

Is there a freegan challenge to veganism?

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Animal protection theory has long been thought to condemn meat eating. A recent family of arguments in the animal ethics literature, however, disputes this familiar view and argues that animal protection arguments are compatible with various forms of meat eating. A natural question this philosophy gives rise to is whether there could be an animal protection rationale for eating freegan meat, or meat that is free. Lamey presents two arguments for the view that animal protection rules out freegan meat consumption. The first notes the likelihood that the freegan consumption of animal flesh will likely involve animal flesh conventionally regarded as edible (chicken, pork, beef, etc.), but not other types of flesh, such as that of mice or dogs. As such, freeganism is likely to be rooted in speciesism or to run afoul of a justified anti-cannibalism norm. In addition, when the meat in question is the product of animal agriculture, consuming it will amount to a form of complicity in the industry's wrongdoing, as the rationale for the animal's slaughter will be retroactively endorsed. Either of these two considerations taken by itself will suffice to generate a presumption against freegan meat consumption.

Introduction

The animal ethics literature has long had a familiar dividing line when it comes to diet. Since the 1970s, philosophers such as Peter Singer and Tom Regan have invoked concepts such as anti-speciesism to defend vegetarianism and, as time went on, veganism (Singer *Animal Liberation* 159–184; Regan 330; Singer *Why Vegan* 70–74). For decades, the most common opposing view was one that rejected anti-speciesism and related concepts and defended meat eating (Carruthers; Cohen). As a result, although philosophers clearly disagreed over the moral status of animals, both sides in the debate traditionally concurred that the case for not eating meat rises and falls with the case for animal protection (a better name for what is often called animal rights, as

not all philosophical defenses of increased moral standing for animals appeal to rights).

Increasingly, however, defenses of meat eating are being made without an accompanying critique of animal protection. Many defenders of omnivorism now argue that animal protection theory *itself* justifies eating at least some animals (Davis; Archer; Bruckner). It is not hard to see why defenders of meat eating would be attracted to this strategy, which I have elsewhere labeled *new omnivorism* (Lamey). It spares them the trouble of having to defend speciesism and other problematic concepts on which arguments for omnivorism were traditionally based. If new omnivore arguments are sound, there will be good and bad news for vegans motivated by animal protection. On the one hand, the increasing reluctance of defenders of meat eating to make their case by way of speciesism suggests that speciesism is hard to defend, if it is defensible at all. On the other hand, new omnivorism also sends the message that eating some animals is permissible or even obligatory, depending on how the argument for new omnivorism is formulated. Vegans motivated by animal protection, or *animal vegans* for short, will therefore have been making an important mistake in applying their own moral principles.

Defenses of new omnivorism often involve eating unusual forms of meat, such as roadkill (Bruckner). To date, however, proponents of new omnivorism have had little to say about freeganism, or the practice of eating food that is free. Freeganism is commonly associated with recovering food that grocery stores and restaurants have thrown away, but vegetables grown in one's garden and other free foods, such as leftovers from a work event, or a sandwich that a guest left in your refrigerator, would also qualify. The possibility of eating meat and other animal products without financially supporting animal agriculture has been noted by animal ethicists, but typically in the form of asides in discussions of the ethics of *buying* meat (Milburn and Fischer). More systematic treatments of the topic are only now beginning to appear (Milburn and Fischer). It is worth asking, therefore, whether there is a form of freeganism that can be justified in new omnivist terms. Could it be consistent with animal protection to eat meat, just so long as we don't pay for it?

I will argue that from an animal protection point of view, freegan meat consumption faces two difficulties. The first is that when it involves the consumption of animal flesh conventionally regarded as edible (chicken, pork, beef, etc.) but not other types of flesh commonly considered inedible (mice, dogs, etc.), the practice is likely to be rooted in speciesism. This runs contrary to new omnivorism's own principles, which are anti-speciesist. In addition, when the meat in question is the product of animal agriculture, consuming it will amount to a form of complicity in the industry's wrongdoing, as the rationale for the animal's slaughter will be retroactively endorsed. Either of these two considerations taken by itself will suffice to generate a presumption against freegan meat consumption.

This presumption can be integrated into a variety of ethical frameworks. Neither of the considerations supporting it, however, is likely to be morally motivating in act-consequentialist terms. My analysis, therefore, does not address every conceivable defense of freegan meat consumption. In addition, neither consideration generates a reason to avoid all animal by-products, such as eggs from backyard chickens that are well cared for. But given that the by-products in question will not be industrially produced, such consumption is likely to be permissible only in exceptional instances, rather than a practice available to society at large.

Two versions of new freeganism

One way to justify freegan meat consumption would be to offer the same defense that is commonly offered to justify any kind of meat eating: animals are there to be eaten, and it is a mistake to endorse animal rights, anti-speciesism, or similar concepts invoked by animal vegans. If this is the rationale, however, nothing important will hinge on the fact that the food in question is free, and freeganism will cease to be ethically significant in its own right. Our concern, however, is with freegan meat as such, and whether it can be justified from within a protectionist framework. So we need to ask not whether freegan meat consumption can be justified from any conceivable point of view, but according to a rationale that is consistent with core

concepts of animal protection such as anti-speciesism and animal rights. We can call this governing stipulation the *protectionist condition*.

With this condition in mind, it is possible to imagine a protection-based case for freeganism being formulated in two different ways. The first formulation characterizes freegan meat consumption as morally obligatory. Consider the issue of field animal mortalities in plant agriculture. Although precise numbers are unavailable, it is well known that mice and other field animals are killed by agricultural machinery such as wheat threshers. New omnivores often cite that fact to stress the importance of reducing overall harm to animals (Davis; Bruckner).¹ If buying plant foods contributes to the deaths of a certain number of field animals, then the dietary embodiment of anti-speciesism may not be a diet composed entirely of plant food. Rather, there could be forms of meat eating that harm fewer animals than veganism.

How is this possible? If even one or two mice died to make possible a vegan meal, then it is open to question whether we should really prefer such a meal to one containing beef or other animal products that come from large animals. Given that an average North American cow can weigh 1,200 lbs., the ratio of animal deaths to calories may favor replacing some plant food with some beef. The beef in question will need to come from free-range cattle that graze on pastures (on feedlots, cows are fed grain, which is harvested through industrial plant agriculture and thus would involve field animal deaths). Similarly, as roadkill is caused accidentally, a diet that combines plants with some dead animals one finds at the side of the road, especially larger ones, may result in fewer animal fatalities than a diet of purely plant foods.

But when we imagine free-range beef sourced in a freegan way, there is the further fact that *not paying for the beef* avoids incentivizing further animal deaths, something that cannot be said of buying plant foods that harm field animals, even if accidentally. The argument from field animal deaths would thus seem to also justify freegan meat consumption.

Let us call this new omnivorist version of freeganism *new freeganism*. Traditional arguments against speciesist eating practices will have no force against freeganism so construed. Indeed, the new freegan can turn the anti-speciesist argument around and ask the animal vegan to justify why, on their own principles, they do not include some freegan animal products in their diet. If not harming animals is their goal, what justifies them in continuing to pay for plant foods, which incentivizes the deaths of field animals?

This argument for new freeganism suggests that animal vegans are not merely permitted but *obligated* to include some freegan meat products in their diet when doing so reduces the amount of plant food they eat. It is unclear how strong this obligation would be. If I am caring for a child, for example, or have other morally important obligations, it seems reasonable to think that I am not obliged, all things considered, to spend hours going through dumpsters behind restaurants. Nevertheless, there will be a *pro tanto* obligation to incorporate freegan animal products into my diet when the costs of doing so are not onerous. Even a *pro tanto* obligation to eat meat is scandalous from the point of view of animal veganism.

A different defense of new freeganism frames it as permissible. A long-standing justification for animal veganism is that it seeks to avoid causing harm to animals. From that point of view, what matters when assessing freeganism is that it also avoids harming animals, as freegans do not financially support the businesses that kill and sell animals for food. The animals that freegans eat will have been killed long before freegans sourced their food from dumpsters behind supermarkets. Even within an anti-speciesist framework, a defender of the permissible variant of new freeganism will say, what really matters is that we not *buy* animal products. And once buying and eating are distinguished, the freegan consumption of animal products is something animal vegans can engage in or not engage in as they see fit. But they should not criticize the practice as such, because it does not contribute to animal suffering or killing in any obvious way.

I set aside the obligatory version of new freeganism and focus on the permissible version.² If it is justified, that by itself will be a significant conclusion. In what follows, I use “new freeganism” to refer exclusively to the permissible version.

Speciesism in the discretionary realm

A potential problem for new freeganism concerns its implications for unconventional forms of meat eating. For most of us, there are varieties of meat eating that, while possible, go against deeply held norms. Someone could potentially eat a “pest,” such as a mouse, or a pet dog, or cat after the animal dies. These forms of meat eating involve neither actively killing animals nor purchasing the meats in question, and so appear to pass the test of freegan acceptability. And insofar as new freeganism endorses eating conventional meats just so long as they are appropriately sourced, it is unclear how it could rule out eating meats normally classified as inedible, such as the flesh of deceased pests and pets.

One possibility is that disgust is a morally relevant factor. Insofar as most of us are likely to find the thought of eating a mouse or a dog abhorrent, that may provide normative grounds for new freegans to stop short of consuming flesh that is normally treated as inedible. But what we find disgusting or edible is culturally conditioned. There are cultures that eat rodents and dogs. The fact that eating chicken, pigs, and cows is unlikely to evoke disgust is surely due to the speciesism that pervades contemporary thinking about food. Given that a disgust reaction, while predictable, is based on speciesism, it will not be available to an anti-speciesist freegan.

If we have the permissible version of new freeganism in mind, being allowed to eat mice may not seem like a moral problem. Insofar as there is no *obligation* to consume freegan animal products, there is equally no *obligation* to eat mice or other pests. It might therefore seem that there is no issue in regarding it as permissible for others to eat “vermin” species while declining to do so oneself. By the same logic, one might think there is no problem with recognizing that other people are permitted to eat

German shepherds and Siamese cats while refraining from eating these kinds of animals oneself.

This response however is short-sighted. It fails to note the way moral obligation can have bearing even on discretionary actions. Consider dating. It is normally thought that single individuals can decide for themselves whether they will date or not. In this way, dating is an example of a practice that is permissible but not obligatory. But now imagine a white person who refuses to ever go on a date with a black person for a very particular reason: they are racist. When asked, they reply, “It’s fine for other people to have black dates, but I prefer not to myself.” Even though dating is a discretionary matter, they can still be criticized for holding a racist attitude. It is not that the racist dater is obliged to go out with members of the group they are prejudiced against. What matters rather is that we can fault their racist motivation. In this way, the dating example shows that moral obligations can have bearing on discretionary activities, even if they stop short of turning a discretionary matter, such as who to date, into an obligation.

A new freegan who regards it as permissible for others to consume inedible meats yet is not open to doing so themselves and instead confines their own consumption to conventional meats is committing a wrong that, while not identical to that of the racist dater, shares a feature with it. They fail to take adequate note of how a moral norm, in this case that of anti-speciesism, has bearing on their discretionary activity. They follow a personal inedibility norm regarding some species but not others in a way that tracks the wider society’s speciesist thinking about which animals are edible. Given this, it will be fair to wonder just how non-speciesist such a diet really is. We can again subject their stance to moral criticism, even if we do not take the further step of insisting that they must eat meats that our culture considers inedible.

Why not cannibalism?

An obvious reply now presents itself. A new freegan might start eating such inedible animals, in addition to edible ones. At this point, however, a further question arises.

Why not also engage in cannibalism? Of course, if we have so-called active cannibalism in mind, which involves deliberately killing a human being in order to eat them, justifications will not be hard to find. But we are concerned here with passive cannibalism, or eating human beings who are already dead (Irvine). Insofar as we are considering a non-speciesist version of freeganism, on what principled grounds could it morally justify consuming the discards of restaurants and supermarkets but never the remains of *Homo sapiens*?

There is a long history of human beings eating the flesh and blood of other human beings. Some non-western cultures, for example, saw a recently deceased person be eaten by their relatives (Goldman). (Contrary to a common view, doing so has no ill health effects when the brain is not consumed). Ancient Romans consumed the blood and liver of gladiators to cure epilepsy (Moog and Karenberg). In early modern England, people “consumed as medicine the flesh and excretions of the human corpse,” one historical account notes, “sourced from both imported mummified human remains and recently prepared local corpses” (Noble 1–2). While a world in which new omnivorism became widespread is unlikely to see people consume human flesh and blood for these particular reasons, such historical precedents are a reminder that it is possible to structure society so as to make consuming human flesh and blood a routine possibility. Whether there are ethical reasons not to do so is part of what is at issue between animal vegans and new omnivores, including new freegans.

Once the issue of cannibalism is raised, it prompts a question. Could there be moral grounds not to engage in passive cannibalism, and if so, can such grounds be combined with anti-speciesism, so as to ultimately justify a norm against both passive cannibalism *and* passive meat consumption (freeganism by another name)? If so, it will mean that in order for freeganism to uphold anti-speciesism, and thereby meet the protectionist condition, it will require not eating any kind of meat, even when the meat is free.

The basis for an anti-cannibalism norm can be understood in more than one way. Historically, many people have likely conceived of it in religious terms. Our concern however is whether there is a non-speciesist justification. One possibility is that we

should not eat human flesh because human beings are persons. A norm of not eating them when they are dead, on this view, would be a way of showing our respect for the moral category of persons, which is conceptually distinct from the category of *Homo sapiens*, and so avoids speciesism.

It seems intuitive that a norm of not eating human beings will on some level be rooted in respect for some attribute they possessed while living.³ But is that attribute really personhood? Such a rationale would not seem to provide grounds to avoid eating the flesh of *Homo sapiens* who are not persons. Children who die in early infancy or individuals with severe congenital handicaps that prevent them from ever developing the cognitive capabilities of personhood would not seem to be covered by a ban on consuming the flesh of persons. Insofar as new freeganism allowed eating the bodies of animal non-persons and was committed to anti-speciesism, it would seem to generate pressure toward allowing the consumption of the flesh of human beings who never attained personhood.

Personhood, however, is not the only category of moral standing available to an anti-speciesist. So is sentience. A norm against eating sentient beings would apply to practically all humans, not just persons. Such a norm would be in keeping with the intuition that there is something about human beings that warrants removing them from the edible category. A norm against cannibalism so understood is a way of recognizing the proper level of moral respect that is due to human beings, not *qua* human beings, but inclusive of them. We don't eat them, because doing so renders them edible, which is morally beneath them.

Conversely, regarding animals as edible seems tied to the *lack* of moral respect they currently receive. Recent empirical studies have posited a link between edibility and reduced moral respect by suggesting that the current practice of categorizing animals as food may result in a reluctance to fully recognize their cognitive capabilities. Many such studies now refer to a "meat paradox," according to which people experience cognitive dissonance between their belief that animals should not be harmed and their practice of eating meat (Loughan et al. 158; see also Bratanova et al. and Bastian et al.).

One such study for example presented participants with an image of a cow and asked questions such as, “How much does this cow deserve moral treatment?” Participants who had just eaten beef jerky viewed the cow as “significantly less deserving of moral concern” than participants who had just eaten cashews (Loughan et al. 158). Similarly, omnivores have been found to pursue a “strategy of moral disengagement” from the process of slaughtering animals for food by attributing to farmed animals a more restricted range of mental and emotional activities (Bilewicz et al. 201). Even knowing that an animal is classified as food in a distant country, independent of whether or not it is eaten in one’s own society, appears to motivate research participants to ascribe to it a reduced capacity to suffer, with a corresponding reduction in moral concern (Bratanova et al.) Similar findings have now been made regarding a wide range of food animals (Hills; Knight and Barnett; Knight et al.; Phillips and McCulloch; for discussion, see Marino).

If, as this research suggests, categorizing animals as edible reduces the likelihood that we will accurately recognize their cognitive attributes, this is a sign of disrespect. To be edible is to occupy a lower moral category than that which society assigns to non-edible creatures like ourselves, and this lower status conditions our perceptions of the edible creature, even to the point of not perceiving them correctly. The more we accept the routine edibility of a given species, the more we are exhibiting disrespect to its members as a whole.

In the present discussion, we are assuming anti-speciesism. So what is the right response to the current social norm against passive cannibalism, which seems obviously speciesist, insofar as it includes some species but not others? It is to maintain the norm against passive cannibalism but extend it to also entail a default presumption against passive *meat* consumption, which is to say, against freegan meat consumption. Two considerations support this view.

The first is that doing so would achieve consistency with our thinking about the moral status of human beings who are sentient but not persons. As already noted, someone could conceivably argue that the current speciesist norm be replaced with a narrower

norm against only the passive cannibalism of persons. This “leveling down” response would reduce the status of merely sentient humans, who would thereby become edible. Traditionally, however, most movements for social change have sought to “level up” the status of worse-off groups. Hence social movements to increase the status of women and racial minorities, rather than reduce the rights of men or white people. Such a response is worth bearing in mind, even if sentient animals do not occupy exactly the same moral status as human persons. Intuitively, lowering the moral status of mentally disabled humans does not seem a reasonable price to pay for any form of meat eating.

Indeed, reclassifying farmed animals as inedible intuitively seems an obvious way to accord them the higher degree of moral respect that anti-speciesists have long argued for. Revising their status upward rather than revising the status of a vulnerable human group downward is less likely to expose us to the risk of mistakenly subjecting either group to a lower status than that which they deserve, which seems a worse outcome than subjecting either group to a moral status that is too high (which is not to deny that artificially high status assignments may create their own problems).

Of course, some people will protest that anti-speciesism is itself counterintuitive. But there is no contradiction in seeking to preserve some but not all of our pre-theoretical moral intuitions. Animal protection theory offers reasoned grounds to reject speciesism, arguments that can be made to cohere with our overall body of moral beliefs. And the force of new freeganism is precisely that it seeks to appeal to protectionist premises. Once it endorses speciesism, it loses the distinctive feature that makes it of interest to begin with.

A second consideration supporting an anti-speciesist norm against both passive cannibalism and passive meat consumption is that it reduces the possibility of incentivizing *active* cannibalism and killing animals for food. If human beings were regarded as edible, it could increase the likelihood that they would be killed for this purpose. While it is possible to imagine a norm permitting cannibalism only when doing so has no chance of incentivizing killing human beings, the norm that least incentivizes killing is one that views cannibalism as wrong. By a similar logic, the

norm that least incentivizes killing sentient animals the least is one that says it is wrong to eat them, even passively. If billions of animals are presently killed by human beings every year, a primary reason this happens, in addition to the economic incentives built into agriculture, is surely the widely accepted view that they are edible. If so, an anti-speciesist society will be one that is home to neither the economic nor the philosophical component of speciesist agriculture.

So anti-speciesists should embrace an inclusive anti-cannibalism norm, one that views passive cannibalism *and* freegan meat eating as morally wrong. This obligation, like the one mentioned earlier in connection with obligatory new freeganism, is also a pro tanto one. Here, however, the obligation is negative. We are obligated *not* to do something, and such a negative dietary code is easier to follow than dietary codes that involve positive obligations. The obligatory version of new freeganism, canvassed earlier, raises the possibility that our pro tanto obligation to eat freegan meat could come into conflict with other obligations. An obligation to not consume meat, by contrast, is less susceptible to this problem. We can uphold most of our other obligations in the course of not eating meat (or human beings).⁴

As a default presumption, the norm against freegan meat consumption could be outweighed. Like other acts we normally consider wrong, eating human flesh could potentially be justified in situations of extreme scarcity, such as that experienced by survivors of a plane crash who have nothing to eat except for the body of someone who died in the crash. But in such instances, the fact that cannibalism is justified does not make it any less tragic. By the same token, there could be instances in which the only way to survive is to eat the flesh of an already dead animal. But insofar as anti-speciesists have access to an adequate range of plant foods, as we do, the mere availability of freegan meat does not seem sufficient grounds to outweigh the default presumption against eating such meat.

Animal ethicists who emphasize sentience and personhood as fundamental categories are sometimes said to not pay adequate attention to relationships. Although I have been concerned with norms of collective respect at the species level, this is consistent

with also recognizing norms of individual respect as they pertain to the passive consumption of humans and animals.

Consider how common it is for people to cry when they see a deceased loved one in a casket at a funeral. Surely it would be especially depraved to show up at such an event and try to eat the individual whose funeral it was. What makes it depraved is not any bad consequence or disrespect for the dead individual *qua* individual, but rather the profound disrespect such an act would exhibit toward one or more funeral goers who loved or cared for her while she was alive. Similarly, if I were to consume my neighbor's dog in front of her, this would exhibit not only collective disrespect toward dogs but a separate, further form of disrespect directed toward my neighbor as an individual person. I would be disregarding her relationship with her dog and the importance she placed on it.

Freeganism and complicity

Freeganism is incompatible with animal protection for a second reason, one that would still hold in a world with no norm against cannibalism. This second argument holds that new freeganism, insofar as it involves the consumption of animals that are killed by the agricultural industry, is a form of complicity in that industry's wrongs.

Animal protectionists have long argued that animals have an interest in not being killed. Hence animal ethicists often argue that killing animals in order to eat them is wrong even if it is done painlessly. Along with anti-speciesism, a commitment to such an anti-killing norm is also widespread among animal vegans. On this view, one of the major problems with industrial agriculture is not just that it is speciesist but that the particular speciesist practice it engages in, the ongoing slaughter of billions of chickens and millions of other land animals every year, is an especially serious wrong against animals.

New freeganism accepts that killing animals for food is wrong. New freeganism further concedes the wrongness of paying for animal products before eating them. New freeganism must endorse both these claims in order to abide by the protectionist condition. But once we have in mind the idea that animals have a right to life, or something like it, a problem emerges for attempts to reconcile this right with the idea that it is fine to eat animals that have been industrially slaughtered, so long as we do not pay for such food. Insofar as freegans consume industrially slaughtered animals, they will be complicit in the industry's wrongdoing. This is because we can be complicit in wrongdoing even when our actions do not make a causal difference.

Consider a group of people who hide a body (Driver 71). Four of them push the corpse into a lake. One member of the group is physically weak so that her pushing makes no difference as to whether the corpse rolls into the water or not. This individual's action did not make a difference as to whether the body was hidden or not. Nevertheless, on an intuitive level, it seems reasonable to think that she was complicit in the act of hiding it. Christopher Kutz gives theoretical expression to this intuition with what he calls the Complicity Principle: I am accountable for what others do when I intentionally participate in the wrong they do or the harm they cause (122).

This principle expresses a notion of complicity that does not require making a difference on a causal level. If we recognize the possibility of complicity of this kind, we can fairly ask whether the new freegan is nonetheless still complicit in wrongdoing, even if not to the same degree as everyday meat eaters who financially support animal slaughter, and even if not in precisely the same way as the person whose push makes no difference to moving a body.

New freeganism agrees that animal flesh that is the product of the agricultural industry is created through immoral practices. Although a new freegan will not be complicit in supporting the system financially, they will be complicit in a different way: by bestowing value on the system's output. Consuming the flesh of an animal that has been slaughtered is a kind of retroactive affirmation: it endorses, through culinary participation, the reasoning that leads to the animal's death. The animal's

confinement and slaughter can now be said to have had a valuable purpose – namely, serving as food for the new freegan. The death of the animal becomes something to be grateful for. To eat the animal is in this way to be complicit in its slaughter. Not on a causal level, but through participatory affirmation of the slaughter’s rationale.

This reveals a further reason why new freeganism cannot be reconciled with animal protection, independent of its failure to abide by an anti-speciesist edibility norm. New freeganism depends on a view of animal protection as being opposed only to the purchase of animal products. But animal protection theory also suggests that we should not be complicit in the unnecessary killing of animals. But eating animals killed for food makes one complicit in what the industry does.

A possible problem with complicity arguments is that they can prove too much. The companies that create cellular phones, gasoline, and other everyday products have been known to commit labor and environmental wrongs. If a complicity argument held that we were complicit in these wrongs by using iPhones or driving, then avoiding such complicity would be difficult to achieve. Complicity in wrongdoing, rather than something that is applied to particular actions, would be widespread, to the point that there would be nothing especially wrong about eating meat that had been industrially produced, thereby defeating the point of the complicity argument. Similarly, a complicity argument that concluded that vegans are complicit in the deaths of field animals by eating plants would not provide grounds to rule out new freeganism.

The complicity argument presented here, however, does not prove too much. The form of complicity in question, rather, involves three features that can be used to distinguish complicity with animal agriculture from other everyday activities, including eating plants. The central one is that the act of eating meat is essentially related to the wrong that the industry commits – namely, killing animals for food (Budolfson 94–98).⁵ Imagine someone who works at a slaughterhouse who regularly stops at a bar on their way home from work to have a drink. The bar owner is in a relationship with the slaughterhouse worker, one that benefits them financially. But there is no essential connection, no thematic affinity, between killing animals and

patronizing a bar. Eating the products that animal agriculture produces, however, is essentially related to the industry's primary function: the animals are killed not incidentally but *precisely* to be eaten. Killing an animal is in this way a necessary part of rendering it edible, in a manner that differentiates animal agriculture from other processes, such as the manufacture of iPhones or the cultivation of crops, that incidentally involve wrongdoing. As such, one can identify freegan meat consumption as a form of complicity without thereby branding many or most other activities as equally complicit in wrongdoing.

In addition to being essentially related to the wrong that animal agriculture commits, the form of complicity in question has two further distinguishing features. It is at a high level of severity and is ongoing. From an animal protection point of view, the industrial slaughter of billions of animals is a serious moral wrong. In addition, it is still taking place, with millions of animals being slaughtered every day. Taken together, the considerations of essential relation, scope, and ongoingness limit the applicability of the complicity argument. It will apply when we are complicit with the wrong action itself, not when we simply interact with, support or even benefit from the entity that performs the wrong.⁶ Similarly, it will not necessarily apply to wrongs that are at a low level of severity, or which are no longer occurring.

This concludes the brief against new freeganism. Insofar as it is practiced by someone who does not condone passive cannibalism, it is likely to be speciesist. And insofar as it involves the consumption of animals killed by the agricultural industry, a practitioner is complicit in the industry's wrongs. This second consideration will also apply to forms of new freeganism that involve the slaughter of animals for food outside of the animal agricultural industry. If I raise chickens in my backyard, slaughter them, and offer them to guests for free, the guests ought to reject the meal for the reasons outlined earlier: that of not wanting to be complicit in wrongdoing, which here again involves the retroactive affirmation of unjustified killing.

Limitations of the case against new freeganism

To say that animal protection generates a presumption against eating freegan meat is not to say that it rules it out under every possible justification or in every possible circumstance. The argument against new freeganism offered here has limitations that bear noting.

Both the anti-speciesist and complicity considerations are compatible with a broad range of moral theories. They likely include deontology, virtue ethics, natural law theory, intuitionism, and, insofar as it is distinct from any of these, everyday morality. Both are in this way mid-level concepts that can find a home in multiple moral frameworks, rather than presupposing the truth of only one approach.

The relationship between the two considerations and consequentialism is more complicated. Both considerations would seem easily reconciled with two-level theories of utilitarianism such as those of Sidgwick and Hare, which encourage the use of intuitive moral rules on an everyday level, rules that are applied without seeking to maximize utility with each individual action. It might be the case, for example, that speciesist attitudes as well as complicity with the wrongs of animal agriculture encourage others to kill animals for food (as by, for example, working in agriculture) or financially support those who do (as by purchasing the industry's products). If so, then both considerations may have force under at least some versions of rule-consequentialism.

In the case of act-consequentialism, however, it is not clear whether either consideration would still be morally motivating. Under act-utilitarianism, for example, it is not obvious that passive cannibalism would in fact be wrong. If so there will be no possibility of extending a norm against eating human flesh to cover other species. Similarly, it is not clear whether complicity is an important moral principle according to act-utilitarianism. If all that matters is the consequence of an action judged in isolation, then I likely do not risk any bad consequences when I consume freegan meat in private, or when in public, I clearly communicate to others that I did not pay for it. If so, then act-consequentialism would not seem to take on board the presumption against new freeganism defended earlier. This is a limitation of the argument offered here. As such, a rebuttal of new freeganism motivated by act-

consequentialism would need to go beyond the considerations outlined earlier, likely turning on the many familiar criticisms of act-consequentialism (Scheffler).

If this limit of my account is philosophical, another is culinary. My two arguments do not rule out the consumption of all animal *by*-products. Consuming products such as cheese and eggs does not in principle require the death of an animal. But in animal agriculture, there are many harms that commonly occur to layer hens and dairy cows, including prolonged confinement and the separation of calves from their mothers. Animal protection theory offers many familiar objections to eating such industrially produced products. But not all animal agriculture occurs within the agricultural industry.

Some people, for example, raise chickens in their backyards. In cases in which the chickens are not killed for meat and are rather kept as companions who happen to lay eggs, the mere fact of keeping the chickens for this purpose does not seem morally wrong. If the birds are protected from predators, are fed well, and able to exercise their natural functions, then taking their eggs, in and of itself, would not seem to involve any moral wrong, so far as the anti-complicity argument is concerned. Similarly, it is not clear that the very act of keeping animals for food or milk is necessarily speciesist. It is not just that we do consume human by-products, such as mother's milk. We take care of children and other dependents in ways that involve exercising authority over them. If taking good care of animals who produce milk and eggs can be considered broadly analogous to such relationships, then the anti-speciesism consideration will arguably not rule out using animals for such purposes, so long as they really are well cared for. By extension, if there is nothing wrong with keeping well-cared-for animals to create milk and eggs, there will be nothing wrong with consuming such by-products. As such, someone who obtained them in a freegan manner would be doing no wrong, albeit for reasons that do not essentially involve their freegan sourcing (for all I have said here, it would be fine to sell someone eggs from well-cared-for birds).

Conclusion

Animal protection generates a presumption against freeganism, based on considerations grounded in the existence of a norm against passive cannibalism understood in anti-speciesist terms, and in a concern with not being complicit in the wrongs of animal agriculture. However, even if both the cannibalism and complicity arguments go through, we should not be entirely critical of freeganism. Even if there is a default presumption against eating animals, boycotting animal agriculture on a financial level is morally significant. The industry requires customers to survive. The more ordinary meat eaters adopted new freeganism, the more it would represent a threat to industrial slaughter. As a financial boycott, new freeganism is a significant improvement on everyday attitudes. Even if freeganism does not go far enough for animal protection advocates, we should acknowledge and praise the valuable step that freeganism does take.

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¹ See Hampton et al. for a discussion of animals intentionally killed to protect crops.

² One reason for doing so is that the obligatory version rests on controversial empirical assumptions. There is evidence, for example, that plant agriculture sustains different populations of wild animals. These include not only owls and other predators who prey on exposed mice during harvest, but the mice themselves, whose own existence may be due to the arrival of agriculture in a given region (Lamey 2019 67–8; Fischer and Lamey 2018, 421). If plant agriculture sustains the lives of many wild animals, then this may need to be weighed against the overall number of animal fatalities that occur during harvest, depending on what moral framework is brought to bear on the issue. I discuss this and other issues with the argument from field animals in Chapters 3 and 4 of Lamey.

³ For this reason an anti-cannibalism norm would arguably permit consuming in vitro human flesh, or the human equivalent of cultured meat. Similarly, a norm against freegan meat would arguably not rule out eating in vitro meat. For discussion of the ethics of in vitro meat, see Lamey (214–34).

⁴ This arguably includes our moral obligations to food animals, whose situation we may be able to address through means other than eating animals (as by, for example, introducing new agricultural practices, or possibly employing existing agricultural practises that do not harm them). For discussion of the latter, see Fischer and Lamey.

⁵ The notion of essential relation is similar to a category invoked by just war theorists, that of being engaged in the business of war. Civilians who work in a munitions factory engage in such business by providing combatants with the means to fight. As such, they can be legitimate military targets. Civilians who work in a food factory are not so engaged, even if all of their product supports an army, and so cannot be targeted. As Igor Primoratz remarks of the latter, “[T]hey are providing for soldiers as human beings, rather than as soldiers” (231). The munitions factory is essentially related to war where the food factory is not.

⁶ I previously argued that mere benefiting from wrongdoing was itself wrong (Lamey 85), but I no longer accept that view.