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FEATURE ARTICLE

‘Pass the Cocoamone, Please’: Causal Impotence, Opportunistic Vegetarianism and Act-Utilitarianism

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ABSTRACT *It appears that utilitarian arguments in favor of moral vegetarianism cannot justify a complete prohibition of eating meat. This is because, in certain circumstances, forgoing meat will prevent no pain, and so, on utilitarian grounds, we should be opportunistic carnivores rather than moral vegetarians. In his paper, ‘Puppies, pigs, and people: Eating meat and marginal cases,’ Alastair Norcross argues that causal impotence arguments like these are misguided. First, he presents an analogous situation, the case of chocolate mousse a-la-bama, in order to argue that we, individually, are not causally impotent. Second, Norcross offers a threshold argument in which he argues that while we may individually be causally impotent, when we adopt moral vegetarianism in concert with others, we become causally potent in preventing harms by factory farming. We argue that Norcross’s responses ultimately fail to address the causal impotence objection. The former argument fails because it vastly oversimplifies the world in which we find ourselves. Given the size of factory farming, the reasonable conclusion is that we are in fact powerless to prevent harms to animals in factory farms in many or most cases. The latter argument fails because even if collective action will have an impact on factory farming, this does not provide us with an argument against being carnivores in certain circumstances.*

Introduction

Over the past 30 years there has been an extraordinary amount of work done in applied ethics on the topic of factory farming, and much of this work argues that one ought to become a moral vegetarian to prevent the horrors of factory farming. In this essay we will scrutinize such arguments. To be clear, we do not question, in the slightest, the morally abhorrent conditions in which animals find themselves in modern factory farms, nor will we seek to diminish the significance of that suffering because it is not human suffering. What we do wish to question is the strong causal relationship that some suggest exists between refraining from eating meat and preventing the suffering of animals in factory farms. If one is morally obligated to be a vegetarian, then this obligation does not arise merely because of vegetarianism’s power to prevent suffering. As we shall argue, there are plausible circumstances in

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which carnivorism has little meaningful impact on the prevention of suffering to animals. Consequently, arguments for moral vegetarianism that rely on vegetarianism's causal efficacy in preventing animal suffering should be rejected.

In his essay, 'Puppies, pigs, and people: Eating meat and marginal cases', Norcross (2004) argues that one should cease to eat meat produced by factory farms. Factory farm produced meat is objectionable because of the suffering that animals undergo in order to produce large amounts of meat efficiently. Since there is so much needless suffering associated with factory farming, Norcross argues that morality requires giving up eating factory-farmed meat. Perhaps the primary reason that one should cease to eat meat is because, by doing so, one can help stop the suffering that animals on factory farms endure.

Norcross offers a version of a more general argument for moral vegetarianism that goes as follows:

- P1. Factory farming causes immense animal suffering
- P2. One should not contribute to practices that cause immense suffering
- P3. Eating factory-farmed meat contributes to factory farming
- C1. One should not eat factory-farmed meat

As we have already suggested, we will not object to premise 1, which is well established. Further, premise 2, while more controversial, will not be the target of our concerns here. Instead, we wish to discuss premise 3. The claim that eating factory-farmed meat contributes to factory farming may seem too obvious to be worth questioning. Yet that premise is more controversial than is frequently recognized and, if that is correct, some noteworthy defenses of moral vegetarianism need revision. For instance, Peter Singer recognizes that one may object specifically to the suffering animals undergo in factory farms, yet maintain that eating meat produced painlessly is morally permissible. Singer argues that those who adopt this stance still must refuse to eat meat found at the butcher's and the grocery store: 'Until we boycott meat, and all other products of animal factories, we are, each one of us, contributing to the continued existence, prosperity, and growth of factory farming and all the other cruel practices used in rearing animals for food' (Singer, 2002, p. 162). Interestingly, while our focus in this paper will be act-utilitarian objections to the consumption of meat, the arguments, if they are sound, may extend to rights-based theories as well. Tom Regan's defense of moral vegetarianism relies, at least in part, on something like premise 3. On this he writes, 'Since . . . the current practice of raising farm animals for human consumption fails to treat these animals with respect, those who support this practice by buying meat exceed their rights. Their purchase makes them a party to the perpetuation of an unjust practice' (Regan, 2004, p. 346). If we are able to show that the purchase of meat in certain circumstances is causally insulated from the factory farm, then a person may rightly think that she may purchase factory-farmed meat without *supporting* the factory farm in the relevant way. To be fair, Regan wishes to reject such an implication. He writes on this very matter:

. . . no vegetarian should be deterred from his or her course because of the many who continue to support the animal industry or because it is uncertain whether

and, if so, when and how one individual's abstention makes a difference The individual is right not to purchase the products of an industry that violates the rights of others, independently of how many others act similarly . . . (Regan, 2004, p. 350)

Here Regan is clear that one is wrong to participate in an unjust practice no matter the consequences—or lack thereof—of doing so. If that is right, then the objections offered here will leave his view unscathed. On the other hand, if one is wrong to purchase meat only because one by doing so 'supports' the industry, then our objections may find purchase even against Regan's view. We also believe, although we will not argue in detail for the claim, that our argument raises questions for Shelley Kagan's recent argument defending mainstream consequentialist views against charges of causal impotence (Kagan, 2011).¹ At various points below we will indicate how our argument fits within Kagan's analysis of alleged cases of causal impotence.

While our target is act-utilitarianism, we focus on Norcross here because he offers an especially compelling defense of the moral vegetarian position, and he responds directly to the sorts of objections that interest us. The paper proceeds as follows: in this section we focus exclusively on the act-utilitarian argument for moral vegetarianism offered by Norcross. In the following section, we present Norcross's primary argument for moral vegetarianism and we introduce the causal impotence argument; and in the subsequent section, we present Norcross's four-stage response to causal impotence type objections and evaluate those responses. Thereafter, we present some concerns with Norcross's argument that we believe warrant further attention; and, ultimately, we conclude that an act-utilitarian defense of vegetarianism faces two significant problems. First, there are fairly common circumstances in which eating meat will have no causal impact on animal suffering in factory farms. Second, even where there is some chance of making a difference on animal suffering, there are common circumstances in which the likelihood of making an impact is too remote or the actual impact is too small to outweigh the certain satisfaction that the meat eater will have when indulging in some morsel of factory-farmed meat.

Norcross's Argument and the Causal Impotence Objection

Norcross asks us to consider the case of Fred who has lost his ability to enjoy the taste of chocolate due to a damaged Godiva gland. Yet, if Fred tortures puppies for an extended time, he can extract the substance that enables one to derive pleasure from eating chocolate, cocoamone, which his damaged Godiva gland no longer produces. Norcross correctly maintains that we would condemn Fred's torturing the puppies in order to enhance his chocolate-eating experience. There are several things of importance to note about the argument.

First, although this need not be pointed out to anyone familiar with Norcross's work, there are explicit indications of the act-utilitarian nature of Norcross's argument:² we are supposed to consider how the suffering caused by Fred's torturing puppies compares with his enhanced gustatory pleasure, and how this compares with the behavior of the millions who purchase and consume factory-farmed meat, presumably because it increases their gustatory pleasure (Norcross, 2004, p. 231).³

Of course, we agree with Norcross that Fred's behavior is morally reprehensible, but it is not clear from the presentation of Fred's case that we ought to quit eating-armed meat for the same reasons that Fred ought to quit torturing puppies.

To see why this is so, notice that in Norcross's example, Fred can clearly stop the suffering of the puppies by giving up cocoamone. That makes Fred's situation disanalogous to those who eat factory-farmed meat: Fred's behavior has clear and direct causal implications that matter for the act-utilitarian whereas that's not obvious for those who eat meat from the butcher or grocer. More specifically, Fred's ceasing to torture puppies is clearly superior on act-utilitarian grounds than would be his continuing to do so. At first glance, then, it appears that the argument cannot be justifiably extended from the case of Fred to the average consumer of factory-farmed meat.

Norcross recognizes this complication and directly addresses the charge of causal impotence objection: 'Fred could prevent the suffering of the puppies . . .,' but if a consumer ' . . . does not buy and consume factory-farmed meat, no animals would be spared lives of misery. Agribusiness is much too large to respond to the behavior of one consumer. Therefore I cannot prevent the suffering of any animals [S]ince the animals will suffer no matter what I do, I may as well enjoy the taste of their flesh.'⁴ Note that this also suggests (although it does not require) an act-utilitarian analysis: what matters, morally, is whether our behavior can prevent animal suffering (Norcross, 2004, p. 231). If it cannot, then we have no (act-utilitarian) reason to refrain from eating factory-farmed meat. We also note the seriousness of this objection to the act-utilitarian argument for moral vegetarianism. Fred's behavior is condemnable on act-utilitarian grounds precisely because his behavior matters for the fate of the puppies: if he stops torturing them, they no longer suffer. However, if my consuming or abstaining from factory-farmed meat has no causal consequences for animal suffering, my case is different from Fred's in ways that matter according to act-utilitarianism.

The causal impotence objection applies when one's actions can neither bring about a desirable state of affairs nor prevent an undesirable one from occurring. Some states of affairs we are incapable of altering. A person may dislike the length of a day, but there is nothing she can do to change it. We will refer to being completely powerless in this way as *complete* causal impotence. Imagine now a case where you are lamenting the great amount of bloodshed associated with a recent war. You find out that we were soldiers in the war, and you ask if we contributed to the bloodshed. Alas, we did. On one occasion we used a pin to prick the finger of an enemy combatant.⁵ Did we contribute to the bloodshed associated with this war? Yes, to some small extent, but surely when one laments the bloodshed associated with the war you would not think the war had been made morally better in any significant way had we let the chance to prick an enemy's finger pass without doing anything. When one's acts do contribute to some state of affairs, but the contribution is minimal we will call this *partial* causal impotence. In cases of partial causal impotence my contribution had some, but ultimately trivial, impact on the morally objectionable outcome, and given that fact one is either morally blameless or one deserves a trivial amount of moral blame. There is, of course, another way in which one could be partially causally impotent. Here we have in mind something like the following: suppose it is the case that your actions, should they be successful, will have

a profound impact on some state of affairs. However, imagine also that the odds that you will be successful are astronomically low. We maintain that cases like these are properly categorized as cases of causal impotence. We may all accept, for example, that the world would have been profoundly different (indeed much better) if Alastair Norcross were elected President of the United States. However, the probability that he would ever be elected President is remote to say the least. Alas, the probabilities are so remote that it is not unfair to treat this as essentially impossible, or to think that one ought to support some other, more plausible candidate for President. That we are often causally impotent in both complete and partial senses should come as no surprise to the reader. However, the idea of causal impotence leads us to wonder: how can we have an act-utilitarian reason to abstain from eating meat, if doing so will do nothing to alleviate animal suffering? It is Norcross's response to this question that we turn to now.

Norcross's Response to the Causal Impotence Objection

Norcross offers two responses to the causal impotence objection. First, he argues that moral judgments will not be affected by the problem of causal impotence. Here we are asked to imagine, while visiting a friend in Alabama, that we are offered a particularly delectable treat called, appropriately enough, Chocolate Mousse a la Bama, and while we are dazzled by the flavor we are horrified to discover that it is made so tasty precisely because puppies have been tortured to produce that flavor. We are sad to find out that Chocolate Mousse a la Bama has become wildly popular in Alabama, and we are told that it is so popular that even if we were to abstain from purchasing this will have little to no impact on future sales, and thus, on the number of puppies tortured. Norcross claims that it is equally obvious that if we think one ought to abstain from purchasing Chocolate Mousse a la Bama, then so too should we abstain from purchasing factory-farmed meat.

Yet it remains unclear how the Chocolate Mousse a la Bama case is helpful to the act-utilitarian's cause. The problem is that Norcross's example is disanalogous to the situations of the meat-eater in contemporary society in ways that are not entirely dissimilar to the differences we noted above regarding the case of Fred with the damaged Godiva gland. Indeed, within an act-utilitarian framework, concluding that should we abstain from delighting in Alabama's number one dessert seems plausible precisely because we also believe that we are proximate enough to the cause that we will, despite claims to the contrary, be able to alter the outcomes favorably for the tortured puppies of Alabama. Otherwise, it appears that once again there can be no good act-utilitarian reason to abstain. In order to make the case analogous to that of contemporary meat eating we must imagine a different scenario. Instead we need to imagine that there are cocoamone-fueled dining experiences available on every street corner, at every Interstate highway exit, and in just about every fast-food outlet in a country with a population of approximately 300,000,000. Further, in even moderately developed nations, people eat at least three cocoamone-fueled meals a day, children are fed cocoamone-fueled meals literally while they are still breast-feeding or on formula and dining is, more often than not, centered around the cocoamone experience. And instead of 'dropping' the cocoamone pill as a supplement to eating, we can imagine that the cocoamone is actually infused into

otherwise ordinary food in the process of preparing it for market. When too much cocoamone is produced or a batch is fouled it is simply mixed in with the food fed to the tortured dogs as a nutrient supplement. Indeed, a significant portion of the worldwide food production industry would be focused on producing massive amounts of cocoamone-infused food. Here, if one is a committed act-utilitarian, the obviousness that one ought to abstain from eating cocoamone evaporates. In such a world, forgoing cocoamone for one meal or even a lifetime will likely have no impact on the suffering of the tortured puppies at all. And we argue that this is more analogous to the situation we face regarding contemporary factory farming practices.

This is especially important given Norcross's point in introducing the Chocolate Mousse a la Bama case: even in a case in which you're causally impotent you still should not eat factory-farmed meat. Why? Here's what Norcross says: it's because 'no morally decent person would do so.' Yet the crucial question is whether a committed act-utilitarian would have a moral reason, let alone a compelling moral reason, to do so. That is not clear. If what it means to be a morally decent person is to be a committed act-utilitarian, then a morally decent person should *not* refrain from eating Chocolate Mousse a la Bama—if there is no reduction in animal suffering to be had from refusing to eat it, then the gustatory pleasure that one experiences in eating it carries the day. So where there is no reduction in animal suffering associated with abstinence, one would be obligated on act-utilitarian grounds to indulge (or for scalar versions, it would at least be better to indulge than to abstain).

It is important to point out that the causal impotence objection is especially vexing for the act-utilitarian. Various flavors of rule-utilitarianism can maintain, for example, that one should follow a rule which, if generally followed, would result in reduced animal suffering, or given that a general practice of refraining from eating factory-farmed meat would produce better consequences than indulging, that one ought not to indulge. Even a Kantian might maintain that our obligation not to engage in practices that cause other sentient beings, however lacking in pure practical reason they may be, to suffer for the sake of our own pleasure (perhaps especially gustatory pleasure), provides a compelling moral reason to abstain even in the face of causal impotence. Yet, an act-utilitarian seems inevitably to be impaled on the spike of causal impotence. Even if we are causally impotent (in the strong sense), the non-consequentialist or rule-utilitarian can provide a moral justification for the claim that we ought not to enjoy the Chocolate Mousse a la Bama. However, the act-utilitarian has no recourse here. If 'no morally decent person' would order the Chocolate Mousse a la Bama, even when doing so would fail to prevent animal suffering, it is because 'no morally decent person' is an act-utilitarian.

What Norcross must first do then is to establish that we are not causally impotent in regard to factory farming. That is, Norcross must show that by eating a meal that includes meat or animal products produced on a factory farm that we do causally contribute to animal suffering, or that one's abstaining actually results in a reduction in animal suffering. He must, in other words, overcome the complete causal impotence objection. In addition, Norcross must also show that any contribution that we make to reducing animal suffering is sufficient to outweigh the pleasure we may take from eating the meal. This, in turn, requires overcoming the partial causal

impotence objection. Norcross provides a four-stage argument to do just that. We turn to that four-stage argument now.

Norcross begins his response to the causal impotence argument with a threshold argument. According to this argument, even if we are independently causally impotent, we might not be collectively causally impotent. While it may be true that factory farming will be indifferent to the loss of one person's business, as enormous as it might be, it will not be indifferent to the loss of 300,000,000 people's business. If this many people quit eating meat it would bring factory farming to a halt. This shows that there is some number of people who, when they quit eating factory-farmed meat, do indeed have a causal impact on the industry of factory farming. So even though agribusiness is unlikely to respond to the behavior of one vegetarian, it would surely respond to the behavior of, say, 10,000 who give up eating chickens.⁶

To see that this response fails to address the causal impotence objection we will first consider a case in which the threshold is rigid, by which we mean roughly the following: whereas (say) 9,999 people becoming vegetarian will produce no reduction in animal suffering, 10,000 becoming vegetarian will produce a substantial reduction in animal suffering. In a case where the threshold is rigid are we morally obligated to become vegetarian? If we are good act-utilitarians, then we have such an obligation in only those cases where we have reason to think that by abstaining from eating meat that we will contribute to reaching the rigid threshold. In a society in which the use and abuse of animals is widespread, it is highly unlikely that any number of carnivorous experiences will prove to be morally impermissible. The problem here is that our refusing to indulge in a Wendy's chicken sandwich at 3 A.M. while traveling through Kingman, Arizona will not have any causal impact in terms of reducing chicken suffering. If the threshold that Norcross refers to is rigid, then in those cases in which one reasonably believes that the threshold will not be reached, one has no good reason to abstain: that one would have a causal impact if the threshold were reached thanks to my conduct gives me no reason to abstain in those cases in which one is reasonably certain that my conduct will make no difference one way or the other.

Notice that to have any confidence that our abstention from meat will have this causal impact, we need to know more than just 9,999 other people will also forgo meat today. We must also know that we are causally related to those other 9,999 people in the right way. So, let us grant for the sake of argument that we have some reliable bit of information that tells us that 9,999 people who once ate meat will, today, cease to do so. Now that we know this are we in a stronger position to think that we, too, should also cease to eat meat given the threshold argument? Not obviously. First, we must know that the other 9,999 newly minted vegetarians are sufficiently geographically proximate to us. Should we find that the other 9,999 vegetarians are spread out throughout the globe, then we will have little reason to think that our joint action—becoming vegetarian—will lead any of our local factory farms to produce less meat. So we need more than simultaneity, we also need proximity. Of course, even this will not be enough to have a convincing case that we will be causally efficacious. Imagine that one of our newly recruited vegetarians never ate chicken, but did eat beef and pork. Now, as a result, we may have a causal impact on the beef and pork industries, but as a matter of fact we fail to reach the threshold for poultry (this industry really lost 9,999 customers and thus the threshold

was not reached). In this case, skipping a hamburger might be a good idea, but not so for the chicken sandwich. Further, even if we are confident that there are 9,999 other individuals whose meat eating predilections are identical to our own, we still may doubt that by forgoing meat we make the difference in animal suffering. It seems extraordinarily unlikely in this final case that we will be the last person to sign on to vegetarianism and there will be no others. So, if we have good reason to think that 9,999 others have signed on to vegetarianism today, then it seems we have good reason to think that at least one more has joined on that I do not know about. The probability that any one individual would make the difference is extraordinarily small. Thus it seems reasonable to suppose that if there are 9,999 newly minted, proximate vegetarians, there will be a few others besides myself who will also become newly minted vegetarians. If this is the case, then my becoming a vegetarian makes no difference to animal suffering at all.

Things are no better if the threshold is not rigid (9,999 are just as likely to make a difference as 10,000). If 10,000 will have some impact, then (say) 9,999 (and suppose we are talking about my doing so on one occasion, in the middle of the night, nobody else in the place) will have an impact that is indistinguishable in terms of its causal consequences. It's not as if the barons of the factory farming industry are waiting to see what I will do in the fast food restaurant at 3 A.M. and that my ordering the French fries (cooked in canola oil) and not the sandwich will get them to scale back their nasty operation. Agreed, if the other 9,999 give up chicken it will have some impact, but *my* doing so on *this* occasion (and perhaps doing it across the board—but that is yet another issue for the act-utilitarian) is unlikely to have any impact on chicken suffering whatsoever. If so, there appears to be no act-utilitarian reason to pass up the chicken sandwich at 3 A.M. in Kingman. Thus, it seems that no matter how we parse the threshold argument it is incapable of overcoming the causal impotence objection.

In the next stage of the argument, Norcross presents a slight twist on the threshold argument having to do with probability. The argument is that if (say) it takes 10,000 people giving up eating chicken to make a difference in terms of reducing chicken suffering, that '[i]t appears, then, that if you give up eating chicken, you have only a one in ten thousand chance of making any difference in the lives of chickens, unless it is certain that fewer than 10,000 people will ever give up eating chicken, in which case you have no chance' (Norcross, 2004, p. 233). One thing to point out is that the probability to which Norcross refers must be some epistemic conception of probability, since non-epistemically, the probability that any specific chickens will be spared is either 1 or 0: 1 if they are spared, 0 if they are not.

Although Norcross is employing an epistemic conception, his analysis of even an epistemic account is a bit too quick. If it is certain that no one else will give up eating chicken, then even if chicken suffering would be reduced if 10,000 people were to give it up, the probability of my reducing chicken suffering by giving it up is arguably zero. What is not clear is why, if one is not (justifiably) certain that fewer than 10,000 will give up eating chicken, one has a 'one in ten thousand chance of making any difference in the lives of chickens' (Norcross, 2004, p. 233). The probability of one's behavior's resulting in sparing any chicken suffering is not simply a matter of taking the number of people whose behavior, if altered, would result in the actual reduction of chicken suffering and calculating what role I would play, that is, as one

contributor, in reaching that threshold. From the fact that it takes 10,000 abstainers to make a difference it does not follow that the probability of my abstaining's making a difference is 1-in-10,000—it could be far higher or far lower, depending on the specific circumstances. As discussed above, a wide variety of factors must also obtain in order for my abstinence to be causally efficacious.

Setting that concern aside, Norcross maintains that we are not in fact causally impotent, based on the assessment of the probability of our behavior's making a difference. Our position is that there are sufficient cases of causal impotence, and consequently for opportunistic carnivorousness,⁷ to raise doubts about any across-the-board condemnation of eating factory-farmed meat on act-utilitarian grounds: in cases of complete causal impotence, or partial causal impotence—where the probability of our abstaining's making a difference is microscopically low, there seem to be no good act-utilitarian grounds for condemnation. The act-utilitarian cannot simply stipulate that there are no such cases: to do so would not only be ad hoc, it would be empirically indefensible. Still, the further question is how extensive the specter of causal impotence is—that is, can act-utilitarianism recommend moral vegetarianism as a general practice, excepting cases of (arguably) anomalous causal impotence? As we see it, given the massive nature of agribusiness, there may seldom be good reason for most of us to abstain from eating meat on any specific occasion on act-utilitarian grounds. We will rarely, if ever, have good reason to think that our abstaining on any specific occasion will result—in terms of causal implications—in a reduction in any chicken suffering, whether the threshold for reducing suffering is rigid or flexible. What is more, if we are confident, on epistemically sound grounds, that no one else's behavior will actually change, or even that there will not be a sufficient number of converts to the cause to make a difference, then the net result of our abstaining will be zero. Think again of the Wendy's in Kingman. Now it is almost closing time, and there is a chicken sandwich sitting under the heat lamp. Perhaps you know how long it has been sitting there (there is a color-coded wrapper that indicates that it has been sitting there for 6 hours) and you also know, based on investigation into the practices of these franchises, that in one minute it will be tossed into the trash if it is not purchased by someone. If you do not eat it, the sandwich will go into the trash or will be purchased by one of the six people in line behind you who have all made it clear that they want the last chicken sandwich. Imagine further that you are especially fond of Wendy's chicken sandwich: it will taste infinitely better than the nearly molded French fries that are the only other option. Your behavior in this instance, were you to opt for the chicken, will not be harmful in any way at all, and there is no risk that any chickens will be spared any suffering if you abstain. You will gain the pleasure of this wonderful gustatory delight (although admittedly no match for Chocolate Mousse a la Bama) and you will be spared the nausea associated with the French fries. So here there is no risk at all—by abstaining you would spare no chickens any suffering, and would be denying yourself the joy of the Wendy's chicken sandwich at the expense of the nausea associated with the French fries.⁸ On act-utilitarian grounds, you *have* to eat the chicken. Why? In eating the chicken the probability of your sparing any chicken suffering is nil, and the probability of causing yourself distress is very high. Even if 10,000 people giving up eating factory-farmed chicken resulted in reducing chicken suffering, it does not follow that you have a one in ten thousand chance of making any difference in the

lives of chickens. Your eating chicken on some specific occasion, even given an epistemic conception of probability, might be zero (or at least close enough to zero), in which case you have no act-utilitarian reason, scalar or not, to abstain. If this example is unconvincing, then simply imagine the sandwich is found in the trash. At this point it has been removed from the commercial side of the meat industry entirely. Either you eat it or it goes to waste. Here it seems act-utilitarianism demands that you eat the sandwich rather than forbids it.

Our worry is not that the probability of having an impact on animal suffering by giving up eating meat is extremely low; rather the concern is that one may reasonably believe that, at least in some circumstances (perhaps our estimate of how frequently this will occur is overstated, but the general point remains), one has no meaningful chance of altering the meat-eating behaviors of others or that one's abstinence will alter the situation in the slightest.⁹ There is good reason to think that—perhaps not all that often but certainly on some occasions—we find ourselves in circumstances in which we are completely causally impotent to prevent the suffering of animals. In such cases it is difficult to make a case for abstaining on act-utilitarian grounds.

Suppose we are wrong about the power we have to prevent animal suffering in factory farms. Even if that is true, what must be shown is that we have the power to bring about a substantial change in the state of affairs. If we cannot, then we find we are in a state of partial causal impotence. Can it be shown that we have a *substantial* effect on the suffering on animals? Norcross argues that it can, and he addresses concerns of this sort in the next stage of his argument. Here Norcross argues that a 'one in ten thousand chance of saving 250,000 chickens per year from excruciating lives is morally and mathematically equivalent to the certainty of saving 25 chickens per year' (Norcross, 2004, p. 233).¹⁰ While it may be true that an act-utilitarian may parse moral responsibility as Norcross has suggested, it is not clear that this squares with how we ordinarily parse the concept. Quickly, it does not seem obvious that a person who opts for undertaking a course of action that has a 1-in-10,000 chance of (for example) liberating 250,000 political prisoners does something morally equivalent to the person who undertakes an action that has a certainty of liberating 25 prisoners, whatever may be the case in terms of their 'mathematical' equivalence.¹¹ Again, this is hardly a refutation or dismissal of Norcross's parsing of moral responsibility—we simply point out that the manner in which responsibility is often ascribed, even among some consequentialists (we are thinking of at least some current economic theorists), does not force us to endorse 'moral equivalence' in the way that Norcross does.

That point aside, Norcross argues that even if the probability of altering the consequences is low, given that the harms to the animals are great, we are morally obligated to quit eating factory-farmed meat: 'even if it is true that your giving up factory raised chicken has only a tiny chance of preventing suffering, given that the amount of suffering that would be prevented is in inverse proportion to your chance preventing it, your continued consumption is not thereby excused' (Norcross, 2004, p. 233). In other words, one is morally obligated to refrain from acting in ways that risk grave harms to attain trivial goods. One may enjoy randomly firing his gun into sparsely populated areas. Morality forbids this, though the risk of harm is slight, because the harm risked is so great. So even if it is very unlikely that one will have a

causal impact on the consequences, the fact that one *might* have some impact, and the great harm that one is risking, requires that one refrain from risking that harm.

Norcross argues further that if one engages in behavior that involves a small probability of some great risk, one can still be blameworthy, and cites the example of commercial aircraft safety in support of his claim. Yet even here, the case is not so clear. Granted, as Norcross points out, 'we would be outraged to discover that an airline had knowingly allowed a plane to fly for a week with non-functioning emergency exits, oxygen masks and lifejackets' (Norcross, 2004, p. 233). The fact is that airlines do allow risks of great harms whose probability of occurring is too small to be assumed on a regular basis, on the grounds that the chance of such catastrophes occurring is so small that the risk, however great, is worth taking precisely because the probability of the harm occurring, as serious as that harm might be, is so small. Of course, the point here is not to quibble with Norcross on airline safety. Rather it is that we risk great harms for trivial benefits all the time and it is not clear that we bear moral responsibility—especially on act-utilitarian grounds—even when these risks do not obtain. Consider the issue of railroad grade crossings: every year approximately 2,500 people are killed at railroad grade crossings in the US. Clearly each of these deaths (and countless injuries, since every 90 minutes a train collides with a car at a grade crossing in the US) could be avoided through a system of bridges, underpasses and re-routings as opposed to grade crossings. The reason why this is not done is because of the cost, in terms of both financial outlay and loss of convenience. You may desire a cup of coffee, but you realize that every time you drive your car you risk getting into a fatal car crash. Now, given the harms risked are so great, and the benefits gained by engaging in the risky behavior are small it appears that Norcross would have to forbid your trip for coffee. But of course that is not so for the act-utilitarian.

Consequently, it is not clear that Norcross has succeeded in addressing the problem of the opportunistic carnivore. Think again of that chicken sandwich in Kingman. When we find ourselves faced with the choice of selecting either the moldy French fries or the chicken sandwich, we are not making a choice between saving or sacrificing 25 chicken lives then and there. We save 25 chicken lives over the course of a year, not at any given moment when we order a chicken sandwich. Presumably the number of chicken lives you can save at any given visit to a restaurant is much smaller. Should you forgo the chicken sandwich in Kingman? You cannot save that chicken's life—its fate is sealed. Do you cost some future chicken its life? Again, it seems that this is far from clear. Suppose the meat-industry tracks the number of chicken sandwiches sold in Kingman, Arizona very closely. The industry knows with a shocking degree of accuracy how many chickens must be produced to satisfy the chicken sandwich demand of Kingman. Your visit, and your indulgence, represents an unusual increase in the chicken-sandwich demand in Kingman. Will one more chicken be ordered from the local factory farmer to accommodate the increased demand? That seems highly unlikely. You did not move to Kingman, and so there is no detectable and *sustained* increase in demand, and thus, if the tracking of chicken demand is highly accurate this does not represent a permanent increase. Your eating the chicken sandwich created, at best, an increase in demand that is momentary and fleeting. The next evening chicken sandwich demand will return to normal levels and you will be far away from Kingman. If you are not (causally) responsible for the

death of the chicken whose parts you eat in Kingman, and you do not cost another chicken's life, then it is unclear what the act-utilitarian objection to your late-night snack could be. This also assumes that the factory farming industry has this kind of detailed information available to them, and that they would respond to such information in a way that would matter for chicken suffering, which seems extraordinarily unlikely given how factory farming operates. This situation is much like the situation in which we find road-kill and we ponder eating that carcass. This matters because the risks associated with opportunistic carnivorousness, in terms of one's behavior actually alleviating animal suffering, are often so close to zero as to render them irrelevant (or at least of infinitesimal significance) on act-utilitarian grounds—the nearly certain benefits to the opportunistic carnivore carry the day. What we argue is that the world presents those who recognize our obligation to reduce animal suffering with a not insignificant number of instances of opportunistic carnivorousness—cases in which empirical conditions are such that act-utilitarian considerations do not speak against carnivorousness.

Norcross's next move is to argue that perhaps the probability of abstaining from eating chickens making a difference in terms of a reduction of chicken suffering is not that remote after all. And on that point we might grant that if the probability is small but the payoff is high (a significant reduction in the level of chicken suffering), there might be some act-utilitarian reason to abstain. Essentially we can think of Norcross as echoing Derek Parfit's discussion of moral mathematical errors (Parfit, 1984, pp. 67–86). Parfit warns that it is a mistake to ignore small chances: 'When the stakes are very high, no chance, however small, should be ignored' (1984, p. 75). Our position, however, is consistent with what Parfit says. It is not the case that we are advocating *ignoring* risks. Rather, we remain unconvinced that the act-utilitarian has offered a compelling case that the small chance of saving animals always outweighs the nearly certain benefits gained by the carnivore, and that is how the act-utilitarian must judge such cases. In short, if we should not ignore small chances of great benefits, we should not ignore great chances of small benefits either. So, even when the risks are accounted for, the act-utilitarian must show that the calculations still favor moral vegetarianism. According to Norcross's own metric, if there is some act-utilitarian reason to abstain, even in terms of a huge amount of suffering that might be alleviated, that too might be overridden by a high probability of some comparatively insignificant pleasure that might accompany opportunistic carnivorousness. Granting only for the moment that the probability of reducing chicken suffering by my refusing to eat the chicken sandwich is above zero, the near certainty that one will enjoy devouring the chicken sandwich could overwhelm the suffering of the chickens. One will certainly enjoy the sandwich, and the odds of alleviating chicken suffering by abstaining are remote. Here the expected utility may favor the certain, but insignificant pleasure over the uncertain but significant pleasure. In short, it all depends on how the numbers play out, and there is no reason to suppose that the numbers will always play out against indulging and in favor of abstaining. However, at least in some cases, the act-utilitarian has to endorse indulging. Norcross must do more than simply show that we can have *some* impact on the consequences. For it could—and might often—be that even when one has some probabilistically trivial impact on the reduction of animal suffering, doing so would almost certainly result in a significant reduction of my own happiness. In short, if the act-utilitarian maintains that any probability, no matter how remote, of producing

some significant benefit outweighs a high probability of producing some nearly certain but relatively insignificant benefit (and similarly for burdens), that would come at the cost of holding that we should produce the best likely outcome (for maximizing versions, but a similar point holds for scalar versions), which would be disastrous. Of course it would be just as bad to insist that when a possible outcome, however improbable, is bad enough, that one ought to adopt a state of normative paralysis. Consequently, in cases of partial causal impotence like those we discussed—again, not altogether fanciful—act-utilitarian considerations must favor eating even factory-farmed meat.¹²

Conclusion

Our conclusion is that there are cases in which there is not enough of a difference in terms of reducing animal suffering, especially given the facts about contemporary factory farming, to justify an across-the-board prohibition (or judgments about its being less good than available alternatives, for the scalar-minded act-utilitarian) against eating factory-farmed meat on act-utilitarian grounds. In these cases one's abstaining does not make enough of a difference in terms of the probability of preventing animal suffering to outweigh the loss of utility that would result from abstaining, and the act-utilitarian must conclude that it is preferable, again, whether in terms of being the best that one can do or merely better, to be an opportunistic carnivore. This will be so as long as one's abstaining does not make enough of a difference, in terms of the probability of reducing animal suffering, to outweigh the good consequences of indulging. Hence, it is not clear that on act-utilitarian grounds, even though 'human gustatory pleasure does not justify inflicting extreme suffering on animals' (Norcross, 2004, p. 233) that opportunistic carnivorousness is inconsistent with act-utilitarianism. In cases of complete or partial causal impotence, there appear to be no sound act-utilitarian reasons to abstain. If, as Norcross maintains, one still has good moral reason to refuse to eat factory-farmed meat even in the face of causal impotence, that is because act-utilitarianism is not the sole source of good moral reasons.

Briefly, a few gratuitous parting shots. In his conclusion, Norcross characterizes the 'behavior' of 'those who knowingly support factory farming' as 'morally impermissible' (Norcross, 2004, p. 244). Our question has to do with what kind of behavior counts as 'supporting' factory farming, especially if such behavior is claimed to be morally impermissible on act-utilitarian grounds. Throughout his argument, Norcross identifies his target as 'the millions who purchase and consume factory-raised meat' (2004, p. 231), and his recommendation is that these individuals 'give up eating' factory-farmed meat (Norcross, 2004, pp. 232–233). However, is simply eating factory-farmed meat (for example, at a wedding reception buffet), or even purchasing and eating it, an instance of 'supporting' factory farming? More specifically, are we 'supporting' factory farming when our purchasing and (especially) consuming it is causally impotent regarding animal suffering? Agreed, buying ads in newspapers and magazines singing the praises of factory farming, offering a degree (in addition to a certificate) in Ranch Management,¹³ or, to use Norcross's phrase, 'gobbling up' factory-farmed animals with 'gusto' (perhaps even gusto directed at the factory farming itself) would likely count as 'support.' Indeed,

we may actively campaign for an end to factory farming, advocate vegetarianism and demand that local restaurants carry vegetarian options. We may seek to inform people about the horrible conditions that animals suffer in factory farms. What remains unclear is why, for example, if we find ourselves at a restaurant that has no vegetarian alternatives, we must refuse to eat meat on act-utilitarian grounds. The problem is that for the act-utilitarian, the moral character of an action in no way depends on whether that action 'supports' factory farming—unless, in the present context at least, 'supporting' entails some set of causal consequences in terms of producing or reducing animal suffering. Yet at least some instances of 'purchasing and consuming' factory-farmed meat appear to have no such causal consequences—abstaining eliminates no animal suffering, indulging produces none. As such, the act-utilitarian should not endorse an across-the-board prohibition against eating factory-farmed meat, but instead should adopt the 'it depends' position—eat factory-farmed meat when and only when the morally relevant consequences of doing so are better than all (for the maximizers) or at least enough (for the satisficers) of one's alternatives. The act-utilitarian is in no better position to condemn eating factory-farmed meat than to condemn promise breaking.

There is another general point about act-utilitarian arguments that we would like to make both quickly and tentatively because Norcross's argument vividly illustrates it. The issue has to do with the role of analogical arguments in act-utilitarian moral reasoning. Norcross employs two arguments that appear to be analogical in structure in making his case for moral vegetarianism—Fred and the puppies, and Chocolate Mousse a la Bama. He argues that since we should condemn Fred's behavior, and since eating factory-farmed meat is sufficiently similar to Fred's behavior in relevant respects, eating factory-farmed meat must be condemned as well. Similarly, since no morally decent person would eat Chocolate Mousse a la Bama, and since eating factory-farmed meat is sufficiently similar in relevant respects to eating Chocolate Mousse a la Bama, no morally decent person should eat factory-farmed meat either. There is no denying the rhetorical power (or great comedic value) of these arguments, especially to those who are not act-utilitarians. Yet for the committed act-utilitarian, the details of Fred's puppy torture and the activities of the cocoamone industry ought to be beside the point. Here's why: in the final analysis, the committed act-utilitarian must adopt a version of the Jack Webb/Dragnet approach to moral relevance: 'just the morally relevant facts, Ma'am.' For the act-utilitarian, those facts are limited to the good and bad consequences of one's action. It doesn't matter how those consequences are produced, or which entities are experiencing such consequences as pleasure and pain. In a sense, the only species of analogical argument that should matter to the act-utilitarian is one that involves something like Bentham's hedonic calculus, incorporating appropriate modifications in order to accommodate conceptions of moral relevance that depart from Bentham's narrowly construed version of hedonism.

It would appear that the only kind of an across-the-board condemnation of eating factory-farmed meat that the act-utilitarian can endorse would be something like a Mill/Lyons summary rule, whose function is largely epistemic, that establishes a presumption against doing so on the grounds that doing so generally leads to worse consequences than abstaining. Yet even that might not be so easily established—for example, all sorts of details about how to perform the inductive generalization would

need to be addressed. And even assuming that such a presumption could be established, it would still be overridden, in a manner that parallels the act-utilitarian line on such issues as slavery, punishing the innocent and promise-breaking, on those occasions when abstaining produces no morally relevant gain and indulging produces no morally significant loss.

Although we have concentrated on showing how this raises difficulties for Norcross's argument, we also believe that it is damaging to Peter Singer's argument which relies on the claim that refusing to boycott meat contributes to the growth of factory farming. It also seems to undercut Tom Regan's claim that eating factory-farmed meat makes the consumer party to the perpetuation of an unjust practice—one which violates the right of the farmed animal. As our analysis suggests, it is not clear how the purchase or consumption of factory-farmed meat in circumstances of (especially complete) causal impotence 'violates the rights of others': the rights of the animal whose flesh I consume are not violated by consuming its flesh (its rights were presumably violated by factory farming, not my consuming its flesh), and if my consuming animal flesh causes no animal suffering and my abstaining would prevent none, it is hard to see whose rights would be violated by my indulging. One type of view that would seem to be immune to objections of this sort is a version of the 'Kantian' view like that offered by Christine Korsgaard (2005), which focuses not on consequences (Norcross, Singer) or rights (Regan) but rather the obligations that we have toward our fellow creatures, most importantly fellow sentient beings.

We also believe that our argument points to a more general set of problems facing act-utilitarianism: how often are we causally impotent, whether completely or partially so? This cuts to the core of act-utilitarianism itself: that what we bring about is the moral measure of what we do. We have tried to show that it is difficult for the act-utilitarian to condemn eating factory-farmed meat—which many act-utilitarians are quick to do—when we are causally impotent. Admittedly, more robust forms of consequentialism might not face this difficulty, but it is not as if these forms do not face difficulties (for example, rule worship for rule-utilitarians) of their own. We also believe that the causal impotence associated with moral vegetarianism is not an isolated phenomenon. For example, a similar concern would seem to apply to judgments about our responsibility to the environment in general, and specifically that we should engage in 'sustainable' practices. Briefly, if our adopting sustainable practices produces either no benefit, or a highly unlikely or miniscule benefit, then when living sustainably carries a fairly certain cost to us—and it does not strike us as implausible to think that there may be such cases—there may be no act-utilitarian reason to do that either.

Notes

¹ A detailed response to Kagan will have to be taken up in another paper.

² Norcross does give some suggestion that a non-consequentialist argument might be offered running along the same lines as the strictly consequentialist argument we discuss here. It is not our intention to dispute that possibility here. Rather, we wish to focus exclusively on the act-utilitarian argument that is found in the essay. It has been suggested to us that Norcross is not offering a consequentialist argument at all, but instead offers a theory neutral argument against factory farming. This suggestion will not help because if his conclusion does not follow from act-utilitarian premises, then the argument is not theory neutral; there is at least one moral theory that it is inconsistent with:

act-utilitarianism. Here we follow the analysis of 'moral neutrality' in Fantl (2006). Fantl maintains that 'a metaethical position fails to be morally neutral just in case it commits you to *the denial of* some [valid] moral statement' (2006, p. 29). In short, if Norcross' conclusion cannot be derived from act-utilitarian premises, then his argument for it is not morally neutral. Hence the objections here will apply whether his position is explicitly consequentialist or if it is intended to be theory neutral. For that reason we will proceed as if Norcross is offering, at least in part, a consequentialist argument for moral vegetarianism. Moreover, as we suggest, causal impotence difficulties might prove troublesome for views other than act-utilitarianism.

³ Even if Norcross's argument is not act-utilitarian, there is no shortage of advocates of moral vegetarianism who maintain that act-utilitarianism supports that position.

⁴ He also argues that Fred's gustatory pleasure does not outweigh the suffering of the puppies, and the same for factory-farmed meat (Norcross, 2004, p. 230–231). While this line of argument is not unique to act-utilitarianism, it is certainly consistent with it.

⁵ We did so maliciously. We were not helping this person check his blood sugar.

⁶ Kagan distinguishes between cases of alleged causal impotence that have to do with *imperceptible* harms (releasing pollutants into the atmosphere) and *triggering* cases, in which collective action does make a difference, even though each individual act does not (Kagan, 2011, p. 117–118). The kinds of case we are interested in most closely resemble triggering cases; while collective abstaining from eating factory-farmed meat would likely reduce animal suffering, one person's abstaining on some specific occasions is likely to have no such beneficial effect whatsoever.

⁷ We take this term from Almeida and Bernstein (2000).

⁸ Suppose I knew that the French fries have been cooked in peanut oil, and I have a nasty peanut allergy?

⁹ Kagan considers a series of cases involving buying a chicken from a butcher, and claims that an appeal to expected utility can block charges of causal impotence. Perhaps that might be so in the kinds of butcher case that Kagan considers. However, the economies of scale and other factors relevant to the case we are considering (Wendy's, 3 A.M., Kingman, and so forth), make the likelihood of one's abstaining making a difference infinitesimally small.

¹⁰ A similar argument is made by Gaverick Matheny (2002).

¹¹ Presumably consequences must matter to the act-utilitarian, and so it is not clear to us that we may treat the expected utility of our actions as indistinguishable from the actual consequences of our actions. More needs to be said here by Norcross about the meaning of 'moral equivalency' and how it is being used.

¹² Our argument would seem to apply to Kagan's position as well: 'And while the chance is only small one, the difference it makes, if it does make a difference, is sufficiently great to guarantee that the expected utility of a given act is negative' (2011, p. 120).

¹³ Something Texas Christian University actually does.

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