Terence Cuneo, Tyler Doggett, Matthew Halteman, and Vivek Mathew and to members of audiences at Cornell University, Colgate University and the University of Vermont.