THE POLITICAL DIMENSIONS OF QUOTIDIAN CHOICE
AND THE EXPRESSIVE THEORY OF RATIONALITY

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ABSTRACT

Many of our everyday choices take place within sprawling and complex political structures and processes that bring about outcomes that we view as harms. Yet, because an individual’s actions do not contribute measurably to bringing about the harms—and the individual’s withdrawal from the process would not mitigate the harms—it is difficult to understand her affiliation with the harms and why she has reason for concern about involvement in the processes that bring them about. The expressivist account of rationality explains both.

I will show that political dimensions pervade everyday, ostensibly non-political choices, particularly market choices. Those frequently overlooked dimensions derive from the larger political processes and structures in which the choices are embedded; they give the choices expressive significance as political acts; and, because the political dimensions often overlap—and conflict—with agents’ character-defining commitments, those dimensions also give the choices expressive significance as acts of character. In short, in making the choices, the agent is expressing a stance on the choices’ political dimensions and affiliating herself with the larger structures and their consequences. To overlook the political dimensions and resulting expressive significance of such choices is to exclude from deliberation elements necessary to ensure rational
decisions by expressivist standards—to fail to ensure that “one’s actions adequately express one’s rational attitudes toward the people and things one cares about.”

I draw on Elizabeth Anderson’s expressive theory of rationality and Geoffrey Brennan and Loren Lomasky’s expressive theory for the rationality of voting to establish the expressive account. I also consider two theories of intention that seek to establish agents’ guilt or accountability for harms that result from the actions of larger groups of which they are part—Margaret Gilbert’s theory of group guilt and Christopher Kutz’s theory of complicity—showing why they do not succeed and how the expressive account overcomes or avoids the hurdles they face.

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1 Anderson (1993), 18.
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Chapter I: Overview and Scope of the Political

I. Overview

In this dissertation, I will argue for an expressive account of rationality that provides individuals with strong reason to consider the political dimensions that pervade everyday, ostensibly non-political choices, particularly market choices, because those dimensions, though frequently overlooked, often also overlap—and conflict—with deeply held, even character-defining commitments. The political dimension of market choices, which gives them their expressive significance, derives from the larger political processes and structures in which the choices are embedded. The expressive account explains why individuals have cause for concern about their involvement, through these choices, in diffuse structures and processes that result in what they view as harm, even though they make no measurable causal contribution to bringing about the harm themselves. To overlook the political dimensions and resulting expressive significance of such choices is to exclude from deliberation elements necessary to ensure rational decisions by expressivist standards.

Some have suggested that the widespread and serious consequences brought about by complex, global structures such as those in which market choices are embedded constitute a new problem in need of a novel response. Samuel Scheffler depicts these structures as “recruiting” agents’ choices “as contributions to larger processes that typically have little to do with people’s reasons for” those choices, such that “much of the daily behaviour we take for granted is linked in complicated but often poorly appreciated ways to broader global dynamics of the greatest importance.” He accordingly declares a period of “normative confusion,” due to the absence of “a set of clear, action guiding, and psychologically feasible principles which would enable
individuals to orient themselves in relation to the larger processes.”² Dale Jamieson, discussing specifically “the possibility that the global environment may be destroyed yet no one will be responsible,” because global warming results largely from the uncoordinated activity by billions over many years, asserts: “Unless we develop new values and conceptions of responsibility, we will have enormous difficulty in motivating people to respond” to such problems.³

While I agree that some standard approaches can be set aside, I also believe the means for agents to understand, and be motivated to attend to, their place in these structures is readily at hand in the expressive account. I assume that consequentialist theories are inapt (precisely because an individual agent’s involvement in these processes makes no measurable causal difference to the harms brought about by the processes);⁴ I will show that intention theories are inadequate (because they also fail to link the agent to the outcomes of these larger processes by means of a relevant intention). I believe a more fruitful emphasis is concern about character and commitments, not conceptions of responsibility, and the expressive account holds that one’s actions are subject to assessment “in virtue of what they mean” (and thus signify about the agent), “not simply because of what they bring about.”⁵

I focus on market choices because they are a means by which individuals participate nearly constantly, if unreflectively, in the larger political structures cited by Scheffler and Jamieson, and thus by which agents become affiliated with serious and widespread effects, such as global warming and oppressive labor conditions. Scheffler and Jamieson are responding, of course, to a lack of concern among agents about their participation in these larger processes—

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² Scheffler, 44-45, 47.
³ Jamieson (1992), 149-150.
⁴ Shelly Kagan does, however, attempt to show some degree of causal connection, or at least lack of certainty that there is no causal influence. See Kagan, “Do I Make a Difference?” I believe the expressive account is a more fruitful strategy, however.
⁵ Brennan and Lomasky (2000), 82.
dissociation enabled by the almost exclusive emphasis, in evaluating agents and decisions, on consequences of actions. Through the political dimension of market choices, however, agents align themselves with particular stances on important issues, rendering the market choices expressive political acts and expressive acts of character. Absent attention, an agent could easily take an expressive position on a political dimension that is counter to her commitments, sometimes deeply important commitments that constitute her sense of the good and, indeed, her character. The expressive theory, then, provides self-regarding reasons that enable agents to make sense of their place in these complex schemes and motivate them to take the political dimensions of their everyday choices into account.

While I will define the scope and nature of “political” more fully later in this chapter, I have in mind issues a) that are generally subject to state policy and regulation, or the result of processes that cannot be measurably influenced but by state intervention, and b) that are also of broad reach and importance, often profoundly shaping individuals’ opportunities, resources, experiences, and overall quality of life. Many of these political issues are matters of human dignity. A representative (certainly not exhaustive) list of issues captured in this broad category of “political” then includes matters relating to education; economics and commerce; environment; health care and public health; food and agriculture; housing; human rights, civil rights, and individual liberty; public safety and the justice system; national security; foreign policy; immigration; social safety net and entitlement programs; media and information; cultural resources; and the role of government, government regulation, and conduct of government itself.6 I will refer to the larger structures and processes that bring these issues to bear in market

6 Within each of these categories are, of course, a number of subcategories of political issues and their consequences. For example, within the category of “economics and commerce” are such political issues as tax policy, use of state resources/government spending, national debt, international trade, corporate regulation, labor and employment, wealth and poverty, housing, and infrastructure; within “food and agriculture,” as I will describe in
choices as “political structures” or “political processes,” in which I subsume what are referred to by others as economic and social structures, processes, institutions, and arrangements, as I take them all to be, fundamentally, political in nature.\(^7\)

I will also preview here, and address more fully later, the ways in which market choices are embedded in these structures. Iris Marion Young captures succinctly the structures in which the agent becomes involved through a particular choice:

By the simple act of buying a shirt I presuppose the actions of all those people who are involved in growing the cotton, making the cloth, gathering the cutters and sewers to turn it into garments, the cutters and sewers themselves, and all the agents involved in shipping the garments and making them easily available to me.\(^8\)

The process actually involves not just these individuals, but also all of the practices and policies that support or attend the structure. Those practices include the working conditions and wages of the workers at every step of the process; the environmental practices involved throughout the supply chain (e.g., emissions of factories, the “carbon footprint” of transporting the good) and any resulting public health effects; and government subsidies that, for example, support the production of cotton, along with tariffs and relevant trade agreements that favor some import nations over others. The process also includes the traditional political activity of participants in the supply chain, such as lobbying or supporting candidates to advance interests that affect some aspect of business operations (e.g., tax policy, environmental regulations, labor regulations, and the aforementioned subsidies and tariffs), as well as illicit political acts such as bribing.

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\(^7\) For example, while Iris Marion Young uses the term “social structure” to refer to “the accumulated outcomes of the actions of the masses of individuals enacting their own projects” that result in unintended structural injustice, in describing a particular case of an individual’s housing plight, she cites issues such as segregation, transportation, gender discrimination, access to education, and other factors that I take to be political. Young (2013), 62, 45, 54.

\(^8\) Young (2013), 159.
government officials to facilitate some aspect of the business. The political activity of the supply chain participants need not even be germane to bringing the good to market; it might simply reflect the personal political interests of an owner, yet be fueled by profits from the business enterprise—thus becoming part of the overall process in which a market choice is embedded.

There may be elements of such processes that an agent views as harms—that do not align with her commitments to, for example, fair labor or protecting the environment. Yet with billions of consumers involved, her purchase of a shirt tips no balance in demand and makes no direct, measurable causal contribution to another worker’s being added to the rolls of a sweatshop. She is in no way seeking to bring about this harm, but sets out to accomplish a specific, discrete purpose; she is “following the rules, minding [her] own business, and trying to accomplish [her] legitimate goals.”9 The agent would seem able to claim: “I did nothing to bring about this undesired outcome and did not intend it, so there is no problem for me here.” Intuitively, though, agents should be concerned that in their everyday lives and quotidian choices, they find themselves affiliated with harm through processes in which the choices are embedded, even if they have no meaningful influence on those harms. The challenge is to capture the harm and the overall process convincingly within the scope of individual action.

Because of their political dimensions, market choices, as I will show, are not merely discrete choices of goods; they also “say” something about the agent: “I am the sort of person who cares about X”; or “I am not the sort of person who cares about Y.” Further, by expressivist standards, practical reason requires that, ceteris paribus, “one’s actions adequately express one’s rational attitudes toward the people and things one cares about.”10 Accordingly, if one cares

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9 Ibid., 63.
about workers’ rights and dignity and purchases apparel made in a sweatshop, the action does not express the proper attitude and is, on its face, irrational.

I will consider a range of agents in specific situations and explore the expressive significance of their market choices arising from the political dimensions of the choice, as well as the quality of the agents’ reasoning in making the choice. I will also describe the process by which an agent should evaluate the expressive significance of market choices in making a rational all-things-considered decision. While I seek, through the expressive account, to show that agents have compelling, self-regarding reason to be concerned about their involvement in harms produced by the larger processes in which their actions are embedded, harm need not be the only focus. The expressive account also explains why, on the basis of an agent’s deeply held commitments, she might rationally make a market choice in order to convey approval or endorsement of a particular political position embodied in the choice, even though the action is futile with respect to practical fulfillment of ends related to that commitment. As expressive political acts—and expressive acts of character—such practically futile action in the market arena is akin to traditionally politically expressive (and practically ineffectacious) acts such as draft card burning.

In the remainder of this chapter, I will summarize the chapters to follow and then provide a more detailed description of the political dimensions at work in market choices.
II. Chapter Summary

A. Chapter II: Two Intention Theories

Before proceeding with an expressive account, it is worth considering whether other theories sufficiently explain why agents should be concerned about their involvement in the largely uncoordinated and diffuse processes or structures in which market choices are embedded and their consequences. Accordingly, chapter two will explore two intention theories: Margaret Gilbert’s theory of group guilt and Christopher Kutz’s theory of complicity. Both seek to apply some form of “joint” or “shared” intention to link the individual agent to outcomes of some group or process of which he is part, even in cases in which the agent does not specifically intend the outcomes and, in fact, wishes they did not occur. While I do not think their accounts succeed for reasons that I will show, they identify hurdles a successful account would need to avoid or overcome and also suggest the role an expressive account might play.

With respect to Gilbert, I will argue that her attempt to establish an individual’s participation in a “joint commitment” is unpersuasive not only in the more diffuse cases I have in mind, but even in more narrowly defined or closely knit groups. The challenges to Gilbert’s theory that I will outline range from her insistence that an individual cannot unilaterally withdraw from a joint commitment, to joint commitment’s inability to accommodate situations in which an agent is wholly ignorant of—or is aware of and actively dissents from—the group action, to the difficulty of finding a description for a shared goal that each participant would recognize and accept as capturing his individual aim. In addition, Gilbert’s concept of “membership guilt,” which seems indivisible into allocations of individual guilt, is not a persuasive basis for an agent’s concern about involvement in a group or process that brings about harm. Neither the emphasis on guilt, nor the irreducible collectivity of the guilt seems fruitful.

Kutz’s emphasis is more satisfyingly placed on individual accountability, but he encounters difficulties similar to those Gilbert faces. He substitutes “overlapping participatory intention” for Gilbert’s “joint commitment,” but the challenge remains: how to describe the intention of individuals at the point of overlap such that all participants in some collective enterprise (however loosely affiliated) would recognize and accept the common ground as capturing their motivation and aims. Kutz goes to some pains to make technical distinctions to navigate this challenge, seeking, for example, to separate “participatory intention” from “group intention” and “executive intention” from “subsidiary intention,” but the distinctions are ultimately unpersuasive. In addition, while Gilbert overreaches to incriminate agents in collective guilt, Kutz at times seems to overreach in seeking to mitigate their accountability (e.g., in the case of an engineer making improvements to “little black boxes” that may ultimately be deployed in landmines, as we shall see). In the case of “unstructured collective harms” (e.g., ozone depletion and resulting incidences of skin cancer brought about by the emissions from millions of drivers’ cars), Kutz interestingly appeals in passing to “reasons of character,” suggesting a possible role for concern about what an agent’s involvement in certain processes or structures says about who he is and what he values.\textsuperscript{12}

Ultimately, I will set aside intention theories—and their focus on guilt and accountability—as unpersuasive and will substitute the expressive account’s focus on commitments and rationality.

\textsuperscript{12} Kutz, 186 and 43. Kutz appeals to the expressive account in the simplest case he offers, too—that of a contemporary beneficiary of long-ago harms.
B. Chapter III: The Expressive Account

Chapter three will outline the expressive theory on which I will rely, drawing on Elizabeth Anderson’s expressive theory of rationality and her treatment, in collaboration with Richard Pildes, of expressive legal theory, and also on Geoffrey Brennan and Loren Lomasky’s expressive theory of voting. I will then describe in detail the application of the expressive account to specific cases of politically laden market choice and the resulting expressive significance of those choices. I will consider the respective degrees to which the agent’s intention and a third-party’s interpretation of the agent’s action determine expressive significance. I will also describe the assessment of expressive significance required by an agent for her reasoning to be consistent with expressive principles of rationality. Where relevant, I will return to cases raised in the Gilbert and Kutz discussion, showing that the expressive theory handles these cases while avoiding the challenges intention and accountability theories encounter.

Elizabeth Anderson, in her expressive theory of rationality, holds that “Practical reason demands that one’s actions adequately express one’s rational attitudes toward the people and things one cares about.” On this view, what will allow an agent to express her attitudes appropriately is a criterion by which to choose “from among the many actions [she] could perform, the action which it makes most sense to perform.” Anderson and Pildes also stipulate that the agent herself is not the sole arbiter of the expressive significance of her own action, and so the agent must take possible third-party interpretations into account in deciding whether, all things considered, an action adequately expresses her attitudes toward what she cares about.

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15 Ibid., 22.
16 Anderson and Pildes, 1513.
Here I will also draw on Adler’s “speaker’s meaning”/”sentence meaning” distinction, as described in his debate with Anderson and Pildes.\textsuperscript{17}

To this foundation of my expressive case, I will add elements drawn from Brennan and Lomasky’s depiction of voting as fundamentally an expressive exercise. Their assumption is that, except in highly improbable circumstances, any given voter’s ballot will make no difference to the outcome of an election; therefore, some factor other than efficacy must explain the rationality of voting. I will show how this insight applies to market choice, where decisions are typically taken to be more decisive than expressive; the marketplace is also, however, to a large degree, a political arena.

In the remainder of the chapter, I will explore in detail the application of the expressive view to cases of market choice. I will consider a range of cases: 1) the intentional expressive agent (i.e., one who makes a particular choice specifically in order to affiliate himself with a political dimension of that choice); 2) inculpably ignorant agents, including the deceived agent (who do not intend to ally themselves with the political dimension in question, but are nevertheless unintentionally expressive agents); 3) the unconsciously biased agent (whose true beliefs do not match his professed commitments); 4) the rationally ignorant agent (whose willingness to “roll the dice” with what the expressive significance of his act might be is itself revealing of his character and commitments); and 5) the all-things-considered decision-making agent (who may, in the end, rationally make a choice at odds with the commitments pertaining to the political dimensions of the choice). In each case, I will consider the agent’s knowledge of the relevant political dimensions of a market choice and his intentions, if any, with respect to those dimensions, and will assess the resulting expressive significance (including third-party interpretations) of the action and its rationality. It will become clear that even if choices counter

\textsuperscript{17} Adler, “Expressive Theories,” 1387-88.
to some commitments are not uncontestably irrational, there is sufficient reason for an agent to take the political dimension and expressive significance into account in deliberation, which is primarily what I set out to show. These cases are meant to raise and address questions to flesh out the expressive account in relation to the expressive significance of market choice, but I will also consider more ordinary cases of everyday market choice that I believe to be the most prevalent kinds of cases. Finally, I will distill from the cases considered the elements of the deliberative process necessary, including the place of third-party interpretations, to fulfill the requirements of practical reason by expressivist standards.

C. Chapter IV: Challenges to the Expressive Account

In the fourth chapter, I will explore three possible objections to the expressive account: the charge of smuggled consequentialism; the charge that the expressive theory demands too much of an agent (both in terms of knowledge and deliberation, and in assuming a range of available alternatives that do not exist for some agents); and the charge that, conversely, the expressive account requires too little of agents, specifically in terms of their working to change the political structures in which they participate if harms are brought about by those structures.

1. Smuggled Consequentialism

   First, I will respond to a possible objection suggested by Matthew Adler’s treatment of expressive legal theory: that to the degree an agent is concerned about how others might interpret the expressive significance of his action—or might incur “expressive harm” as a result of his action—he is actually concerned not about an expressive dimension, but about a causal consequence. That is, if one believes that someone will interpret the meaning of his action as,

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18 See Adler, “Expressive Theories,” 1424, 1438, 1494.
for example, expressing a lack of respect for her as a member of a minority group, the problem is the insult as an outcome. I will respond that my account does not rely on consequentialist considerations.

2. Demandingness

I will then shift to an objection that my expressive account places an unreasonable burden on the agent to identify and consider the political dimension of market choices. I will consider what might be called the “demandingness” objection from the perspective of two kinds of agent: the Privileged Agent and the Constrained Agent.

The Privileged Agent has time to explore the political dimensions of ostensibly non-political choices; the education and ability to interrogate such choices and assimilate and evaluate relevant available information; and the resources to make different choices if, for example, the cheapest and most accessible choice proves inconsistent with some important commitment she holds. At a certain point, however, the amount of time and effort required to ensure consistency between choices and commitments may represent an irrational pursuit—too costly in terms of the loss of opportunity to pursue other interests or too costly for the benefits derived.

The Constrained Agent, on the other hand, is severely limited in his ability to investigate the political dimension of ostensibly non-political choices (e.g., time, access to information, ability to interpret and apply the information) and in his set of choices, such that, even if he preferred an option more consistent with certain commitments, it would be inaccessible to him for reasons of cost or some other factor. One might object that my claims either put rationality beyond his reach or fail to account for his situation all together.
I will show that the demandingness objection can be adequately addressed, though it requires some concessions. Practical reason obviously requires the agent to strike a reasonable balance; it would no more be rational for everyone to become a zealot focusing monomaniacally on rooting out hidden political dimensions than it would be for agents blithely to ignore those dimensions all together. Fortunately, information about these political dimensions is, in many cases, abundant (indeed, nearly inescapable). In other instances, a modest amount of reflection may reveal that the agent’s attachment to certain principles is not all that strong—his assumed commitments are not really commitments after all. I will also consider the “scalability” of commitments; adherence to them need not be an all-or-nothing affair.

With respect to the Constrained Agent, I will acknowledge that the circumstances described are impoverished indeed. Conducting his life in a manner consistent with any fundamental commitments beyond basic survival is beyond this agent’s reach. That is not necessarily to say that because he cannot act in ways consistent with commitments with respect to the political dimensions of market choices his reasoning is flawed or that rationality is beyond his reach. While his impoverished circumstances are problematic, they are not problematic for my theory.

3. Not Demanding Enough

Finally, I will consider the objection that the expressive theory lets agents off too easily. Young and Walter Sinnott-Armstrong, for example, hold that harms resulting from complex political structures require a practical, political response from participants in the structure—specifically, working actively to change the structures. Young emphasizes that even the Constrained Agent bears some burden to resist or change the circumstances that constrain him.¹⁹

¹⁹ Young (2003), 43.
I will respond that I do not seek to preclude agents from doing more than the expressive account requires, but that expressivism achieves my primary aim of establishing a reason for individuals to be concerned about their participation in these structures that bring about outcomes they view as harms. In addition, it would be curious, if not hypocritical, to set about changing a structure—and seeking to engage others to do so—while still making, as a participant that structure, everyday, unreflective choices inconsistent with one’s commitments.

III. Defining the Political

The remainder of this first chapter will define the political dimensions of everyday, ostensibly non-political market choices that result from the larger political processes in which the choices are embedded. I will begin by distinguishing traditional political activity (presumably uncontroversially accepted as such) and expand from there to describe in detail the kinds of political issues pervasive in market choices.

A. Traditional Political Activity

While the political dimensions of market choice as I describe them represent a kind of constant political engagement by agents, attention to which is necessary to ensure actions consistent with one’s commitments and sense of the good, what I have in mind is not civic humanism—which suggests political life as a “privileged locus of the good life” because we are political beings “whose essential nature is most fully realized in a democratic society in which there is widespread and vigorous participation in political life.”

I am also not referring to traditional political activity available to citizens in democracies and certain other forms of government such as voting (or not voting) for candidates for elected

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20 Rawls, 206.
office and pursuing or holding elected office oneself; attempting to influence the outcome of an
election by fund raising for a candidate, directly contributing one’s own funds, or canvassing for
votes; or attempting to influence the decisions or stances of fellow citizens or elected
representatives or otherwise to shape law or public policy by participating in public fora and
debates, marching in demonstrations, and personally lobbying decisionmakers or financially
supporting lobbying organizations.\textsuperscript{21} I also set aside political activity such as fulfilling (or
refusing to fulfill) certain civic obligations, such as serving on a jury and paying taxes.

In some cases, one’s profession constitutes traditional political activity. Relevant jobs
include not just holding office, holding certain staff positions for government officials or bodies,
and serving as a political appointee, but also work with the primary objective of furthering
certain state ends (e.g., the roles of prosecutors and public defenders) or influencing the outcome
of law or policymaking (e.g., organizers and activists, lobbyists and advocacy group staff, and
professional political satirists and some artists). These sorts of roles are not the kind of political
activity I will address. What is relevant, though, is any political dimensions of ostensibly non-
political professional positions, as I will discuss; that dimension, too, derives from the larger
structures of which the position and enterprise are part.

Finally, traditional political activity includes efforts to be an “informed citizen”
(following current significant questions and the various positions on them), as well as revolution
and dissent (including expressive acts such as writing a letter to the editor or standing on a
soapbox and holding forth in the public square; flying or burning a flag; and displaying a bumper

\textsuperscript{21} As a comparative government survey is beyond the scope of this dissertation, I will focus, for purposes of
simplicity, on issues that are prominent in the political arena in the United States. These are not uncommon issues
in other western representative governments. With respect to more authoritarian regimes, where citizen
participation in shaping policy is severely curtailed—as market choices might also be—the question of expressivism
is different or even moot. The situation of individuals in these political structures is akin to that of the “Constrained
Agent,” to whom I will return in the last chapter.
sticker, lapel pin, or yard sign promoting or opposing a candidate or cause). These are behaviors that have a direct analog in market arena cases, as I will discuss.

While the common thread of what constitutes the political dimension of interest to me is difficult to define precisely, it is sufficient for my broad purposes to say that “the political” corresponds to matters subject to public policy or state regulation (where “state” includes any government entity, including that of the smallest locality) or having to do with the conduct of the state itself. This is, of course, true by definition. Included, too, as I have suggested, are the kinds of complex structures (e.g., aspects of international trade) that can likely be changed only at the governmental level or through use of state power. In addition, the issues of interest to me are, I believe, political because they have a profound effect on those within their scope (and the scope is quite broad, spanning nations and transcending borders) and profound influence on the quality of lives.

B. The Political Dimension of Ostensibly Non-Political Market Choices

1. The Intersection of Commitments and the Political Dimension

I shift now to how one’s stance on political issues via market choice reflects, if not helps constitute, one’s character. The activity on which I will focus does not, on its face, appear to involve larger, character-defining personal commitments, but rather simply to address quotidian wants and needs, such as what to eat and where to acquire it. The choices are undertaken to achieve some immediate interest or end and are typically viewed as trivial choices. It is a mistake, however, to ignore the intersection between such everyday choices and the deeper, more

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22 A yard sign with the name of a candidate, or that supports or opposes commercial development in a neighborhood, or that supports or opposes a ballot initiative, or that comments on an international relations issue would be political activity. As can be inferred from my argument in chapter three, however, a sign advertising one’s lawn maintenance company may also constitute a political statement, in so far as it represents an environmental stance such as condoning the use of industrial chemicals for the sake of a green lawn or perhaps preferring organic treatments to achieve the same end.

23 For discussion of this point, see: Jamieson (2007), 170 and Sinnott-Armstrong, 312.
significant commitments that give an agent’s life and character meaning and coherence. It will become clear as I flesh out the political dimensions of a representative kind of market choice that commitments and actions related to the relevant political dimension “speak to” what side an agent is on with respect to important questions that are often matters of justice and human dignity, that pertain to what agents take to be good and worth promoting or protecting. Areas of overlap between the political dimensions of market choice and personal commitments include environmental justice issues, such as exploitation of other nations’ natural resources and justice between generations; issues of individual dignity and freedom, such as equality, access to basic health care and education, fair labor practices, and immigration; and animal rights.

I acknowledge that concerns about the expressive significance of one’s actions and rationality do not pertain uniquely to market choices or political issues. Such concerns rightly apply to all manner of commitments and choices. I do, however, believe that a particular emphasis on the political dimension and expressive significance of ostensibly non-political everyday choice is important, both because it is frequently overlooked—and not without cost to the agent—and because, as Scheffler and Jamieson urge, a way of understanding the place of one’s choices within larger structures is important. So while the expressive account has application beyond the political, there are clear reasons to focus solely on that dimension here.

2. A (very) Brief History of Politics and Market Choice

That the kinds of political dimensions I have identified lurk in everyday choice is not a new feature of these choices, though the range of choices and the number of political dimensions involved have increased with the complexity of the global economy. The political dimension is

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24 While it is possible that some agents may not hold any commitments that intersect with “the political” category as I have described it, it seems unlikely that anyone would be indifferent to all. Even someone who is wholly anti-government holds at least that relevant commitment.
not a characteristic of these choices by definition, but rather contingently—due to particular and changeable circumstances. Still, the presence of these political dimensions in everyday choice seems to be largely inescapable at present, and unlikely to disappear absent radical shifts.

The increased politicization of market choices is largely the result of advances in science and technology and dependence on global supply chains. Food is now produced on a much larger and more industrialized (including creation of synthetic ingredients) scale than in the past; those advances bring a host of issues that did not exist when limited refrigeration and transportation options required, at least for perishable goods, a dependence on locally produced food, if not food a household itself produced. Yet earlier systems of production were hardly without political dimensions of profound significance; those systems did, after all, frequently depend on slave labor for goods consumed domestically and exported, as well as for imported goods. 25

And so, in making a consumption choice, agents have long been doing more than just choosing option A over option B; they have been involving themselves in larger political structures and issues. In purchasing tea, a good controlled by the British government and the East India Tea Company, early American colonists were agreeing to be taxed by a government that they did not feel represented them and, in fact, encroached on their autonomy. More recently, political dimensions were present in consumption choices such as patronizing a racially segregated business or purchasing a house in a neighborhood with a racial, ethnic, or religious covenant. There can be interesting shifts in the political dimensions of the same choice over time. Mass-produced foods were once advertised and perceived as a source of “women’s liberation” for an unprecedented convenience that freed women (always women!) from one

25 For a detailed history of slavery and other political dimensions of the sugar trade, see Abbott. For a history of similar issues in the banana trade, see Chapman.
element of their domestic toil, preparing family dinner.\textsuperscript{26} Now such innovations are recognized as costly in terms of health and nutrition, as the relative low cost of fast food makes it a more accessible choice to those with low incomes, influencing the prevalence of obesity and other health concerns among that population.\textsuperscript{27} So the political issues at the fore in a bucket of chicken are now questions of economic justice and public health rather than gender equality.

As the market choices available, the complexity of the structures and processes behind them, and the range of political dimensions present in choices have increased, so, too have the causal and physical distance and number of intermediaries between the consumer and any harms caused by the processes. Causal and geographic distance from harm makes the harm less salient to agents and, where they do recognize the existence of the harm, the geographic remoteness and number of intermediaries between them and the harm enable agents to distance themselves and their actions figuratively from harm. Such distance, however, does not get one off the expressive hook. By expressivist principles, if one were not the sort of person to patronize a local hardware store owner because he is known to subject workers to unfair and dangerous conditions or to exploit them through low pay or withholding benefits, then one should not be the sort of person who accepts those standards in relation to a T-shirt produced in Bangladesh. The principle, not proximity matters on the expressive account.

3. A Case Study

I turn now to a case study to make clear specific ways in which political dimensions pervade everyday choices, such that these choices constitute acts of political expression. I will

\textsuperscript{26} As Michael Pollan notes (131-132): “Back in the 1970s, KFC ran billboards depicting a family-sized bucket of fried chicken under the slogan ‘Women’s Liberation.’” At present, though, many busy people of both genders are seeking “liberation from the influence, on our lives and culture, of corporations like KFC.”

\textsuperscript{27} See Etherton, \textit{et al}, 1: “Between 1995 and 2011, $18.2 billion in tax dollars subsidized four common junk food additives—corn syrup, high fructose corn syrup, corn starch, and soy oils.”
consider food choice as a representative case. Those involved in “food politics” adopt slogans like, “Every bite you take is a vote” and “Vote with your fork.” As I will argue in applying the expressive theory in chapter three, these slogans are remarkably apt and signal the myriad issues on which one expresses a view in making almost any food choice. There is first the choice of whether to become a participant in a global supply chain or to avoid it to the degree possible, by, for example, buying directly from farmers, bakers, and the like or producing some food oneself. 28 If an agent takes the global supply chain route, almost any choice enmeshes her in a complex political web. 29

a. Agricultural Subsidies

First, the political dimensions of nearly any food choice include the allocation of tax dollars to subsidize certain agricultural products. Subsidies are a complicated topic. They create demand for tax revenue from citizens, deepen national deficit at times, and divert revenue from other possible projects. Subsidies for agricultural production in developed countries flood the global market with cheap alternatives, crowding out of the market developing nations that produce the same good, and even crowding farmers out of the market in their own country if imported goods are cheaper. Subsidies in the United States, some argue, lead to “overfarming” that requires enormous amounts of water and presses land into service for farming that otherwise might be preserved as wetlands or forests. Government price controls artificially inflate prices for some foods (e.g., milk and sugar). The corn subsidy, as noted above, arguably contributes to public health problems by making artificially cheap a vast range of processed foods that

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28 The “local” choice to avoid “agribusiness,” “factory farms,” complex conglomerates, and the like is itself a political choice but does not necessarily allow the agent to escape further political dimensions (e.g., agricultural subsidies, local farmers’ labor practices), though those dimensions are likely fewer and less far-reaching than with the mass production option.

29 For a comprehensive overview of many of the issues outlined below, see the Pew Commission report.
contribute to obesity and lack nutritional value. In addition, the government artificially creates, by mandate, a demand for corn production by requiring that gasoline contain a certain percentage of corn-derived ethanol that, in turn, artificially inflates fuel prices (when ethanol costs more than the gasoline to which it is added), reduces vehicle fuel economy, and has no meaningful effect on reducing reliance on petroleum or any demonstrated environmental benefits.30

b. Environment

In addition to complex subsidy schemes and their consequences, the global food chain involves environmental considerations. I have mentioned deforestation and water demands for large-scaling farming; energy demand is also high in such operations. Large farms also generate more animal waste than the land can absorb, which ends up as runoff in streams—as does fertilizer applied to crops.31 Much agricultural production relies on genetically modified seeds, the consequences of which are the topic of debate, and the use of which is the object of litigation.32 Other environmental concerns include the materials used in food packaging, means of disposing of the packaging (i.e., is it recyclable or biodegradable or destined for the land fill), and the “carbon footprint” of food’s transportation to the grocery store shelf, perhaps from another continent. Even if one is committed to consuming only, or primarily, organic foods—thus mitigating certain environmental concerns such as fertilizer runoff—the means by and distance which the food is transported remain relevant environmental, political considerations.

30 For a brief summary of issues involved in agricultural subsidies, see, e.g., Borders and Burnett.
31 For a broad discussion, see Pew, 22-29. For a particular case, see U.S. Department of Justice.
32 In March 2013, for example, the U.S. House of Representatives adopted the Farmer Assurance Provision of the Agricultural Appropriations Bill for 2013 (known by its detractors as the “Monsanto Protection Act” or “biotech rider”), which was reportedly authored by Monsanto itself and shields genetically modified seeds from litigation based on health concerns. Among the legal issues pertaining to genetically modified seeds are patent issues, such as the one decided by the U.S. Supreme Court in May 2013. See Liptak, 2013.
c. Public Health

With respect to public health, I have already mentioned the types of foods that benefit from farm subsidies that can be detrimental (i.e., leading to obesity and high rates of chronic illnesses such as diabetes in certain populations, including poor children). In addition, large-scale raising of animals for food frequently involves injecting them with hormones to accelerate their growth and antibiotics to offset unsanitary conditions—both of which end up in the human system when the animal’s meat is consumed, leading to antibiotic resistance in humans. Some argue that large-scale production—and concentrating vast amounts of food production in a small number of corporations—can lead to more devastating and more frequent outbreaks of food-borne illness; the way in which food safety is regulated is among the political dimensions of food choice.  

d. Labor

Labor issues are also a significant factor in the global food industry. In the United States, agricultural workers have long been subject to low wages, grueling hours (often without overtime pay), and dangerous working conditions (at times, reportedly being shackled or held in their places by gun-wielding guards). Workers are often not provided health insurance, and their efforts to unionize are often suppressed. Many farms openly acknowledge they rely on undocumented workers (a status that makes workers more vulnerable to exploitation), and openly lobby against government enforcement of immigration policy in order to contain labor costs. There are also well-documented and publicized cases of modern-day slavery in production of imported foods—whether beef imported from Brazil where workers are, in effect,

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33 For a broad discussion, see Pew, 11-19. For a particular case, see Moss.
34 For a detailed description of labor conditions, see: Oxfam. For a report on the labor practices of a particular corporation, see Greenhouse.
35 See McKinley and Preston.
enslaved to clear land for ranches; sugar from the Dominican Republic, where production depends on slave labor, largely from Haiti; or chocolate made from cocoa harvested by child slaves in Ivory Coast.\textsuperscript{36,37}

The political dimensions of farming and food production extend to restaurants and retailers. Wal-Mart, with its increasing grocery market share, has been the object of wage and hour law violation litigation and a record class action lawsuit alleging systematic gender discrimination (though the U.S. Supreme Court ultimately ruled that the case could not proceed as a class action).\textsuperscript{38} Many large grocery enterprises, food manufacturers, and fast food restaurants are known actively to suppress the unionization of workers. Federal minimum wage for tipped restaurant workers is approximately $2/hour, and many do not have benefits such as paid sick days or health insurance.

e. Treatment of Animals

The food chain with respect to animal products involves its own political dimensions. Treatment of animals can range from cruel to comparatively compassionate. Graphic descriptions of the former abound:

Broiler chickens . . . typically spend their lives in windowless sheds, packed in with upward of thirty thousand other birds and generations of accumulated waste. The ammonia fumes thrown off by their rotting excrement lead to breast blisters, leg sores, and respiratory disease. Bred to produce the maximum amount of meat in the minimum amount of time, [broiler chickens] often become so top-heavy they can’t support their own weight. At slaughtering time, they are shackled by their feet, hung from a conveyor belt, and dipped into an electrified bath known as

\textsuperscript{36} In relation to the Ivory Coast, see Chatterjee: In response to publicity “that as many as 15,000 child slaves work on Ivory Coast’s cocoa, cotton and coffee farms,” the U.S. chocolate industry mounted “an intense lobbying campaign to fight off legislation to require ‘slave free’ labels for their product.” For an overview of human trafficking issues by country, see U.S. State Department, \textit{Trafficking in Persons Report June 2012}. For a summary of the intersection of everyday consumption choices and human trafficking see U.S. Department of State, “A Day in Your Life: Touched by Modern Slavery.”

\textsuperscript{37} Fair trade products presumably avoid these entanglements.

\textsuperscript{38} Liptak, 2011. For a thorough discussion of Wal-Mart’s influence on labor and other political issues, including global economic processes, see Lichtenstein.
‘the stunner’... Laying chickens are kept in cages, jammed in so tightly that they don’t have room to spread their wings. To prevent them from cannibalizing one another, their beaks are trimmed with a hot blade.\textsuperscript{39}

The agriculture industry’s response to negative public attention to such treatment of animals has also been distinctly political in nature at times, including seeking legislation at the state level to make it illegal to record such conditions without the plant owner’s knowledge.\textsuperscript{40}

\textit{f. Others’ Political Ends}

Another political dimension present in the food supply chain and thus in consumption choices about food is the influence of agribusinesses and food conglomerates (manufacturers, retailers, and foodservice companies) through traditional political avenues such as legislation, lobbying, and campaign contributions—as well as conduct beyond their role in food production and distribution, such as how the corporate entities treat their own workers and deploy their profits.

With respect to influence in the traditional political arena, for example, Archer Daniels Midland (ADM) spends considerable resources on lobbying activities related to renewable fuels and agricultural subsidies and also seeks to lift the economic embargo on Cuba, making it easier for the company to sell food there.\textsuperscript{41} ADM operates some 500 plants in the United States to process oilseed, wheat, corn, and other products. It is also the leading producer of ethanol and a leading supporter of efforts to increase the amount of ethanol consumed. ADM contributes generously to political parties and candidates, favoring candidates who already hold seats on Congressional committees overseeing agriculture, transportation, environmental policy, and

\textsuperscript{39} Kolbert, 75 and 78. The article contains an equally vivid description of the treatment of pigs raised to produce pork for consumption.

\textsuperscript{40} See Sulzberger.

\textsuperscript{41} See Dillon.
appropriations. Even if ADM were interested only in ensuring an officeholder’s support for its own immediate interests, its help securing the Congressional seat facilitates all of that official’s efforts, including his votes on matters such as health care, civil rights, tax policy, education, and so on. In addition, a large food retailer, even with poor labor practices, provides jobs in a local community and may make generous grants to community activities and organizations—another political dimension. The political activity of a corporation, as noted earlier, may also include the personal political interests of its owners or management funded by profits from the business enterprise.

In short, on the expressive account, as I will show, any agent who, for example, makes the seemingly trivial choice to purchase at Wal-Mart pork produced on a factory farm is entangling himself in the entire range of issues outlined above—from the labor and environmental practices of the pork producer and the retailer, to the producer’s treatment and feeding of its livestock, to the public health consequences of use of antibiotics in raising animals for consumption on a large scale and in close quarters, to the political advocacy (through lobbying and campaign contributions) of the producer and retailer. Depending on one’s commitments, the considerations involved can be more profound than the mere opportunity cost of foregoing anything else that could be acquired with the money spent.

C. Responsibility for Knowledge

The agent’s responsibility for recognizing the presence of the relevant political dimensions is obviously important to my argument. The quality of his reasoning is determined, in part, of course, by the quality and use made of available knowledge. Sometimes the facts

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42 See White and Bovard.
about the political dimensions of consumption choices are seemingly inescapable—so pervasive that there is no epistemic safe harbor from responsibility to take them into account.\textsuperscript{43} In other cases, ferreting out these dimensions and accurate information about them takes time and effort, as I will consider in responding to the demandingness objection in chapter four. It is worth noting, though, that many of the political considerations that apply to the food case (e.g., labor, environment, subsidies, corporate political ends) apply to other market choices (e.g., apparel, transportation). While I am not advocating deriving a universal principle from one specific case, knowledge of one case should be sufficient to make one curious as to whether the same or similar facts apply in cases with like supply chains. It takes little effort to affirm that they do. Thus there can be a high return on investment of time spent to investigate one sector, yielding knowledge applicable across sectors.

1. Reliable Sources
An agent must, of course, be judicious about the quality of information he accepts. The sources from which he obtains information and the way in which he evaluates that information are obviously determining factors in the quality of his deliberation and decision-making. If he relies on a biased source (knowingly or unknowingly), his conclusions may be faulty. If aware of the bias, he can supplement the information with a more objective account, or at least consult a source providing an equally biased representation from the opposing side and interpolate between the two.\textsuperscript{44} Regardless, he should rely on the fullest, most objective picture possible, given time constraints and available information. It is necessary, though, for agents to be able to

\textsuperscript{43} As Scheffler notes, the “communications revolution”—establishment of rapid and robust communications networks with few barriers or borders (e.g., social media)—that has accompanied the rise in complex global political and economic structures makes relevant information “widely and insistently” available. Scheffler, 41.

\textsuperscript{44} This may not be the ideal, but it seems a realistic characterization of situations in which we often find ourselves.
delegate their due diligence to trusted sources.\textsuperscript{45} I will assume that sufficient credible
information is available for the requisite fact-gathering not to present a significant hurdle to
agents in a vast array of cases.

There is also, of course, the possibility of not just bias in a source, but of wholesale
deception. There are doubtless instances in which a manufacturer or retailer might undertake an
intentional effort to deceive—perhaps labeling something “fair trade,” “organic,” “made in the
USA,” or “no animal ingredients,” when that is not true. Likewise, honest mistakes can be made
in labeling. I will consider a case in which the agent reasonably relies on the information
provided, because there is no basis to assume fraud or falsity. There may also be instances in
which the relevant political dimension or some essential fact about it is hidden or obscured.
Misinformation or the inaccessibility of information might cause an agent to make a choice
inconsistent with his commitments that he would not make with accurate information. While he
is not necessarily culpable for the error, he is not necessarily off the expressive hook either, a
topic to which I will return in chapter three.

With this background in place, and before pursuing the expressive case in more detail, I
turn now to two attempts to link agents via intention to outcomes that result from the actions of
some larger group, collective, structure, or enterprise in which he is a participant. As noted
earlier, before charting a new course, it is useful to consider existing strategies, to what degree
they are persuasive, and what can be gleaned from where they fall short.

\textsuperscript{45} For a discussion of the “delegation of political judgment” and reliance on evaluative expertise, see Richardson,
222-224.
Chapter II: Two Intention Theories

This chapter considers two attempts to explain why agents have reason to worry about their involvement in larger schemes that promote ends at odds with their commitments, even if their participation makes no causal difference to the outcome. I will consider Margaret Gilbert’s treatment of group guilt and Christopher Kutz’s treatment of complicity, focusing on shortcomings in their emphasis on intention.

Kutz, like Scheffler and Jamieson, seeks a way to link individual agents to harms caused by larger processes in which they participate. In particular, he wishes to restore individual accountability and characterizes the situation he seeks to address as follows:

The most important and far-reaching harms and wrongs of contemporary life are the products of collective actions, mediated by social and institutional structures. These harms and wrongs are essentially collective products, and individual agents rarely make a difference to their occurrence. So long as individuals are only responsible for the effects they produce, then the result of this disparity between collective harm and individual effect is the disappearance of individual accountability.  

Gilbert offers a similar assessment of the individual’s escape, on her own terms: “A feeling of guilt, it has been said, is appropriate only in relation to one’s own actions. One can, after all, bear guilt only for one’s own wrongdoing.”

I will consider their respective approaches, showing that neither offers an entirely persuasive view. I will first explain the ways in which Gilbert and Kutz’s theories and the cases they consider bear directly on the kinds of cases I have in mind. My interest is in the political dimensions of everyday market choices that are embedded in complex, sometimes global structures that involve large numbers of individuals and effects quite distant from what a particular consumer may have in mind in making a particular choice and where he makes it.

These structures can produce outcomes that conflict with an individual agent’s commitments on

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46 Kutz, 113.
47 Gilbert (1997), 66.
matters of some gravity. These outcomes can be: a) an intentional or instrumental step or steps in the process of bringing a good to market; b) a byproduct of the process that is not an intention or aim of any participant in that process; or c) a result not germane to the process, but enabled by it.

Category “A” includes putting factory workers in harm’s way in unsafe working conditions, subjecting animals to inhumane conditions, deliberately disposing of chemicals in a way that pollutes a nearby river, and corporate lobbying for interests that facilitate the production process (e.g., relaxing restrictions on environmental or labor practices). Category “B” includes acts that are generally foreseeable, but typically not intentional or instrumental. For example, in the process of bringing a T-shirt to market—from growing and transporting the cotton, to the shirt’s actual production and shipping to a retailer, to the consumer-agent’s driving to and from the store to purchase it, to how he disposes of it after exhausting its use or tiring of it—arguably no one intends the cumulative negative environmental impact, and each participant is responsible for only the smallest sliver. Category “C” covers cases such as a family that controls a corporation using revenue gained from their business enterprise to promote their personal political interests, which are entirely irrelevant to the business itself (e.g., if a chicken sandwich chain owner used a portion of profits to provide monetary support to campaigns to ban gay marriage).

Gilbert does attempt to account for groups that are sprawling and constituted by members unknown to one another and, it seems, believes that her intentional theory of joint commitment and shared guilt applies on that scale, just as it would to smaller, more tightly knit groups. The same structure applies to both: if one is part of a group bound together by some joint intention, and some members act in a way that brings about an outcome with which another member
disagrees and that he did not personally intend, he is, by her account, nevertheless guilty with respect to that end. So it would seem that her theory, if successful, would account for at least category “A” cases, as well as category “C” cases—which are both instances of some member or members of the group bringing about an outcome that my assumed agent does not intend or condone. It is also possible, as I will discuss, that she would want to account for category “B” cases, though she does not seem to address them explicitly. That is, in all of her cases, someone in the group presumably intends the end that another group member might wish to disavow. It is not clear that any intention beyond being a member of the group for some larger purpose is necessary, and I will suggest that the further step of applying her theory to such cases is not inconsistent with her view. While I believe she would suggest that her theory can account for all of the kinds of cases I have in mind, as I will show, her account runs into difficulties that make it unpersuasive. And so, I turn to Kutz to assess whether his theory of intention might succeed where Gilbert’s focus on the collective falls short.

With respect to Kutz, his ultimate interest is in category “B” cases, in which no one involved in a large, unstructured group intends a specific harm that results from aggregated individual acts by members of that group. Interestingly, in these cases, he gestures toward, but does not explore, the expressive account, without completely abandoning his focus on intention. In addition to considering category “B” cases, his account also provides for agents who are part of a group in which a member or members intentionally cause some harm not within the scope of another member’s aim, which covers category “A” and “C” cases. Kutz also attempts to address instances in which agents lack knowledge about the aims and actions of other members of the group or the ends of the group as a whole, though he does not address these instances of “hazy circumstances” in the most useful way.
I. Gilbert’s Plural Subject, Joint Commitment, and Group Guilt

Gilbert seeks an appropriate apportioning of guilt when groups act in such a way as to cause harm. If a group, or “plural subject,” as she puts it, “acts badly and bears guilt for its action, then a member of the plural subject can appropriately feel guilt over the action.”48 She argues for a concept of “collective guilt,” which is “the guilt of the group” and which is “shared by members of the collective in question in their capacity as group members.”49 Thus, individual agents who make no contribution to the outcome of the group’s action can be incriminated, because “something other than one’s own wrongdoing is a proper basis for a feeling of guilt.”50

My initial focus with Gilbert is not the concept of collective guilt, but the mechanism of joint commitment on which her conclusions about guilt depend, though as I will show, both the concept of collective guilt and joint commitment are problematic.

Gilbert’s view (synthesized from a range of her writings) and some challenges to it are outlined below. Her theory displaces individual agency in an unpersuasive and, I believe, unnecessary way. In effect, control is given over to a phantom collective of a “plural subject” and its “joint commitment.” After briefly sketching those two concepts, I will consider the following areas that I take to be problematic for joint commitment: an agent’s inability to free herself from the commitment or to control commitments entered into on her behalf, joint commitment’s inability to accommodate dissent, and the difficulty of specifying a joint commitment in a way applicable to all group members. Ultimately, I find her theory unhelpful in its emphasis on the collective (versus the individual) in two senses: it overreaches in seeking to incriminate individual agents in collective commitments that cannot plausibly be attributed to

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48 Gilbert (1997), 84.
49 Ibid., 81.
50 Ibid., 83.
them, and it emphasizes collective guilt that cannot be apportioned to individuals, which limits its effectiveness in motivating individuals to take seriously their involvement in collective harms.

A. The Plural Subject and Joint Commitment

I will consider first the ways in which Gilbert’s “plural subject” and “joint commitment” are constituted. The plural subject is the group that formulates a group intention: if two or more agents are “jointly committed to intend as a body” to φ, they “constitute the plural subject of an intention, and each one’s behavior may then be guided by that intention, so that the intention be carried out.”51 Group intention is grounded in a joint commitment. Some characteristics of a joint commitment are the following: 1) as noted above, “for a group to intend . . . is for its members to be jointly committed to intend that such-and such as a body”; 2) each member of the group “need not be directly involved in the formation of the intention in order to participate in such a joint commitment”; 3) joint commitment is not “reducible to a set of personal commitments over which each party holds sway,” such that an “important aspect of a joint commitment is that it can only be rescinded jointly”; and 4) “[p]arties to a group intention so understood can reasonably see the resulting action as ‘ours’ as opposed to ‘theirs.’”52

B. Rescinding Joint Commitments

That a joint commitment “can only be rescinded jointly” is a puzzling, even startling claim. Consider the case of marriage—at least of volitional marriage. Assume a couple jointly intend to be married, just as Gilbert describes, and they actually get married. Later, one half of the couple decides he no longer wishes to be married. With his spouse having no idea anything

51 Ibid., 70-71. This definition is repeated elsewhere, e.g., Gilbert (2002), 123 and 127.
52 Ibid., 65-67.
has gone awry, he simply decamps to Rio. Unilaterally and independently, he has, if not rescinded the joint commitment, at least rendered it meaningless or unintelligible, which seems sufficient to destroy it. His spouse need not assent to or share in rescinding the commitment; it simply disappears along with him, at least in spirit, even if the legalities take a while to catch up. It seems possible for all kinds of group intentions that a participant is free to desert or default (e.g., business partnerships, employment, or being a shareholder in a corporation or a member of a club or organization). Whether by choice or death, an agent can withdraw unilaterally from joint commitments and abandon group intentions.53

It is true that in larger groups, the withdrawal of one agent may not have the devastating effect it would have in a marriage of two, and thus joint commitments may endure in a meaningful way absent a particular agent. Gilbert acknowledges that in the case of corporations or institutions that span decades or centuries, individual members can come and go while the joint commitment endures, sustained by new generations of members.54 In such situations, an individual may not be missed or his loss can easily be absorbed or he can be replaced. That the joint commitment is sustainable in his absence, however, does not mean that he is somehow bound to the ongoing joint commitment, which seems to be Gilbert’s claim. It is as though a joint commitment is an alloy forged from constituent parts, and individual agents are helpless to return to the original state without some collectively willed reversal of the process.55 This simply

53 Gilbert asserts that her “points about the demise of a joint commitment are of course consistent with the possibility that one party violates the commitment, for good reasons or bad, without the concurrence of the other parties,” though it is not obvious that is true. Gilbert, “Who’s to Blame?,” 101. She also attempts to address the counter-intuitiveness of the claim that agents cannot escape an intention by allowing that “as a conceptual matter, when two or more people share an intention, none of them need have a personal contributory intention.” This concession, however, is followed by an illustrative case of Ned and Olive both abandoning their personal contributory intentions to continue their walk, but the joint intention somehow enduring, though it would seem meaningless in the absence of any agent having a plan that corresponds to it. Gilbert (2009), 171-172.
54 Gilbert, “Who’s to Blame?,” 103.
55 For similar claims that an altogether new entity is formed in a “joint commitment” and its “plural subject” beyond the commitment and presence of each participant, see “the intention of Larry and Meg” in Gilbert (2009), 169. On
seems false. Gilbert overreaches in trying to ensure agents cannot compartmentalize their discrete intention from the overall outcomes of the group.

C. Knowledge and Consent

Further, insistence that group members “cannot detach” from the group that acts seems unable to accommodate the common occurrence of an individual agent’s alienation from action being performed by the group, whether that alienation is through ignorance, dissent, or being duped. 56

1. Delegation of Authority

Gilbert claims that, “If I am one of us, and we did something, I am part of what we did. More precisely, I am part of the agent that did it, part of the [plural] subject of the action.” 57 Insofar as in asserting “I am part of what we did” she is accounting for actions carried out by a subset of the group to whom other members have clearly delegated authority to act on behalf of the group, the claim to joint commitment is plausible, though less through an intention with respect to the specific action in question and more through an intentional decision to give over one’s proxy to allow whatever action the deciding representatives choose. In such instances, individual members of a group can be responsible for, yet ignorant of, group actions, as Gilbert suggests:

[M]embers of P may be jointly committed to intending as a body to do A, without everyone in P knowing or even conceiving of the content of their commitment. This can happen if there is a joint commitment to authorize as a body some person or body to make decisions, form plans, and so on, on behalf of the jointly committed persons. . . . Thus a leader and his henchmen may formulate and carry

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56 Gilbert (1997), 76.
57 Ibid., 76.
out a plan in the group’s name, and, given the appropriate background, the group’s members can say of the group as a whole ‘We did it.’

The agent has a responsibility to delegate only after due consideration, and not to hand over his proxy to delegates in whom he has no faith or about whom he has insufficient knowledge, if the scope of their authority is of any significance. He would seem accountable in some way for handing over power to a group that he had reason to believe might behave badly, though it is not clear that his failure lies in a joint commitment with respect to some larger purpose; rather it lies in a poor choice of proxy or unwisely giving over free rein. If, however, an agent is duped into handing over his proxy, because, for example, the delegates swear they will never do X and then end up doing X, the agent’s responsibility for the group action—and the applicability of the term “joint commitment” or “group intention”—are less certain. Similarly, the delegates could decide without such discussion and disavowal to undertake some action that is not foreseeable by other members of the group, perhaps not even within the scope of their charge. The alienated agent may, again, be responsible for a bad decision with respect to delegation, but it is not clear that he is responsible for the subsequent, unforeseeable bad acts of members of his group.

2. Inculpable Ignorance

Some exception from taint also seems necessary for inculpable ignorance about the actions of one’s group, absent having given a proxy. The following examples seem to present a hurdle for Gilbert in incriminating the alienated agent:

58 Gilbert (2002), 127. See also Gilbert, “Who’s to Blame?,” 103 re: Peter and Rita.
59 If an agent is handing over his proxy to a subset of group members to choose the flavor of punch and the colors of the napkins and balloons, that would seem to require little care, since the consequences of their making a choice he himself would not have made are trivial.
a. If I am a member of a fraternity and am abroad for a semester, during which, back on fraternity row, my brothers engage in some reprehensible activity that is, based on my experience, completely out of character and in no way foreshadowed by the group’s past behavior, was I really any part of a relevant joint commitment? Any relevant joint commitment would seem to pertain only to membership in the fraternity. In fact, I would not have joined the group if untoward impulses had been evident, would have prevented the particular act if I had been present, vocally condemn it now, and will resign my membership. What description of our joint commitment *qua* fraternity members binds me to a subset’s action and resulting guilt? What if I had resigned just before going abroad but my letter went unread? (According to Gilbert, I did not succeed in severing the joint commitment because I cannot unilaterally rescind it, but as noted above, she is unpersuasive on this point.) How far does the scope of joint commitment extend? If I am an alumnus of that chapter or a member of a chapter of the same fraternity on a different campus, am I caught in the web of bad acting? As we are members of the same fraternity, admittedly some joint commitment unites us, but must it also indict us?

b. What if I am a member of a committee that actively sought to exclude me from a decision with which I do not agree; I did not have the opportunity for dissent or remedy. What is the joint commitment that covers this case and subjects me to guilt? (Presumably it is not a joint commitment to bad governance.)

c. What about rogue activity? If I invest in a fund that is, unbeknownst to me, a pyramid scheme, do I share guilt for defrauding other investors? If my business partner engages in an elaborate deception, taking shortcuts without my knowledge that lead to an unsafe product, why am I guilty? Perhaps for lack of judgment about business partners, but that does not
seem to be Gilbert’s claim. If the quarterback of my team throws a game I worked very hard
to win, he clearly never shared the joint commitment to winning that I thought bound us
together. In all cases, I assume something different about the nature of our joint commitment
than these rogue actors do. Do we really have a joint commitment relevant to the rogue
activity at all?

Gilbert cannot compellingly establish the relevant joint commitment since joint
commitment by its nature involves intention, and intention is incompatible with ignorance. This
is certainly not to say that there are no instances in which a member of a group can be said to
have some relationship to a harm caused by the group even if she did not participate in or know
about the harm; it is simply to say joint commitment does not seem a persuasive explanation.

3. Dissent

With respect to dissent, Gilbert argues that avowals such as, “‘Personally, I disapprove of
our going to war’” do not “run counter to the joint commitment to which I am party” as a citizen
of a nation, as “I am expressly not speaking qua group member here, but in my own voice.” An
agent can, on Gilbert’s view, express “personal revulsion towards [the group’s] act without
putting in question [her] participation in the relevant joint commitment.” This is reminiscent of
the problematic claim that joint commitments cannot be unilaterally rescinded. Again, Gilbert
seeks to yoke the agent inextricably to a joint commitment that it seems implausible to claim he
holds.

Consider what Gilbert’s position means in practice. If four members of the U.S. Supreme
Court dissent from the majority opinion upholding a university’s Affirmative Action admissions
practices, those four justices would seem absolved of affiliation with the view expressed by the
majority. It would be unreasonable to attribute to the minority a joint commitment to intend to

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60 Gilbert (1997), 78.
uphold the application of Affirmative Action, when their expressed stance is quite obviously the opposite—perhaps even theatrically conveyed by one in a scathing dissent read from the bench, lest anyone miss the fact of their disagreement. Admittedly, in issuing this dissenting opinion, they are acting as members of the group that is the Supreme Court and, at least in some respect, speaking qua group member; otherwise, they would have no standing to speak at all. The only joint commitment that clearly binds all of the justices together, though, is the commitment to carry out the duty of the Court—to hear the facts of the case, deliberate, and rule according to their best reasoning about appropriate interpretation and application of the law—but Gilbert seeks to bind them all to the content of the prevailing decision.

D. Specifying Joint Commitment

I turn now to a final hurdle for Gilbert’s joint commitment mechanism: describing what those involved in a group—whatever its size and degree of coordination—are jointly committed to sharing an intention to do. The ability to describe specific joint commitments and shared goals in a way that everyone involved agrees upon is necessary to her theory; yet, in many instances, not only the expansive and diffuse structures that most concern me, the best possible description would seem to be a very thin characterization that fails to account for individual motivations, as well as most attendant consequences. It is not difficult to imagine problematic cases involving groups ranging from highly intimate to entirely impersonal. I will begin with the former and then extend to cases in which the shared aim is more diffuse.

First, consider instances in which at least one member of the group is disingenuous. This can affect the smallest of groups. Returning to the case of marriage, in the best scenario, the intentions of both individuals largely overlap, perhaps coincide completely. They pledge
themselves to one another, wish to spend their lives together, wish to undertake, in short, a lifetime joint enterprise in which most that is meaningful is shared. There are also, however, cases of marriage in which intentions may overlap in only the most minimal way. Perhaps one partner enters into the marriage for all of the reasons described above, while the other is simply in it for the money, with hopes that nature may take its course quickly and lead to a large transfer of wealth to him as surviving spouse. How then to describe what the couple is jointly committed to doing? Is it simply to enter into the contract of marriage (the letter but not the spirit)? Similar cases include one of two business partners embezzling from the business while the other acts in good faith, and a colleague who serves on a search committee—not, like fellow members, to ensure the best new colleague is chosen, but expressly to make certain Smith, whom he despises, does not get the job. Perhaps in the former case, both business partners are committed to a successful enterprise, one so he can skim more money. In the latter, perhaps all committee members could agree they are interested in “finding the best person for the job”; one member just happens to be determined from the outset that is not Smith. It is not clear, though, that this description would incriminate those acting in good faith in their colleagues acting in bad faith, which is Gilbert’s aim.

If joint commitment does not hold up in these more tightly knight cases where there should intuitively be a common purpose, it will encounter difficulties in more diffuse groups. What is the joint intention that binds together those who work at a “mission-driven” organization in order to promote the cause and those who work there because they just need a job; among three fellow soldiers who joined the army for totally different reasons: one to serve his country, another who was drafted and would much prefer to leave protecting the country to others, and another who is a spy for the other side; or across a group of volunteers who plan benefit events,
some because they are personally invested in the cause, alongside others there because they are self-promoting and being perceived as civic-minded is helpful to their professional ambitions? In all cases, it seems the range of motivations means that the most that can be said of the joint commitment is that all involved intend to go through the motions consistent with appearing to be a good spouse or good soldier dedicated to a shared mission (though those acting in good faith might object to that depiction of disinterest). There is certainly no joint commitment among bad actors to intend to achieve the overarching goal in the same way sincere spouses, partners, and soldiers would. And so, it seems that the most a joint commitment can be in these instances is the point of overlap of individual commitments, however minimal that common ground.  

I turn now to still larger and wholly impersonal groups acting in an uncoordinated way, and the questions of whether, by Gilbert’s standards, they constitute a group with a joint commitment, and if so, if each member then shares responsibility for any and all actions of the group. Gilbert certainly holds that expansive and diffuse groups can be held together by a joint commitment:

People need not be physically in face of one another in order to create . . . a joint commitment. It is possible, indeed, that the members of a large population can be jointly committed in some way without each one knowing of each as an individual. If it is common knowledge in a population, P, that everyone in P has expressed his readiness to be jointly committed in a certain way, this suffices to create the relevant joint commitment.  

She also, however, distinguishes between “the concordant action of several people” and a “genuinely collective action . . . [that] requires a goal or intention with . . . a genuinely collective subject,” as well as between a collective subject and a mere feature-defined group.

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61 Kutz, as will be considered later in this chapter, deploys the overlapping intention approach.
63 Gilbert (2002), 124.
Process of elimination suggests that the loosely affiliated participants in an overarching process like I have in mind constitute a group to which joint commitment applies, by Gilbert’s standards. She does not define “concordant action,” but assuming she is invoking the idea of “harmonious” or “non-conflicting” action, I take it to mean something like people simultaneously, but solitarily enjoying a swim. That is, if no one else were sharing the water, it would not matter to any individual swimmer; there is no relevant group or plural subject. The swimmers have an individual purpose or activity in common, but it is not a “shared” purpose in the sense that members act as group in an intentional way or depend on the existence of other swimmers. Gilbert does offer a straightforward explanation of “feature-defined groups”: they share some accidental characteristic, as in the case of “the worldwide population of people with blue eyes [or] the population of people named ‘Susan.’”64 She also, as noted earlier, holds that citizens of a nation, by virtue of their citizenship, share a joint commitment to go to war, even if they were not party to or do not agree with the decision.65

Where, then, does the manufacturer/retailer/consumer continuum of interest to me fall among Gilbert’s categories? It is, in effect, a group (if large and diffuse) rationalized by some overarching purpose—an enormously complex network of actions and transactions, comprising all those involved in a supply chain to bring a certain good to market alongside those who create the demand for and purchase that good. They are not a mere feature-defined group, as that term would apply to some accidental and irrelevant characteristic shared by some or all members (e.g., those who are wearing blue shirts). Those involved in this complex chain also seem to be involved in more than “concordant action,” if I have interpreted that term correctly as almost a feature-defined group whose common feature is a specific type of intentional, but solitary

64 Gilbert, “Who’s to Blame?,” 95.
65 Gilbert’s extensive theory of political obligation, which is beyond the scope of my project, is explained more fully in A Theory of Political Obligation (2006).
activity. Even if she would say all shoppers in a store at once constitute merely a concordantly acting group, the relationship of each to the manufacturer/retailer portions of the continuum, if not each other, would (or should) seem more purposeful than concordant. So, I believe there is reason to assume Gilbert would intend for joint commitment to cover such cases.

So, the manufacturer, retailer, and customer are all engaged in some short of shared purpose that brings together and rationalizes them as a group, even if they don’t know each other or explicitly work together to realize their goals. What, though, is their joint commitment? The manufacturer and retailer’s primary goal is to maximize market share and revenue and an instrumental, subsidiary goal is to employ practices that maximize profit. The customer’s goal is access to the goods produced and sold, and perhaps to obtain the desired goods at the lowest possible price. If there is an expression of “readiness to being jointly committed,” is that expression constituted by the supplier’s willingness to produce the good, the retailer’s to stock the shelves, and the customer’s to go to the checkout counter and hand over money in exchange for the good?

The best account of joint commitment seems to be the exchange of goods to satisfy each party’s respective interests. Even if all would accept that description, thought, it is not clear how byproducts of the process are captured within the scope of that intention. Is the customer truly jointly committed to, say, suppressed wages and benefits and gender discrimination for domestic workers, the outsourcing of manufacturing jobs from her country to others and dangerous working conditions in factories abroad, undermining smaller businesses that cannot compete on price due to scale, bribing government officials to relax zoning restrictions that affect others’ quality of life? Does the joint commitment reach back to the most basic element—where ingredients or constituent parts of something are sourced, how the distribution network operates,
etc.? All of these elements are, I have suggested in chapter one, part of the larger process in which each agent participates.

Gilbert does seem to hold that whatever the content of the joint commitment that binds group members together, as a result of that commitment, each member shares responsibility for any and all actions intentionally undertaken by members of the group, as discussed earlier. She emphasizes this, too, when she considers Karl Jaspers’s self-reflection on German citizens’ feeling shame and guilt in conjunction with the crimes of the Nazi state:

‘We feel ourselves not only as individuals, but as Germans. . . . Who does not remember moments in his life when he said to himself, in opposition and in despair of his nation, “I am Germany” or in jubilant harmony with it, “I, too, am Germany?”’

Jaspers struggles to make sense of this impulse and worries that it is not rational for him “[to feel co-responsible for what Germans do and have done.” Gilbert believes the feeling is explained by identity and joint commitment. She suggests that all citizens of Germany share, by virtue of that citizenship, a joint commitment and that, “There is a clear sense in which a joint commitment provides a basis for identification with the group as agent.” And so any citizen is linked to any action—including atrocities carried out in the group’s name—by membership in the group.

I certainly accept that, if there is some basis for identifying with the group, there can be reason rationally to feel an affiliation with the harm caused by the group. I am skeptical, though, about the existence of a joint commitment that binds a German citizen to the acts of the Nazi government in which he did not participate. That would seem to require more explanation than Gilbert offers. She simply seems to infer the existence of a joint commitment from the fact that

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68 Ibid., 136-137.
Jaspers “identifies” with Germany, when perhaps there could be other explanations for his so identifying.\textsuperscript{69} Further, as with cases discussed earlier, it is not persuasive that the scope of joint commitment would include rogue ends; bad actors and those acting in good faith simply seem to have different commitments and intentions. Gilbert is obviously correct that an explanation is needed for the existence of feelings of pride or shame by members of the group who made no causal contribution to the action that spurs the feeling. As I will suggest in the following chapter, though, an expressive account provides a more straightforward explanation than joint commitment. For immediate purposes, though, as noted, joint commitment does not seem persuasively to bind an agent to blame for any and all actions and consequences of a group of which she is part.

\textit{E. Altogether Unintended Outcomes}

Gilbert does not address cases of interest to Kutz in which there is a result from aggregated individual action within some loosely affiliated structure built around at least some partially shared interest or purpose (e.g., the car manufacturer/CFC coolant producer/individual driver continuum that results in the depletion of the ozone and increased incidences of skin cancer). I am not certain, though, that she would back down from this challenge and dismiss it as a case of merely concordant action. If she sought to apply joint commitment, as I think she would, the resulting description of the joint intention would again be some thin characterization such as scattered individuals “participating in the process to bring cars to market and to enjoy the resulting benefits.” Accepting that no one in the process actually intends the cumulative harm and no single act makes a measurable difference in bringing it about (it is not like the case of an

\textsuperscript{69} Ibid.
entity in a supply chain dumping dye in a river), this would seem the perfect case from Gilbert’s point of view, because it appears that the harm is truly the work of the phantom collective (not any individual members) and while no one intends the harm, it is the byproduct of the joint commitment as a whole, however thinly characterized. This characterization, however, leads to another problem—her reliance on “group guilt,” which does not seem to provide reason for any individual involved to be concerned.

F. Allocation of Group Guilt

Gilbert’s original aim is to justify a sense of group guilt or “membership guilt” versus “personal guilt.” She is at pains to avoid the claim that one “bears guilt as an individual person,” or personal guilt, and seeks to establish the collective as the bearer of the burden. To wit: “a feeling of guilt that arises out of one’s group’s bad actions relates neither to one’s own wrongdoing nor to that of ‘others’”; and an agent “can accrue membership guilt while being morally blameless at the personal level.” Further, “the guilt of a group cannot be broken down into guilt personally born by its members,” as “collective guilt is not a kind of ‘sum’ involving the personal guilt of many individuals.”

I will not explore this aspect of her theory in detail, but note simply that if this account of group guilt (versus personal guilt) were persuasive, it is not clear that it would give individual agents sufficient reason to avoid entanglements in group actions that result in consequences with which they disagree. Individual accountability would be more compelling, because it attaches to the agent personally. The inability to disaggregate the guilt is a box of Gilbert’s own making:

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70 Gilbert (1997), 80-81.
71 Ibid., 80-82. Gilbert also argues that collectives as whole “can feel guilt with respect to what they have done,” exhibiting “a joint commitment to feel guilty as a body,” though the case she uses to illustrate her point (i.e., Lisa and Joe babysitting) is unpersuasive. Gilbert (2002), 115.
she has insisted on a formulation of joint commitment that is indivisible and that yields a similarly indivisible phantom collective or plural subject, and now seems bound to a way of allocating guilt that keeps the collective intact. This is a counterintuitive outcome, since Gilbert arguably casts her dragnet too wide in seeking to incriminate individual agents via joint commitment, but in the end, they seem to get off scot free, as though they form an LLC in which individual members are shielded from liability of the corporate entity’s actions.

In addition, guilt is more than I require. I seek a sufficient reason for agents to avoid—or at least to deliberate over the costs and benefits of—participation in processes that result in consequences at odds with personal commitments. Responses such as remorse, regret, embarrassment, shame, chagrin, or even just a vague feeling of unease are sufficient to signal to agents that something is awry—that they have reason to avoid entanglement. Admittedly, though, the structure of Gilbert’s arguments conceptually could accommodate the substitution of any of these responses for guilt; the personal nature of the response, however, would still be missing.

In summary, my primary concerns with Gilbert’s theory are the following: 1) in cases of groups large and small, the only plausible description of the relevant joint commitment is very thin, so it is difficult to see how it ensnares a member in some end brought about by a subset of the group or otherwise not literally contained within the scope of the joint commitment (especially when that member did not participate in bringing about the end, disavows it, or was not aware of it); 2) even if she were to succeed in applying joint commitment in such cases, the allocation of guilt only to the collective does not provide sufficient reason for agents to be concerned about their involvement in harms brought about by groups of which they are members.
I now turn to Kutz’s account, which seeks to advance intention theories beyond Gilbert’s by focusing on individual accountability and acknowledging the difficulty presented by the most loosely affiliated groups whose combined participation in a process brings about harm.

II. Kutz and Complicity

Christopher Kutz seeks to establish individual accountability in the kinds of situations I have in mind, in which agents stand “in mediated relations to harm”:

[O]ur lives are increasingly complicated by regrettable things brought about through our associations with other people or with social, economic, and political institutions in which we live our lives and make our livings. Try as we might to live well, we find ourselves connected to harms and wrongs, albeit by relations that fall outside the paradigm of individual intentional, wrongdoing.72

Like Gilbert, he seeks a way to make agents accountable for what the collective as a whole does, so long as the agent, in some way, intentionally participates, even if the agent makes no actual difference to the outcome. Kutz builds a case for joint action as “sufficient overlap among the objects of agents’ participatory intentions,” while also seeking to allow agents to distance themselves from ends brought about by groups or processes in which they are participants. Contra Gilbert, he argues that “all collective action is reducible to individual action,” and “accountability for collective harms can be nothing more than the accountability of individuals who participate in collective acts.”73

Kutz nevertheless faces the same hurdle as Gilbert in describing group actions in ways in which agents would recognize themselves as intending to participate, even in the minimalist way of overlapping participatory intention. Ultimately, he seems to set aside the applicability of participatory intention in the case of the most loosely affiliated collectives (though, as I will

72 Kutz, 1-2.
73 Ibid., 112.
suggest, it is not clear to me why he thinks that is necessary). In those instances, he appeals, in passing, to the expressive account that I will argue is, in fact, a better explanation than intention and accountability. Again, though, it is important to consider the challenges that intention theories encounter to ensure the expressive theory either avoids or overcomes them.

I will consider Kutz’s framework of participatory and group intentions, executive and subsidiary intentions, and exclusive and inclusive authorship, along with particular cases he presents, such as having one’s work put to uses with which one disagrees and being one driver among billions whose cumulative actions harm the environment. I will show that his mechanisms fall short before reaching the loosely affiliated collective cases. As I did with Gilbert, I will focus first on some technical problems in the account, which seem to stymie Kutz’s attempt to establish the accountability of individual agents in certain cases. I will show that the participatory intention/group intention distinction does not consistently hold; that the inclusive author distinction does not compellingly link agents to harms caused by fellow group members; and that subsidiary intention, on the other hand, is not sufficient acknowledgment of an agent’s degree of accountability. Finally, I will explain briefly Kutz’s appeal to the expressive account.

A. Participatory vs. Group Intention

As noted, Kutz develops the notion of “participatory intention” to supplant casual contribution as the means to “link individuals to collective harms.” A participatory intention is:

an intention to do my part of a collective act, where my part is defined as the task I ought to perform if we are to be successful in realizing a shared goal. . . . What makes my behavior participatory is nothing more (and nothing less) than my conception of what I do as related to the group act, whether that conception is explicit in my deliberations or functionally implicit in my actual or counterfactual

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74 Ibid., 256.
behavior. . . . So long as the members of a group overlap in the conception of the collective end to which they intentionally [individually] contribute, they act collectively, or jointly intentionally.\textsuperscript{75}

In the simplest cases (i.e., those of small groups pursuing a relatively straightforward end) participatory intention is clear. Mary and Jim, for example, agree to dance the tango, and they do so, each performing the respective role necessary.\textsuperscript{76} Each could also have intentions that do not overlap with the other’s conception of their shared purpose—individual motivation to pursue the shared goal. Mary may seek to make George jealous, Jim to make Mary aware of his interest in her. Similarly, if several people agree to go on a picnic, it is easy to see how the shared goal of enjoying a leisurely, social day in the park organizes their individual actions, such as one member of the party’s making sandwiches, another’s bringing the blanket, another buying the wine, and all getting themselves to the park at a certain time. Again, they may have different, individual motivations for pursuing the joint project—other ends to which the picnic is instrumental, such as procrastinating about work, getting some sun, etc.—but their intentions have sufficient overlap in the picnic as a shared end toward which they do their respective parts. Initially, this seems an improvement over Gilbert, because the overlap is defined narrowly and allows agents to bring an array of motivations to the task with the understanding that they are committing only to play their role in some concretely defined group project.

Indeed, Kutz attempts to allow agents to agree to play their role in the shared overall project without even intending that the overall aim be realized by providing that an agent might have a participatory intention without a group intention. Group intentions are “ordinary, instrumental individual intentions whose subject is the individual agent and whose object is a collective act or outcome”; we may attribute group intentions to achieve a joint end “when

\textsuperscript{75} Ibid., 81-82, 90.
\textsuperscript{76} Ibid., 86.
agents act so as to realize the collective outcome.” 77 While “participatory intentions must have collective content . . . participants need not intend to achieve that collective end,” but must only “regard themselves as contributing to a collective end.”78 This, then, is Kutz’s first tactic to incriminate agents in harm brought about by a process in which they participate without their specifically intending the harm.

Kutz says of cases in which individual agents disavow the consequences of group actions of which they are part:

These are cases in which the collective activity is jointly intentional and the product of individual intentional participation, for they involve individuals who see themselves as acting in concert, contributing to a collective end . . . [but it] would be false to these participants’ self-understanding, as well as to the most plausible rationalization of their behavior, to view them as intending to realize the collective end rather than merely to contribute intentionally to it. 79

B. Executive vs. Subsidiary Intention

Kutz’s second step is to distinguish between executive and subsidiary intention, though elements of the description are much like the participatory intention/group intention distinction. As one might expect, an executive intention plays a controlling role over subsidiary intentions in collective acts. The subject of an executive intention is “an activity or outcome conceived of as a whole,” and an executive intention rationalizes and, in effect, orchestrates the necessary subsidiary intentions to bring about the outcome. Subsidiary intentions correspond to specific

77 Ibid., 96.
78 Ibid., 96-97, emphasis mine. Here it seems the agent may simply not wish to have the group end realized. Elsewhere, Kutz seems to suggest that it would be nonsense for an agent to hold a group intention in addition to a participatory intention, because the individual could not himself realize the group end. This claim is not persuasive, as I will consider shortly.
79 Ibid., 102.
parts of the whole and are “causally explained by and make instrumental sense in relation to that goal.”\textsuperscript{80}

A musician in an orchestra “is not just playing the viola—but is performing—along with others, a certain symphony. The musician’s intention to participate in a collective act, playing the symphony, both causes and rationalizes the viola playing.”\textsuperscript{81} While the musician’s actions are “fully explained by positing an intention to contribute to the orchestra’s performance,” the musician lacks—and would not reasonably have, Kutz believes—an executive intention “whose scope includes the entire performance.”\textsuperscript{82} The conductor, however, exhibits an executive intention “aimed at the goal that the orchestra together perform” the selected piece. Executive intention leads the conductor to generate certain other relevant intentions, such as to “choose suitable rehearsal times, to ensure that replacement players can be found in case of illness, . . . and so on.”\textsuperscript{83} Part of Kutz’s aim here is to establish a scale by which to allocate accountability, and, as we will see, he argues that those exhibiting executive intention bear more accountability than those exhibiting only subsidiary intentions, because they are more central to the entire enterprise and, one infers, motivated largely by the outcome.

C. Inclusive vs. Exclusive Authorship

Kutz’s third distinction—inclusive versus exclusive authorship—is also aimed at linking, on a relative scale, individual agents to the outcome of some group act or process even if they make at best a marginal contribution to the outcome. Inclusive authorship allocates some degree of accountability for group action across individual participants whose participatory intentions

\textsuperscript{80} Ibid., 87.
\textsuperscript{81} Ibid., 73.
\textsuperscript{82} Like the claim that some members of a group cannot have group intentions, this similar claim is not obviously true, as I will explain. Kutz, 99.
\textsuperscript{83} Ibid., 99.
sufficiently overlap with respect to some joint end. As Kutz defines these categories, “I am the exclusive author of the actions I perform myself, as well as of the events caused by those actions,” and “an inclusive author of the actions of the group in which I participate—inclusive because I am one among those who can truly say we did it.”

For example, if we plan a picnic and I agree to buy the cheese and you the wine, “[y]our buying wine is something I can say we have done just because the goal I share with you explains your action.” The link of an agent’s actions to certain outcomes is as follows:

[M]y conception of a project as our—that is, in part your—project plays an essential role in rationalizing, or explaining my . . . particular action. . . . So our sharing a goal, in the sense of having overlapping participatory intentions, teleologically explains our actions, taken both individually and collectively.

With these three categories defined, I will turn now to challenges of applying them.

D. Applying Kutz’s Theory

1. Specifying Participatory Intentions in Practice

I will begin with Kutz’s stipulation that some agents in participatory roles cannot rationally have a group intention with regard to achieving a shared goal, yet certain coordinating agents can have executive intention that the goal be realized. In the former case, he suggests that it is nonsensical to attribute to a musician in an orchestra the group intention that the group play a certain piece, or to a running back the group intention that that team win the game. To bring about the performance of the piece by the orchestra or the winning of the game by the team is beyond the individual agent’s reach. The musician or running back can have only the participatory intention to do his part, not a group intention to realize the overall goal of the group. It is not intuitive, however, that a quarterback or violinist could not reasonably or

84 Ibid., 139.
85 Ibid., 140. This assertion about my claim to your wine buying is not obviously correct, as I will explore below.
86 Ibid., 138-139.
rationally have a group intention to realize the goal of winning a game or performing a symphony. Certainly, he cannot reasonably have an intention to realize the goal through his own agency. I am not persuaded, though, that a team member’s self-understanding would be accurately reflected in saying he does not intend that the goal of winning or performing be realized. Why else, under normal circumstances and acting in good faith, would he do his part?

There can, of course, be instances in which the player or musician is, for whatever reason, indifferent to what would normally be assumed to be the group’s goal. Perhaps he just wishes to collect a paycheck and will go through the necessary motions to play the part he is contracted to perform. In such a case, though, the overlap must be quite minimal between the agent’s participatory intention and that of other involved agents who truly wish to do their part in order that the team win or the symphony be performed.  

In addition, it is not clear that an agent’s having both an individual participatory intention and a group intention really makes the agent more invested in the outcome, which is Kutz’s aim. Consider again a non-unanimous decision by the U.S. Supreme Court. Assume all members vote and the majority pronounce unconstitutional the practice of using race as a consideration in college admission decisions. It cannot reasonably be said of the dissenting justices that they had a participatory or group intention with respect to striking down Affirmative Action. They all shared, presumably, individual participatory intentions to carry out the duty of the Court, as in the Gilbert example, each to hear the facts of the case, deliberate, and rule according to his or her own best reasoning about appropriate interpretation and application of the law. They all presumably had a group intention that the duty of the Court be carried out by all members jointly

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87 Interestingly, we can be fairly accepting of an agent’s lack of group intention under the description above, in which he does not care if something trivial succeeds or fails, but if it turned out the orchestra were performing a work by Wagner that was intended by the conductor and other musicians to be a tribute to the Third Reich, we might be less inclined to accept the agent’s lack of group intention if he plays along.
acting in the way described, such that a decision is rendered. The content of the outcome itself, however, cannot be accounted for by the overlapping participatory intention or the group intention; those intentions seem here to account only for process, not for the outcome that results from following the process.

Here I will shift briefly to the executive versus subsidiary intention distinction, because of the overlap between those categories and the participatory intention/group intention distinction. This is important, because Kutz also hangs much on being able to assign greater accountability to those with executive intention than those with subsidiary intention. Returning to the musician case, the notion that the musician cannot have a group intention that the group perform the symphony is akin to the suggestion that the musician would not have an executive intention “whose scope includes the entire performance.” The conductor, however, can have such an executive intention, according to Kutz, and presumably also a group intention that the joint goal of performing the symphony be realized. It is not clear, though, why the conductor has this capacity. In fact, he can do little to realize the goal, even if he has a specific and necessary role and also plays a coordinating role among all involved agents. As I will show below in considering a more serious case, this dependence of the agent exhibiting executive intention on agents exhibiting only subsidiary intentions makes assigning greater accountability to the executive intention bearer curious, and the mitigation of the accountability of the agent with subsidiary intention unpersuasive.

2. Inclusive Authorship, Foreseeable Consequences, and Rogue Actors

Application of inclusive authorship to link agents to group-caused harms also leads to some odd conclusions. Returning to the picnic case, if we are on a picnic together, and I arrive

88 Ibid., 73.
after you, and, it turns out that unbeknownst to me, you have carelessly set the blanket down on a
bed of flowers, according to Kutz, I share responsibility for the ruined flowers, because, while
“we did not share the goal of ruining the flower bed”:

ruined flowers are a foreseeable part of a project of picnicking, as a product of
any group member’s actions. Neither of us needed to expect that we would ruin
flowers, but each ought 

ex post to acknowledge that was a possible consequence

of what we did together. And so it is reasonable to ascribe the mess to us, and to

me inclusively.

By this reasoning, however, I would seem to be responsible for any possible thing that
could go wrong, from freak accidents to deliberate sabotage. Kutz’s inclusive authorship in
this sense, is much like Gilbert’s sweeping joint commitment formulation: it casts the net too
wide. If a member of the party poisons the coleslaw, intentionally or unintentionally, I am
accountable for that harm. If one member of our party blows a tire on the drive over and injures
passengers in another vehicle, when the rest of us are not even present, it seems I am accountable
for that, too.

On the one hand, Kutz claims, “It is both a reasonable and a necessary expectation upon
agents inhabiting a crowded social landscape that they be prepared to deal with the costs
imposed upon others by their freely chosen projects.” On the other, he allows that “actions
falling outside the scope of any plausible refinement of our shared goal cannot be ascribed to the
group” and that where your actions are unforeseeable, “I genuinely do stand as an outsider to
your acts and their consequences, whether or not intended, for they bear no intelligible relation to

89 Ibid., 143. Presumably, no group member has an intention to ruin the flowers.
90 Ibid., 155.
91 Kutz above refers to ex post ascription, which may be intended head off worries about endless up front
calculations. Absent such calculations, however, one is just rolling the dice and hoping nothing goes wrong for
which one will be held accountable retroactively.
92 My concern here is akin to the concern about Gilbert’s claim that joint commitment incriminates seemingly
uninvolved agents in the acts of rogue group members.
93 Kutz, 154.
my will.”94 It is not clear where Kutz draws the line between foreseeable and non-foreseeable, but the picnic example suggests the line may not be in the right place.

Consider next a case of literal inclusive authorship. Assume a group of colleagues agree to write a book of essays. Four of the five colleagues make elegant contributions; the fifth elects to do something despicable (e.g., he submits something he plagiarized; some gratuitous personal attack, or some incoherent, vitriolic ramble). The other authors do not know what the fifth author submitted (perhaps the fifth author is the editor as well). The book is published; the other four authors discover the fifth author has gone rogue; readers and reviewers, not surprisingly, dwell primarily on the fifth author’s contribution; and the entire volume is shunned among its intended readership. Can any other author reasonably be said to share responsibility—or inclusive authorship—of the rogue colleague’s contribution? It would not seem so.

Author No. 5 is the sole—indeed exclusive—author of his essay. The others are literally inclusive authors of the volume, but while they may feel anger, embarrassment, and even guilt about the outcome, it is not clear that they are accountable. They seem to be victims (as some of Gilbert’s hapless agents do). It would not have seemed reasonable for them to foresee this outcome, assuming the editor exhibited no signs of instability or malice. Their participatory intentions overlap only to the point of contributing individual essays that will form a book on a particular topic or for a particular purpose; the overlap does not encompass insulting the profession, their readers, or their colleagues.

Kutz might respond here that No. 5’s acts “bears no intelligible relation” to the will of the others. While that is intuitively accurate, it would not be clear why he would rule the picnic case in and this one out. Maybe he just made an error in the picnic case, but these seem exactly the kinds of cases for which he needs to account. After all, if a textile producer in China turns the

94 Ibid., 155.
Yangtze River red by illegally dumping dye, that hardly bears an intelligible relation to my will to buy a T-shirt. If, however, I take advantage of that loophole, I am not really the inclusive author of the river pollution and am not really accountable for it. So why should I not buy the T-shirt on Kutz’s account? (Note that this is different from the cases in which he appeals to the expressive account where the harm is not intended or caused by any member or subset of the group; this is instead a case he would seem to intend for his theory and the inclusive/exclusive authorship distinction to explain, assuming the overlapping participatory intention is to participate in the process that brings goods to market.)

In assessing the exclusive/inclusive author distinction, it is also useful to consider the converse of cases like those above: whether an agent might reasonably deserve credit for an achievement by the group by virtue of inclusive authorship. Again, return to the simple example of the picnic in which “I agree to buy the cheese and you the wine,” so that, according to Kutz, “[y]our buying wine is something I can say we have done just because the goal I share with you explains your action.” It is not obvious that you would agree with this, particularly if I spent $15 on cheese and you spent considerably more on wine. If I claimed “We bought the wine,” I can imagine your thinking, “Then why am I the only one out 50 bucks?” The strongest claim I can reasonably make would seem to be, “We assembled the necessary elements of a picnic, each contributing some share, but not equal shares, and we deserve credit accordingly”—again what he seems able to capture is merely a commitment or claim to participate in the process the group will employ. It is not clear that I have a claim to being the inclusive author of your wine buying, unless I had said, “I don’t have time to get to the wine store, but I am happy to contribute, so I’ll give you money if you will buy the wine.”
Kutz grants that the relationship between the fellow picnicker who had no causal role in the ruined flowers and the harm of the damage is “oblique” and that the other’s fault “sticks to me though not with its full force.” As indicated, though, it is not clear that he has shown the fault sticks at all to someone who played no causal role in the flower damage, just as credit would not stick to the cheese buyer for the wine buyer’s generosity, though he could claim some role in the constitution of the picnic itself. In short, the exclusive/inclusive author distinction does not seem to accomplish what Kutz hopes, and so I set it aside as a mechanism for linking agents to harms brought about by the group of which they are members if they did not contribute directly to or intend the harm.

3. Kutz’s Engineer, Subsidiary Intention, and Relative Accountability

I return now to the executive/subsidiary intention distinction and Kutz’s application of it to an instance in which an agent has reason to suspect his talents are being put to a use to which he would object. Again, I do not find this a convincing tactic. Kutz intends for this case to represent the complexity and unknown dimensions characteristic of large, layered, and opaque processes, as an employee cannot have knowledge of every dimension of the organization for which he works. These are the kinds of cases of concern to me. Kutz seeks to foreclose the opportunity to take a “‘just doing my job’” view of “one’s role in a nasty business,” or to isolate one’s own actions from the larger project in which they are embedded. He describes:

a mid-level engineer for a large manufacturer, who has reason to believe, but does not know, that the control modules he is helping to design, which are used by the company in manufacturing consumer products, are also used in manufacturing landmines to be sold in the Third World. The relation between the engineer and the harm is indirect, for he does not promote the mine sales intentionally if he does not know about them. However, . . . . the engineer intentionally performs

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95 Ibid., 154.
96 Ibid., 155.
acts as a means to a collective end, and he intends that collective end under some
descriptions, though not under others. In so far as the engineer’s actions are “[d]escribed as ‘doing his part of producing control
modules,’ or even ‘doing his part of producing whatever the company sells,’ he both works
toward and identifies with the collective end; described as ‘doing his part of selling landmines
for Third World conflicts,’ he does not.” On Kutz’s view, though, “so long as the decision to
work with the company is voluntary, and information about the company’s activities is available,
every employee bears an accountable relation to the victims of landmines.”

What is puzzling about this case is that Kutz aims to assign accountability on a relative scale, when the engineer’s role seems more problematic.

One indicator to the engineer that his work may be contributing to the production of
landmines is the existence within the company ranks of a VP for Arms Sales. Kutz seeks to
establish that the VP and the engineer are not equally incriminated. He grants that engineer’s
“will pervades the collective act, for in order to explain the (collective) development and
production of mines, we must cite at many points his exercise of skill and judgment.”
Nevertheless, “it would be mindless to treat him in the same way as someone whose
contributions inhabit the collective act more deeply.” The VP, on the other hand, presumably
initiates or at least brokers the deals by which the little black boxes the engineer enhances end up in the hands of those who place them in landmines that are then deployed “in the killing fields.”
The VP’s executive intention is “the project of making and selling mines”; the engineer’s
subsidiary intention is to perform his role in bringing about the result, but he does not share, on

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97 Ibid., 156-157.
98 Ibid., 157. The degree of information available is, itself, unfortunately hazy in Kutz’s description of the case.
Kutz’s view, the executive intention with respect to realizing the goal of mines. Their accountability is allocated accordingly. Like the coach or conductor, however, the VP actually cannot attain the goal himself; he relies on engineers and others playing their parts to be successful in the collective end. The fact that the engineer role is necessary to fulfillment of the VP’s intention makes the subsidiary intention distinction seem specious. The VP can intend all he wishes, but without the engineer and others, he can accomplish nothing.

While elsewhere Kutz has overreached in incriminating innocent picnickers, the difficulty in this case is that he is not been damning enough. It is not clear why the engineer is anything other than delusional in his attempt to distance himself from the overall enterprise. His plausible deniability presumably hinges on the “haziness” of the circumstances—of his inability to know for sure to what end he is contributing. The existence of the VP for Arms Sales would seem, however, to bring sufficient clarity.

Kutz later argues that a pacifist research scientist who accepts a grant from the Defense Department cannot reasonably distance herself from the fact that her work is promoting the agency’s decidedly non-pacifist ends; she is fully accountable for the use to which she knows her work will be put. In developing technology that will ultimately be deployed in weapons, she is, for all intents and purposes, a hired gun for the Defense Department. The only difference in her case and the engineer’s is presumably the reported lack of certainty on the part of the engineer. Perhaps the engineer could speculate that there is a firewall between his side of the house and the landmine side; maybe his work is deployed only in lawn sprinklers. This, then, would raise a different question for the engineer: does he want to be part of contributing to the success of an enterprise that promotes the death and destruction brought about by landmines,

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99 Ibid., 157-159.
100 Ibid., 163-164.
even if his work does not contribute to that specific end? He would still be part of the collective of the corporation. Kutz seems silent on this point.

If the engineer is truly duped (let’s assume there is no VP for Arms Sales but one lone wolf who has made a black market arrangement to supply a rebel army with lawn sprinkler parts to use in landmines), it is hard to see how the engineer has a subsidiary intention with respect to the mines. If he has even reason to suspect he is contributing to landmine production, though (due to the presence of the VP or some other clue), then he is willing to play his role and it seems should not be let off the hook.

E. Kutz’s Expressive Appeals

In the end, Kutz suspects that his claims about participatory intention extend only so far and cannot adequately explain the types of cases in which I am most interested: those of “unstructured collective harm.” As he notes, many serious harms are not obviously the product of concerted action, but rather result from a confluence of (typically unreflective) individual behavior. In such cases, he suggests that there is no definable joint project in which it is reasonable to assert each person plays a role or that rationalizes each agent’s action. In some instances, there is no one who intends the resulting harm at all; all are simply going about some other business. Kutz wishes to apply here “a quasi-participatory basis of accountability, quasi, because there is no specific project to which individuals contribute.”

He cites, as an example, a case of environmental harm in which no individual driver’s contribution makes a significant causal difference, and no driver intends the harm that results from the cumulative acts of all drivers:

101 Ibid., 166. 102 Ibid., 186.
Environmental damage is typically the result of the knowing but uncoordinated activity of disparate individuals, each of whose actions contribute only imperceptibly to the resulting harm. To take a typical example, it is now well accepted that chlorofluorocarbon (CFC)-based coolants . . . contribute to the destruction of the ozone layer, and in particular to the widening of “holes” . . . of the ozone layer. There also appears to be a significant link between skin cancer rates and residence under one of these ozone holes. Automobile air conditions are a significant factor in the release of CFCs, and so are a prime contributor to [ozone depletion]. . . . CFC-free coolants are available, but at a much higher cost and with substantially less cooling power. . . .

While no driver views himself “as engaged in any . . . well-defined joint project with other CFC-using drivers,” Kutz hopes “even a weak sense of participation may move individuals” to act differently, as “individuals must come to think of themselves as inclusively accountable for what they do together, to see themselves as participants in a group.”

It is actually not clear to me why Kutz would not accept the thin characterization I noted in Gilbert’s cases as establishing sufficient overlap of participatory intention here—as describing a well-enough-defined group project. The group intention, it is true, would not pertain to ozone depletion or skin cancer; it would pertain to a process, such as “participating in the process to bring cars to market and to enjoy the resulting benefits.” The unintended consequences to which the process leads would seem to be covered by the inclusive author role that I assume he takes to be persuasive. That is, in this case, there is no exclusive author, only inclusive authors. I am not suggesting I think this strategy would succeed, since I have concerns about the viability of some of his claims with respect to intention and authorship; I am simply saying that, since I assume Kutz believes his intention and authorship framework is viable, it is not clear why he would abandon or dilute it here (i.e., by introducing “quasi-participatory intention”). By his standard,

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103 Ibid., 171-172. This case seems to assume the Montreal Protocol phasing out CFC consumption and production is not in effect.

104 Ibid., 172, 186. Unlike Gilbert, he is not persuaded it makes sense to “ignore the relations between individual agents and victims, and focus instead upon the unmediated accountability of the collective,” in this case, the “supra-individual” collective entity of all drivers as a whole. (See Kutz, 191-192.)
all drivers would seem to be sufficiently intentional participants in a scheme with a shared goal with respect to the availability of automobiles.

Regardless, Kutz abandons his carefully crafted concepts of participatory intention, executive and subsidiary intention, and inclusive authorship and appeals instead to “reasons of character” as an agent’s motivation to be concerned about his involvement, though he makes no difference to the outcome:

In over-determined contexts, agents can have reason to refrain from participating in a harm, not because of the relation between this choice and an actual outcome, but because of what the choice symbolizes in their characters and commitments. . . . [A]gents who distinguish themselves from other participants demonstrate a commitment to the value of the lives of those they harm. [Drivers] can demonstrate concern for ozone levels, and awareness of the harm we do together, by preemptively moving to the non-CFC coolant. . . . [T]hey choose to act as a way of expressing meaning.

Kutz takes the expressive route a bit too far, however, suggesting that agents “who show no concern for their participation in collective harms in over-determined contexts make themselves vulnerable to the suspicion they will be indifferent when they could make a difference.” There is simply no basis for this claim. The agents in question are not moral monsters; they are exploiting a loophole and assuming amnesty precisely because they make no causal difference. The challenge is not to prevent them from escalating to more significant infractions, but persuading them to recognize the taint that accompanies their non-causal participation in a larger process that brings about what they view as harm. Thus, it would be

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105 Cf. Kutz’s consideration of retroactive complicity in past harms through benefitting now from their occurrence (e.g., receiving a fellowship “endowed by a notorious imperialist who earned his fortune [a century ago] through theft and exploitation”). Kutz opines that the recipient is “likely to keep it but feel guilty, on the principle that it is wrong to benefit from the wrongs of others,” though the recipient “did not bring about and could not have prevented the harm.” He believes that the qualms in such a case come from “reasons of character.” Kutz, 45.
106 Ibid., 190.
107 Ibid.
108 Kutz makes a similar claim, also unpersuasive, in the fellowship case (see note 104, above), suggesting that willingness to benefit from ill-gotten gains “transforms the agent’s identity” and “[e]njoying a tainted benefit . . .
sufficient for Kutz to say: “One simply might not wish to be regarded as (or actually be) the kind of person who blithely exhibits indifference or lack of respect toward those harmed.” The point is that character matters, and, as I will argue in the next chapter, agents should, as Kutz suggests, “study their own associations, to decide whether or not these associations reflect the character they want” and the values they hold.109

Kutz also suggests that a victim of the harm brought about by drivers collectively would have no difficulty recognizing each individual driver, rather than the collective, as worthy of blame—due to the driver’s apparent indifference to the victims’ plight, or perhaps for privileging cost savings or convenience over that plight. He acknowledges that it is unclear whether the victims’ perspective can influence agents, and I will return to the role of third-person assessment in expressive acts in the next chapter.110

I now set aside intentional accounts to argue, in the remainder of the dissertation, that the expressive account Kutz invokes provides sufficient reason for an agent to be concerned about his participation in processes and structures that bring about harm, even when he makes no difference to the outcome. I will, however, draw some lessons from consideration of Gilbert and Kutz. First, it seems to me that the too-thin description that hobbles their shared intention accounts is sufficient for my purposes on the expressive account. A choice on the agent’s part to participate, even in a discrete way, in a process that produces harm (e.g., his buying a cheap T-shirt, the manufacturing of which involves environmental harm and exploitation of workers) is sufficient to affiliate the agent with that harm, even if he does not intend or contribute to the harm.

forces the realization that one might have been willing *ex ante* to trade principles for benefits since one has done so *ex post*.” It seems sufficient to acknowledge that the agent might come to recognize himself as the kind of person who is willing to benefit from harm to others. Kutz, 46.

109 Ibid., 46.
110 Ibid., 187.
In addition, the difficulties Kutz and Gilbert encounter in attempting to establish guilt and accountability suggest that may not be a fruitful goal. Iris Marion Young dismisses “liability” models in cases of harms that are brought about by, or inhere in, larger structural processes for two reasons: 1) despite Kutz and Gilbert’s assiduous efforts, sometimes “it is in the nature of such structural processes that their . . . harmful effects cannot be traced directly to any particular contributor to the process,” or at least not to every participant in the process (i.e., one can trace the dumping of dye in a river to a particular participant, but not tie the dumping to the intentions of all participants); and 2) the harms are ongoing so long as the relevant structure continues as is. Accordingly, “the point is not to compensate for the past,” but to worry about ongoing processes and harms and participation in the structures that bring them about; yet a liability model is backward looking.\footnote{Young (2013), 109. Young cites Kutz as relying on a liability model.} While I think the prospect of guilt or liability can be a more effective deterrent than she seems to believe (one imagines, e.g., corporations prospectively declining to pursue a particular course because of legal liability concerns about what the course might bring about), it does seem that Kutz and Gilbert in many cases are focused on \textit{ex post} assessment. I am interested in deliberation prior to a choice to participate (or to renew one’s participation) in a process. And so, I also set aside the focus on accountability and guilt.
Chapter III: The Expressive Account

I turn now to the expressive account of rationality, which I view as the more successful account of why and how it matters whether, in making everyday market choices, an agent considers the political dimensions of those choices. The expressive account shifts the locus of assessment from outcome to attitude; focuses on the individual agent (not the collective) and on rationality rather than guilt, responsibility, or accountability; and offers a straightforward explanation for how agents are connected to harms brought about by larger political processes and structures in which they participate, even though they make no causal contribution to those harms. As noted in chapter one, I will show that, because market choices are embedded in larger political processes and structures, those choices constitute expressive political acts, which are also expressive acts of character. While I will give greater attention to cases with political dimensions that result in expressive acts inconsistent with the agent’s commitments, the expressive account also explains why an agent might rationally undertake a market choice to express a pro-attitude toward some political dimension of that choice, fully understanding the action’s futility in terms of practical fulfillment of ends related to his commitment.

I assume, largely without argument, that the fundamental claim of the expressive view cited in chapter one is correct: that one’s actions “are properly subject to praise or blame in virtue of what they mean, not simply because of what they bring about.” I will show that agents are, in effect, taking a stand with respect to the political dimensions of a market choice in making that choice, and that agents should take the expressive significance of their choices into account in their deliberations about market choices if they are to make rational decisions by expressivist standards.

112 As will later become clear, expressive theory is not entirely indifferent to consequences.
113 Brennan and Lomasky (2000), 82.
I will begin by sketching some existing expressive accounts: Elizabeth Anderson’s expressive theory of rational action, also drawing elements from her expressive legal theory put forward with Richard Pildes; and Geoffrey Brennan and Loren Lomasky’s theory of expressive voting. I will then extend Brennan and Lomasky’s voting theory to market choice, to which they either suggest it does not consistently apply or in relation to which they underestimate its importance. I will also address the question of establishing expressive significance, drawing on Matthew Adler’s “speaker’s meaning”/“sentence meaning” distinction to explain the role of third-party interpretations, alongside the agent’s intention. The remainder of the chapter will be devoted to specific cases illustrating the expressive significance of market choices in various situations in which agents find themselves, including instances of inculpable ignorance and unconscious bias, as well as all-things-considered decisions in which the expressive considerations pertaining to political dimensions of market choices are weighed against other interests and values. In each case, I will consider the expressive significance of the market choice, as well as the quality of the agent’s reasoning. Along the way, I will return to cases from Gilbert and Kutz showing the expressive account’s ability to accommodate those cases.

I. Two Expressive Accounts

A. Elizabeth Anderson’s Expressive Theory or Rationality

On the expressive account, as we have seen, rational action is action that “adequately expresses our rational attitudes” toward people, things, and principles we care about. These

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114 I will concentrate on Anderson’s expressive theory as it pertains to individuals, and will draw from as relevant, but not explore in detail, the expressive legal theory she and Pildes develop. The expressive legal theory, as Matthew Adler notes (Adler, “Expressive Theories,” 1390), is vulnerable to the same objections concerning joint intention to which the previous chapter showed Gilbert is subject. Indeed, Anderson and Pildes appeal to Gilbert as foundational to their theory (Anderson and Pildes, 1515). I draw from the legal theory, then, only those elements that are also applicable to an individual-focused account.

115 Anderson (1993), 17.
attitudes—what I will refer to as “commitments”—define who one is and what one stands for; they represent what one takes to be good and so help constitute character and identity. Such commitments are also reason-generating, and thus guide choice of actions and ends. Expressive theory, therefore, asks: “[D]oes performing act $A$ for the sake of goal $G$ express rational or morally right attitudes toward people” and other things one cares about?116 (Below, I will adjust this test a bit to the kinds of cases I will address.)

I will assume that the commitments an agent holds are themselves rational (i.e., appropriately considered attitudes about what she values and why). Anderson and Pildes’s “morally right” is more than I require, as I am not concerned with the moral quality of an agent’s commitments, but only with the consistency between those commitments and her actions, between true attitudes and the attitudes the action expresses. This is not to suggest there are no moral constraints on what constitutes a permissible or rational attitude, or that political issues do not often have moral significance. It is simply to set aside the question to focus on whether, given commitments as generating action-guiding reasons, an agent acts consistently with those commitments.

In most cases that I will consider, the primary goal for which the act is performed is to secure a specific consumption good. As I will show, however, an accurate description of “act $A$” and “goal $G$” would not be captured in the question, “Does buying a chicken sandwich for the sake of assuaging hunger express rational attitudes toward people and things that I care about?” Rather, an accurate description would be more like the following: “Does 1) buying a chicken sandwich from a restaurant whose owner invests profits from the business in political advocacy for cause X, and 2) thereby affiliating myself with advocacy for cause X through my patronage of the chain, for the sake of assuaging hunger, adequately express my rational, relevant attitudes

116 Anderson and Pildes, 1510.
toward people and things that I care about?” And so, it is necessary for an agent to consider in his deliberations, when the political dimensions of a market choice present issues on which he has relevant commitments, whether that choice appropriately expresses or reflects those commitments, all things being equal, and, if not, whether, all things considered, the benefits to be gained by the choice sufficiently outweigh any expressive significance (i.e., attitudes the market choice expresses on the relevant political dimensions) inconsistent with those commitments.

1. “Narrative Unity” (or the Coherence of Commitments and Actions)

As noted in chapter one, I assume an agent capable of determining her own conception of the good—of what she values and what ends are worthy of pursuit—and of formulating plans over the course of a lifetime. Accordingly, I also assume with Anderson that it matters whether the “entire ensemble of a person’s attitudes, desires, motives, and actions is globally unified over time” and that this sort of “narrative unity” is necessary to a meaningful, self-determined life and a stable and coherent character and identity. That is, we do not make choices willy-nilly from one day to the next, but within some established framework of what matters to us. Anderson contrasts expressive theory’s ability to accommodate—even privilege—coherence between actions and values with the lesser capacity of rational choice theory in this respect. Expressive theory reflects a richer conception of an agent embedded in a social context, while rational choice theory assumes, if not requires, a “socially impoverished conception of the individual.”

Rational choice theories:

represent an individual adult as freely forming and expressing his rational preferences apart from any particular social contexts or relations to others. This

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117 I will also, however, address cases in which the only goal of performing the act is its expressive dimension (e.g., “Does buying a chicken sandwich from a restaurant whose owner invests profits from the business in political advocacy for cause X for the sake of expressing my support for cause X, express my rational attitudes toward people and things that I care about?”).  
118 Anderson (1993), 39.
individualistic picture of a rational person, as self-sufficient and independent of others, supports a consumerist ideology that represents the individual as most free and rational in his market choices, where he need not concern himself with anyone else in deciding what to buy.\textsuperscript{119}

As I will show, however, rational choice theory provides not only an insufficient characterization of the agent, but also of market choices, which themselves, via their political dimensions, connect an agent to a vast network of other individuals and their outcomes and have an expressive significance that reflects on the agent’s character.

2. \textit{A Word About Consequences}

While I am concerned with the attitudes an agent’s market choices express and the alignment of those attitudes with the agent’s commitments, it is important to note that expressive theory is not entirely indifferent to causal consequences. Anderson and Pildes suggest that practical consequences can be appropriately evaluated by expressivist standards because:

\begin{quote}
We cannot adequately express the right attitudes toward people while ignoring the consequences of our actions. . . . To disregard the consequences of one’s actions is one way to fail to care about people in the ways we ought to care about them.\textsuperscript{120}
\end{quote}

Most relevant to me are what might be called expressive consequences. That is, an action’s expressive significance itself can cause harm to others: “A person suffers expressive harm when she is treated according to principles that express negative . . . . attitudes toward her.”\textsuperscript{121} For example, if the expressive significance of an action is conveying the attitude that a particular group is inferior based on race or gender, a person of the race or gender in question may incur expressive harm by the insult the action conveys.\textsuperscript{122}

\begin{thebibliography}{122}
\bibitem{119} Anderson (1993), xii.
\bibitem{120} Anderson and Pildes, 1513.
\bibitem{121} Ibid., 1527.
\bibitem{122} In the final chapter, I will consider a possible objection that my expressivist account miscategorizes non-expressive consequentialist concerns under the expressive label.
\end{thebibliography}
B. Brennan and Lomasky’s Theory of Expressive Voting

To develop the expressive foundation further, I turn to Brennan and Lomasky’s project, a critique of public choice theory and the “wholesale importation of *homo economicus* into electoral politics.” Their aim is to identify any “persuasive rationale for the existence of a duty to vote.” The challenge for any case about duty is that voting is inefficacious, except in rare circumstances when it falls to a particular agent to cast the deciding vote. Since the voter typically has no actual influence over results, “voting cannot reasonably be construed as that sort of straightforward advancement of self-interest” based on efficacy in bringing about a certain outcome. Voting is thus assumed to be different from a decisive market choice that ensures a specific outcome. Further, voting has opportunity costs that seem disproportionate given the low or non-existent decisive return on investment: “The time and effort and perhaps other resources that go into casting a ballot have alternative employments . . . . orders of magnitude greater than the expected return to a vote” in terms of influencing outcome.

Brennan and Lomasky thus seek some rationale—independent of duty or efficacy—to explain why people vote, and offer an expressive account. To wit:

‘Political behavior’—by which we here mean electoral choices and the supply responses, if any, that such choices generate—will be relatively strongly oriented toward purely expressive or symbolic action . . . . undertaken for its own sake rather than to bring about particular consequences. Both [expressive and decisive] elements will be present in both [market and voting] contexts, but the [role] of consequences and, hence, private interests in the electoral context will be heavily muted and the purely expressive or symbolic greatly magnified.

125 Ibid., 66.
The expressive aspect of voting is primarily to convey the voter’s alignment or opposition to certain values.\(^{127}\) Brennan and Lomasky echo Kutz in noting that an agent’s expressive stance “goes a long way toward defining one’s character.”\(^{128}\) They offer the example of a voter casting his ballot for a Ku Klux Klan party candidate, although the voter is aware that the “Klandidate” cannot win the election for procedural reasons. Since the vote is certain not to be decisive in terms of securing the outcome of the candidate’s election, its significance is entirely expressive. It reveals something about the voter himself, for “To cast a Klan ballot is to identify oneself . . . with the racist policies that the organization espouses.”\(^{129}\) The example need not be so dramatic; in casting ballots for particular candidates, voters typically intentionally and expressively align themselves with the candidates’ stance on a range of weighty issues, such as educational, environmental, and economic policy; questions of equality; and safety net programs and health care. I take Brennan and Lomasky’s account—as far as they apply it—to be correct, and I will expand its scope to market choices whose expressive significance they seem to underestimate.

I. Homo Politicus vs. Homo Economicus and the Myth of Non-Decisive Market Choices

Brennan (sometimes with Lomasky) asserts the following: that “consumer choice and voter choice are fundamentally different in decision-theoretic terms”;\(^{130}\) that “homo economicus and homo politicus are likely to be rather different animals—behaviourally speaking”;\(^{131}\) that “moral considerations and moral language play a much larger role in politics than they do in

\(^{127}\) Brennan and Lomasky (2000), 82.
\(^{128}\) Ibid., 80.
\(^{129}\) Brennan and Lomasky (1997), 186.
\(^{130}\) Ibid., 2.
\(^{131}\) Brennan, Psychological Dimensions, 489.
markets, and this is so because politics is a predominantly expressive arena”,\textsuperscript{132} and that “[v]oters and consumers are the same, rational persons: but the considerations that drive them in the marketplace where their choices are decisive are not the same considerations that drive them in the ballot-box.”\textsuperscript{133} I take this entire characterization to be false.

They take the difference to be as follows: whereas in the market, “if you ‘choose’ X, you will get X,” at “the ballot box, if you ‘choose’ to vote for X, you may or may not get X,” depending on how all others involved vote.\textsuperscript{134} Voting is at best expressive, and expressive acts may be described as instances in which:

the individual responds only to the meaning of the act/choice, so as to act/choose in a way that maximally expresses the individual. . . . [C]onsumption benefits are irrelevant . . . ; individuals undertake action Z in order simply to express some relevant meaning bound up in Z (and, perhaps, being seen to Z).\textsuperscript{135}

While I accept that voting is an expressive behavior—not decisive, instrumental behavior—I do not agree that market choice is exclusively decisive, instrumental behavior, but rather will show that it is also very much expressive behavior due to its own political dimension. As noted earlier, I take market choices to be expressive political acts.

Brennan acknowledges some expressive aspects of market choice, though the elements he cites are largely superficial and easily overridden by more practical, instrumental concerns like cost and functionality (true consumption benefits):

When we choose a job or a location or a car or a particular house, we also express our attitudes and values and beliefs. But in these cases, instrumental aspects obtrude. . . . It matters not just what the car you buy “says” to you and others, but dull prosaic issues like how reliably the machine gets you from A to B come into play.\textsuperscript{136}
He cites as the expressive nature of a clothing consumption choice the “‘fashion statement’” it makes, suggesting that the expressive aspect is often subordinated to practical concerns like “warmth and comfort and cost.” 137 The cases of interest to me, however, are those in which the expressive aspect has more gravity than Brennan allows—cases in which the subject on which a view is being expressed relates to commitments that define the kind of person one is. 138 The relevant expressive topic of a clothing market choice, for example, will not be a fashion statement, but the labor standards of the clothing’s production. The issues I cited as being the expressive focus of voting for a particular candidate (i.e., educational, environmental, and economic policy; questions of equality; and safety net programs and health care) can also be relevant topics of the expressive significance of market choices. As noted in chapter one, an agent wades into a sobering array of profound issues in almost any market transaction and appropriate deliberation weighs a market choice’s expressive significance against the practical, decisive consumption benefits of the choice. There are also, as I will show, purely expressive market choices, with, in effect, no consumption benefit. Generally, though, there is an instrumental motivation to undertaking the choice—to acquire the good in question.

So, while market choices may be decisive in a way that voting typically is not, there is an element of market choice that is purely expressive and important to making a rational consumption decision. This is no small claim, because it places a substantial burden on the agent. The political and expressive dimensions of market choices are inescapable, and while one brochures were once included with purchase. So they acknowledge that an element of an agent’s consumer choice can be “the demonstration to herself and others that she is a particular sort of person—the sort who prefers A to B.” They do not, however, explore in any detail what this accordingly means for market choice, which is my aim.

137 Brennan, Psychological Dimensions, 480-481.

138 It is possible that “what your car says about you” need not reflect only a superficial concern about status or trendiness. It might, for example, reflect patriotism (i.e., a commitment to “buy American”) or a concern for the environment (i.e., if one chooses a hybrid over a lower-priced model). This is not, however, what I take Brennan to mean here.
goes to the ballot box only occasionally, one makes expressive consumption choices constantly. As noted, to assess the range of issues on which a market choice makes a statement and then to evaluate consistency between relevant commitments (if any) and market choices, the spectrum of assessment must range from the constituent elements of the product, to the steps in the supply chain through which it is produced, to where it is purchased—and all of the consequences along the way and beyond, including how profits generated by the entire process are used.

C. Interpretive Authority

A final foundational element for the expressive account is the basis on which to assess the expressive significance of an action resulting from its political dimension. As I will show throughout this chapter, to make a fully informed decision about a market choice with a political dimension that renders the choice an expressive political act, the agent must not only take into account his own intention, but also possible third-party interpretations of the act. The discussion between Anderson and Pildes and Adler, and particularly Adler’s “speaker’s meaning” and “sentence meaning” distinction, will be helpful in understanding the range of interpretations that constitute an action’s expressive significance.

1. Speaker’s Meaning vs. Sentence Meaning

Anderson and Pildes argue that the agent himself is not the sole arbiter of the expressive significance of his own action:

people’s conscious purposes and intentions, while relevant, are not the sole determinants of what attitudes their actions express. That is, an agent’s sincerely avowed purposes are not the sole determinants of what her actions mean. Expressive theories of action hold people accountable for the public meanings of their actions.\(^\text{139}\)

\(^{139}\) Anderson and Pildes, 1513.
Expressive acts can differ from the agent’s intentions due to, for example, the agent’s inattention to or ignorance of the circumstances in which she is acting (i.e., the political dimensions present in a market choice) or ignorance or delusions with respect to her own beliefs and commitments (i.e., the true values that guide her actions). As Anderson and Pildes note, “people may act on attitudes or assumptions of which they are unaware.” 140

To clarify the possible bases of interpretation of the expressive significance of an action, Adler distinguishes between “speaker’s meaning” and “sentence meaning.” Speaker’s meaning is defined as “what the speaker intends by [his] utterance” or “the belief that I intend to induce in you by my performance” of an utterance or act.” 141 Sentence meaning is “the social meaning . . . action conveys, rather than subjective intent”; it is “the kind of linguistic meaning attached to a well-formed sentence, independent of the communicative intentions (or other mental states) that happen to be held by those who utter the sentence.” 142 Adler concludes that expressivists must rely on sentence meaning, because observers and interpreters of acts and utterances cannot know if the speaker has some idiosyncratic meaning, or even a straightforward meaning that is not intuitive in that instance. 143

Third-party interpretation is important because how our acts are received by others is part of what tells us whether our acts appropriately express the attitudes we hold toward the people and things we care about. If a person feels indifference where we mean to show respect, we have

140 Ibid. People can also, of course, be unaware of relevant facts about the situation in which they are acting, not just facts about themselves. Both will be important to expressive significance.
142 Ibid., 1393.
143 Another reason Adler discounts speaker’s meaning as a plausible interpretation, specifically in the context of legal expressivism, is its inability to accommodate joint intention, which is reminiscent of the difficulties Gilbert encountered in seeking to establish joint commitment. Adler, “Expressive Theories,” 1390.
failed in some respect. Expressive acts, as I describe them, also represent our character and commitments to others. As R.M. Hare puts it in another context:

If we were to ask a person ‘What are his . . . principles?’ the way in which we could be most sure of a true answer would be by studying what he did . . . It would be when . . . he was faced with the choices or decisions between alternative courses of action, between alternative answers to the question “What shall I do?,” that he would reveal in what principles of conduct he really believed. ¹⁴⁴

This is true. Contrary to Adler’s conclusion, however, I will show that it is necessary for an agent to take into account both his own speaker’s meaning and the potential sentence meanings of his choices. ¹⁴⁵ I will suggest that the expressive significance of an action comprises the entire spectrum from the speaker’s actual intention through reasonable possible interpretations by third parties. ¹⁴⁶ I agree with Anderson and Pildes that an agent can perform an unintentionally expressive act, the significance of which would be evident only from a third-party perspective (or an objective vantage point). I also recognize that a third party can misinterpret the agent’s true intention. As there is no single “meaning” to an action, then, I avoid that term and employ instead the term “expressive significance” to capture the range of possible interpretations.

D. A Summary of Key Claims

In summary, the principles of expressive theory that I will borrow from Anderson and Pildes, Brennan and Lomasky, and Matthew Adler are the following: 1) that through the expressive significance of actions, one aligns oneself with certain stances; 2) that rational action involves expressing relevant attitudes appropriately, or acting in ways consistent with one’s

¹⁴⁴Hare, 1.
¹⁴⁵Adler was referring specifically to legal expressivism, in which the impracticality of determining the speaker’s meaning of the legislature that enacted a law (or the speaker’s meaning of each member of the legislature) seems to require reliance on sentence meaning alone.
¹⁴⁶I will, however, allow that possible interpretations include unreasonable interpretations that an agent can disregard in his deliberations.
commitments; 3) that actions are subject to evaluation based on their expressive significance (as determined by the agent’s intention and third-party interpretations), not just on the basis of the consequences the actions bring about; but 4) that expressive theory need not be wholly indifferent to consequences.

II. The Expressive Significance of Market Choices

I turn now to applying the expressive account to specific instances of market choice. I will first offer a general case (referenced briefly above) to illustrate the expressive significance arising from the political dimensions of such choices. Assume there is a national chain of fast food restaurants, the owner of which is widely known for very public support of certain political causes and for using the profits generated by his restaurant enterprise to fund advocacy for those causes. Funding recipients might include the campaigns of candidates for political office who promise that, if elected, they will promote the owner’s values through legislation. The owner’s causes include banning gay marriage. (For the moment, I will say nothing about the consumer’s commitments, but will focus solely on identifying the potential expressive significance of patronizing the business that results from the owner’s politics.)

If a consumer chooses to patronize the chain and spends $10 there, on, say, a chicken sandwich, he has made a decisive market choice to buy that fare and forego spending the money elsewhere. That is obvious, but, it is not a complete account of what has occurred. The consumer has also, as I will show, become expressively mired in the owner’s political causes, even if his $10 expenditure at the chain makes no meaningful difference to the efficacy of the owner’s efforts.

An observer who knows the owner’s political leanings (which, again, I take to be widely known and discussed in the media—even synonymous with the chain) might reasonably infer
from seeing the customer walk into the restaurant, purchase a meal, and consume it that the
customer a) shares the owner’s views, b) cares less about appearing supportive of those views
than he does about his taste for a sandwich or the convenience of patronizing the chain, or c) is
indifferent to the owner’s views and affiliation with them. In short, the expressive significance
of patronizing the chain might range from the simple speaker’s meaning of “I like chicken
sandwiches” to a sentence meaning of “I endorse these anti-gay views,” or at least “I condone—
or do not oppose—the owner’s views.” The agent, as I will show, regardless of his intention
cannot persuasively dismiss or refute these sentence meanings by asserting: “I was taking no
political stand; I was merely buying a chicken sandwich.”

According to expressive theory, as we have seen, rational action adequately expresses our
attitudes toward things we care about, or what I have called “commitments.” Given the political
dimensions of market choices on which an agent may hold commitments, then, the rational
agent’s first task is to assess what political dimensions are present in a particular choice and what
relevant commitments he holds. The agent then considers potential expressive significance of
the choice, as determined by the political dimension, and then whether that expressive
significance is consistent with his commitments or expresses an attitude inconsistent with his
care for relevant people, principles, and things. If there is inconsistency between the possible
expressive significance of the market choice and the agent’s commitments, then the agent would
weigh the reasons for making the choice against taking an expressive stance that affiliates him
(in ways that I will explain) with a practice, view, or outcome with which he disagrees. On its
face, for example, an action would be irrational if it expressed tolerance or endorsement of
abysmal environmental practices, if the agent believed strongly in the importance of
environmental protection.
It is possible that an agent may find he has no commitments germane to a particular market choice. He may simply be indifferent to every relevant expressive question. For example, in the case of the chicken sandwich, he might have no relevant commitment pertaining to gay rights or to other issues of expressive potential (e.g., the healthfulness of fast food, eating animals, the treatment of the animals prior to slaughter, and the environmental impact of factory farming and the widespread use of disposable paper and plastic products by fast food establishments). It is not that his act would then have no expressive significance; it is that there is no conflict between his commitments and actions that would make the expressive significance problematic in expressivist terms. It is also possible that a particular market choice may align perfectly with an agent’s commitments, so that by making the choice, he happily is able not only to gain the consumption good in question, but also to express his attitude on views of importance to him (e.g., that homosexuals should not have the right to marry, and concerns about the environment and the treatment of animals are nutty left-wing delusions). A decision to buy the sandwich would then be entirely consistent with his commitments and rational by expressivist standards.

Failure to take the political dimensions and resulting expressive significance into account is to omit a significant category of relevant reasons from one’s deliberations, to ignore whether an action adequately expresses what one values. This is true even if one’s audit of the political dimensions, relevant commitments, and expressive significance yields no conflict or inconsistency; the audit must be performed to establish that conclusion. Rolling the dice on the attitudes one expresses through one’s actions would not seem to meet Anderson’s threshold of adequately expressing one’s attitudes toward what one cares about, but I will not pursue that question here.
Note the absence of attention to the practical efficacy of the agent’s choice in advancing any political dimension about which his act has expressive significance. In the case of the chicken sandwich customer, for example, the fact that the agent’s involvement in, or withdrawal from, patronizing the chain can make no measurable difference to whether the owner’s advocacy is effective (because his $10 makes little difference in relation to the chain’s billions of dollars in revenue) does not matter in establishing reasons why the agent should be concerned about involvement. There is no need to try to make him accountable or guilty for these consequences as Kutz and Gilbert do; expressive considerations alone provide sufficient motivation to consider involvement on the basis of character.

In the remainder of this chapter, I will explore in greater detail the application of the expressive view to cases of market choice, focusing on the agent’s circumstances, as well as the political dimensions of the choice. I will consider: 1) the intentionally expressive agent; 2) the inculpably ignorant agent; 3) the deceived agent; 4) the unconsciously biased agent; 5) the rationally ignorant agent; and 6) the all-things-considered decision-making agent. I will consider each agent’s knowledge of the political dimensions of a market choice and the agent’s relevant commitments; the agent’s expressive intentions, if any, with respect to the political dimensions and commitments; and possible third-party interpretations. I will apply all of these factors in assessing the expressive significance of the agent’s action and its rationality. Expressive significance and commitments need not always carry the day, but expressive significance does need to be established and considered if an all-things-considered decision is to be rational by expressivist standards.

These cases show how actions’ expressive significance is established while answering important questions about the role of the agent’s knowledge and intention, as well as third-party
interpretation. While the cases represent realistic situations in which agents find themselves, they are admittedly not the most ordinary, everyday cases. In closing, I will consider more quotidian situations of choice, as well as how an agent might navigate the demands of the expressive account.

A. The Intentionally Expressive Agent

I will begin with the most straightforward case, that of an intentionally expressive agent—the familiar chicken sandwich customer, who, in this instance, intends to “make a statement” through his patronage of the chain. Assume that adherents to the franchise owner’s political views feel that the owner is being unfairly criticized for those views, and they wish to show their support of him and his use of his business as a vehicle for political advocacy. They organize a “day of appreciation” to demonstrate solidarity. Our intentionally expressive agent learns of the demonstration and hastens to the restaurant to buy a sandwich. His sole purpose in making the purchase is that he act on (or, perhaps, act out) his relevant commitments. He prefers not to miss this opportunity, for the benefit of his own conscience, to express his strongly held views about the importance of restrictions on gay marriage. The agent may hope “his vote will be counted” when either the restaurant manager tallies, or the local TV station reports, the number of customers who turned out to show their support and endorse the owner’s views. He may also be fortunate enough to offend a counter-demonstrator who objects to the owner’s views, an expressive consequence that he would view as an advantage. Even if he knew neither of these things would happen, however, he would go to the trouble of buying the sandwich anyway because the issue matters to him. Assume, too, that for whatever reason there is no possibility that the consumption benefits of the market choice motivate him; perhaps he is fasting

147 Tenety.
and immediately turns over his purchase to a homeless person he passes outside the restaurant. (He would not have purchased the meal to feed the homeless person, but since he had a meal as a byproduct of his intentional expressive act, he made use of it.)

1. Expressive Significance

The agent’s speaker’s meaning and the sentence meaning of his action fully align in this case. His act is easily recognized by knowing third parties for what it is, and the demonstrators with signs and the camera crew outside help minimize misunderstanding. Assume in this case that there are no observers who miss the point. Even the homeless person figures he is an accidental beneficiary; he does not take the gift of the sandwich as an act of charity or expression of solidarity. Observers who also recognize the other political dimensions of the market choice (e.g., the fact that factory farms produced the chicken, the low wages paid and lack of benefits provided to fast food workers, the blight of fast food on public health) and thus see expressive significance beyond the agent’s endorsement of the owner’s views, in this case, interpret the act first and foremost as the agent intends. They rightly assume his commentary on the other political dimensions is simply that he cares less about them than he does about his opposition to gay marriage.

2. Rationality

Assessment of the agent’s rationality in this case is also straightforward. The agent has done what he set out to do: expressed his view through a politically laden economic choice. His commitments fully align with the expressive significance of his action. His act is fully rational—akin to more traditional, purely expressive political acts such as sporting a bumper sticker or T-shirt indicating his view, or marching in a demonstration. There is admittedly some opportunity cost to this expressive political act via market choice. He goes to some trouble to buy the
chicken sandwich, but if he weighed the costs and decided the expressive element was worth what I assume was a minor inconvenience, there is no sign of irrationality.

I offer the case above as a baseline of expressive clarity—a straightforward example of a market choice as an intentional politically expressive act. I turn now to other instances of intentional expression.

3. Private Expressive Acts

One question that might be raised about market choices as expressive political acts is whether it is realistic to assume there is any attentive audience at all to appreciate the expressive significance, or alternately, in what way the presence of an audience matters. I will argue that expressive significance, and sufficient reason for an agent to attend to it, exist whether any third party is present or not. Additional consideration of intentionally expressive agents makes clear why.

a. One-Person Boycotts

Just as the chicken sandwich customer pursues market choices to express a pro-attitude toward one of his commitments, others might abstain from a choice in order to express their opposition to political dimensions counter to their commitments. An individual might, for example, undertake a one-person boycott—for which no audience is required for the act to have expressive significance. The reasons one might stage this private boycott are familiar from discussion of “the political” in chapter one. Perhaps an agent does not wish to be associated with a particular petroleum company that was responsible for widespread environmental, economic, and public health harms through a preventable oil spill. He might disagree with a retailer’s litigation to evade a government mandate to provide coverage of contraceptives under its employee health care plan. His object might be a bank that has irresponsibly provided mortgages
to customers it knew could not afford them, or a company that pays its CEO some astronomical sum that seems obscene in contrast to compensation to rank-and-file employees. The possible objects are well beyond what can be cataloged here.

If he does not carry a sign or make an announcement at the door of the business that he does not intend to patronize it and does not explain why, no one else would even know of his stance. If he is not, say, a previously regular customer whose absence would be noted at least by a cashier, no one is going to observe what he is *not* doing. There is, in effect, no way an audience can appreciate his action. For expressive acts to have significance, however, the agent need not be seeking to change anyone’s mind, to raise others’ awareness, or to prompt them to examine their own beliefs and behavior, but simply to ensure the alignment of his own commitments and behavior.

I would also note that Kutz’s driver in the ozone case switching to non-CFC coolant falls into the category of a private expressive act. If he unilaterally boycotts CFC coolant and chooses to pay more for non-CFC coolant, he is an intentionally expressive agent—but one largely without audience, or at least attentive audience. Other than his mechanic or the clerk at the auto parts store who sells him the coolant, no one is likely to witness and appreciate his action.

*i. Rationality*

Whereas chicken sandwich buying as an intentional expressive act is akin to sporting a bumper sticker or marching in a demonstration, the one-man boycott is akin to burning a draft card or tax forms in the privacy of one’s home. An individual, unpulicized abstention from consumption of a particular product or from patronizing a particular business may not be a

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148 This clarification comes from a conversation with Henry Richardson.
149 I will return later to the need for agents to imagine third-party views to understand expressive significance fully in some cases.
particularly effective statement in terms of reaching an audience or halting what one opposes, but it may still be a fully rational expressive act.\textsuperscript{150} His objective is to avoid association with positions and practices he would not wish to condone or endorse and to express his attitude toward what he cares about.

Here I depart from Brennan and Lomasky, who ultimately come to question the expressive significance of acts that are “not subject to scrutiny” or lack the “expressive dimensions of a genuinely public performance.”\textsuperscript{151} My primary concern is the quality of the agent’s reasoning in terms of coherence of commitments and actions. Where third-party interpretations exist, the agent needs to take them into account, but that third-party interpretations exist is not necessary for the act to have expressive significance. The irrelevance of an audience is illustrated by the following observation from Alan Hamlin and Colin Jennings: it would be difficult to make sense of “a Manchester United fan cheering against his team,” even in the privacy of his own home, where there is no one else to witness his act. The act still has expressive significance—and cheering against one’s team seems straightforwardly irrational by expressivist standards, since the expressive significance is so clearly incompatible with what the fan cares about.\textsuperscript{152} A Brennan and Lomasky example also applies: an agent who is committed to racial equality would not vote for the Klandidate just because no one is looking over his shoulder in the voting booth and his vote would make no practical difference.\textsuperscript{153} Precisely because it would be so inconsistent with his character and commitments, the action would be irrational on

\textsuperscript{150} One might argue that burning the draft card or tax form is an arational action of the sort Hursthouse describes as motivated at times by emotion, such as anger or frustration. I view this action as more pre-mediated and intentional than arationality suggests.

\textsuperscript{151} Brennan and Lomasky (2000), 82-83. Specifically, they suggest: “[T]he mere act of showing up at the polls every several years and grabbing some levers is palpably inadequate to qualify as a significant act of political expression”; and “Because the ballot is secret, the direction of one’s vote is not subject to scrutiny and thus lacks the expressive dimensions of a genuinely public performance.”

\textsuperscript{152} Hamlin and Jennings, 652.

\textsuperscript{153} Brennan and Lomasky (1997), 186.
expressive grounds. Brennan and Lomasky come to think all acts of political expression need to be of the bumper sticker, lapel pin, yard sign, flag waving, public testimony sort; I think hanging a political poster in your home office that no one else ever sees constitutes an act of political expression. In short, the publicity requirement that Brennan and Lomasky ultimately wish to apply is irrelevant to my account.

4. Rationality and Futility

Finally, I want to emphasize a point implicit in the discussion of intentional expressive acts such as draft card burning: the expressive dimension can render rational acts that are certain to be practically futile, and even in some cases involve great inconvenience or cost to the agent. An agent might perform such a purely expressive act relating to some issue of importance to him so that silence or inaction is not mistaken for assent; he might publicly burn a flag to convey his opposition to war or some other act of the government. Such actions may have some consequences: causing the burner to be arrested, angering observers with a different conception of patriotism, generating a feeling of solidarity among those who share his views, or provoking thought among the previously ambivalent. It is unlikely, however, to stop the war or other government action he opposes, though that opposition explains and motivates his action. Another agent might set her recyclables out on the curb every Thursday morning, even if her jurisdiction does not offer a recycling service, as an act of political expression to convey that she is committed to the environment and thinks her city should be, too. Obviously, the material is not going to be recycled as a result of her setting it on the curb, and the only actual consequence of her doing it may be that her neighbors think her strange.

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154 Anderson and Pildes, 1506.
155 The recycling case comes from a conversation with Alisa Carse.
The cases just cited are more purely political than market-based. Such expressive behavior can, however, take place in a market setting in a variety of ways. One might, for example, chain oneself to a tree at a site about to be cleared to make way for a big box store, and I have mentioned the actual market choice cases of one-man boycotts and chicken sandwich buying. In all cases, it is important that the agent not confuse expression with efficacy. I assume, for example, that the intentionally expressive chicken sandwich customer knows he will not measurably advance the causes he shares with the chain owner, either through the money he adds to the owner’s coffers or through his role in the publicity. His expressive act may have some consequences that he would find desirable, such as exasperating advocates of equality who witness his patronage, or heartening the restaurant owner. If he believes he has made a difference in forestalling gay marriage, though, he would be delusional, and if he seeks to realize the actual political outcomes of interest to himself and the owner, there are better ways to go about that than by sandwich buying. Similarly the one-man boycotter should not overestimate the power of his action. In assessing the rationality of his action, I have assumed he knows the withdrawal of his support will make no difference to whether the practices he opposes continue; he also knows that his act will not necessarily raise awareness or provoke thought among others. His only aim is to conduct himself in a way that aligns his actions and commitments, appropriately expressing his values.

One’s engagement in expressive, yet largely futile, political activity can be quite extended and onerous, and still be fully rational. While it takes but a moment to burn a flag, an agent could also dedicate a significant portion of her life and work to an effort that may never pay off, at least in her lifetime. This is true of many involved in the civil rights movement in the United States, the anti-Apartheid movement in South Africa, women’s suffrage movements in
various countries, even in the secession of the South in the United States. Such endeavors may be entirely futile as far as one experiences and can be personally costly—involving financial ruin, imprisonment, injury, or death—but to the degree that they are expressions of one’s deepest commitments and convictions, they are rational projects, perhaps even rationally necessary projects. I dwell on this simply in anticipation of skepticism about whether going to some trouble to align one’s commitments with the political dimensions of one’s actions might be unreasonable if not irrational. Expressive acts are not matters of return on investment in terms of efficacy or of practical fulfillment of ends.

a. Dissent

Finally, in considering the intentionally expressive agent, I want to return to the question of dissent. Unlike Gilbert’s theory discussed in the previous chapter, the expressive account easily and intuitively accommodates and explains instances of dissent. Recall the example of a group member voting against a particular action, who, on Gilbert’s view, is forever yoked by joint commitment to a plural subject and its actions that this member disavows. As I suggested, it is implausible to attribute this commitment to the dissenter, since the act of dissent conveys, by definition, “I do not share your view or intention.” On the expressive account, this separation from the group intention is quite clear.

If, for example, a shareholder casts a dissenting vote on a board election or some other matter, knowing that he will be in a very small minority and his ballot is practically futile, he is not incriminated in the decision from which he dissents. What the expressive account does allow—and this is perhaps what Gilbert is after—is that if the dissenter remains a shareholder, that voluntary ongoing participation in the corporation’s practices takes on a new expressive hue after the decision he opposes is enacted and becomes a part of the process in which he is a
participant.\textsuperscript{156} That is, his status as a shareholder then expresses a willingness to be affiliated in an ongoing way with the practice opposed.\textsuperscript{157}

B. The Non-Culpably Ignorant Agent and Unintended Expression

I turn now from the intentionally expressive agent to a non-culpably ignorant agent whose market choice is unintentionally expressive due to a political dimension of which she is unaware and which is inconsistent with her commitments. I will show that her act has expressive significance, considering both third-party interpretations and her own imagined reaction, if she had all of the facts. Along the way, I will address the role of intention in expressive significance, considering the parallel of “misspeaking” and questions of rationality (which are admittedly more complicated here).

Assume that on a day with no fanfare that would draw unusual attention to the restaurant owner’s political positions, a tourist from another country chooses to patronize the same chicken sandwich franchise favored by the intentionally expressive agent above. The tourist is determined to experience “American fast food” as part of her trip, has heard that this franchise offers particularly tasty fare of that sort, and seeks out this chain specifically. Assume the tourist does not know of the restaurant owner’s political stance (though it is quite well known domestically), and strongly opposes the owner’s views and would never seek to align herself—even symbolically—with such views or a person known to advance them, especially not for the

\textsuperscript{156} Some organizations have policies that all members are obligated to support a decision once made, even if they disagreed; in such a case, assuming one does not resign, one would willingly have accepted an ongoing joint commitment with respect to that decision.

\textsuperscript{157} A willingness to be affiliated with a process that brings about harm may also sufficiently explain the “rational shame” that Gilbert’s joint commitment did not seem able to account for in relation to Jaspers. While the questions of state citizenship and of the psychology of members of any group involved in an atrocity are well beyond the scope of my project, it seems possible that the mere fact of participation in the larger shared structure is enough by expressivist standards for one rationally to feel shame, even if one had no actual connection to the crimes.
sake of a chicken sandwich. If she knew all of the facts, she would act differently, but acting on incomplete knowledge, she patronizes the chain.

How does her patronage of the chain differ, expressively and rationally, from that of the intentionally expressive agent when they ostensibly perform the same act? What difference does it make that, unlike the intentionally expressive customer, if the tourist were asked if she would wish to be associated with the owner’s political positions, even symbolically, she would say, “No, that is inconsistent with my commitments, and I would feel quite sick about it. I would certainly have avoided the restaurant if I had known.” The misgivings and regret she would feel if made aware of the political dimension after patronizing the chain—and the fact that someone telling her about the political aspect pre-emptively would cause her to avoid patronizing the chain—suggest that the agent would have reason to believe she has made a mistake in her market choice due to the conflict of the political dimensions with her commitments. But on what grounds? She would know that her act did nothing causally to further the owner’s political objectives, so that could not be the basis for her misgivings. She would know she had no intention with respect to the owner’s political positions, so that could not be the basis. She would know her reasoning was blameless based on the information she had, and that her ignorance was inculpable. The crux of her concern is symbolic affiliation with the owner’s positions. The political dimension that allows the customer whose commitments align with the owner’s to use his patronage to convey endorsement makes it difficult for an agent who does not share the views to avoid her action’s having some related expressive significance.

This, however, suggests counter-intuitively that intention is not relevant to expressive significance, or at least not necessary to it. Indeed, I will show that although the tourist’s speaker’s meaning truly is simply, “I want to try this chicken sandwich,” the sentence meaning
of her patronage is altogether different. Again, once fully informed, she would recognize and regret that her ignorant action nevertheless affiliated her with the owner’s position in some way.

1. Expressing, Communicating, and Intention

The tourist, unlike the intentional expressive agent, is clearly not acting on reasons generated by a “pro-owner’s-politics” attitude. She does not hold such an attitude, and thus cannot act on such an attitude. Given that she does not hold the attitude, can her action nevertheless express the attitude? Can she, in ignorance, have expressed through her patronage either lack of opposition to, or support of, the owner’s views? It is possible, of course, for an agent to express an attitude that she does not hold. She might feign enthusiasm for seeing a tiresome acquaintance—or fake a smile and answer “I’m doing great!” in response to the standard “How are you?” query, when she, in fact, has much weighing on her mind. In such cases, however, the agent has an intention to convey the attitude of good cheer, however insincerely. No such intention animates the tourist.

Anderson and Pildes, focusing on the role of intention, distinguish between “communicating” an attitude or mental state and “expressing” one. They draw the line thus: “To communicate a mental state requires that one express it with the intent that others recognize that state . . . .” Expression requires no such intention: “One can express a mental state without intention to communicate it.” My earlier examples of private expressive acts are instances of expressing without communicating, though in those cases, there is still at least an animating intention to express. In fact, that is the sole purpose of the act. There can also, though, be instances of expressing without an intention to do so. For example, one’s facial expression

\[\text{158 Cf. Anderson and Pildes, p. 1510.}\]
\[\text{159 Anderson and Pildes, p. 1508.}\]
\[\text{160 Ibid.}\]
might betray one’s emotions when one wishes to appear completely unfazed.\textsuperscript{161} Then, however, the attitude one expresses, if inadvertently, is one’s true attitude. What we are looking for is unintended expression of an attitude the tourist actually does not hold. Here it is useful to consider the parallel case of “misspeaking,” which suggests that, regardless of what the agent intends, she might \textit{reasonably be taken to express} an attitude she does not hold. That, I will show, is sufficient for expressive significance in the tourist case and thus for showing that possible third-party interpretation can establish expressive significance absent any relevant intention on the part of the agent.

\textit{a. Misspeaking}

The tourist’s actions seem akin to other faux pas a tourist might commit that give the wrong impression, such as using the wrong English word because she mistranslated from her own language (e.g., calling something “ugly” instead of “charming”), or inadvertently acting in a way that is typically a gesture of disrespect because she does not understand the customs of an unfamiliar culture.\textsuperscript{162} Even, in the most familiar setting, an agent could make a careless remark that is hurtful to another, though she does not intend to cause hurt and did not anticipate her remark would be “taken that way.” In all of these instances, regardless of the agent’s intention, she may convey a certain idea or impression through her act, however inadvertently and however inconsistent with her actual attitude.

Whether the agent actually expresses the unintended view in such cases now seems the wrong question to ask. It would be more fruitful to ask whether \textit{her action might reasonably be taken by an observer to express} a specific attitude. Here we shift from the agent as arbiter of her own expressive acts to a third-party as arbiter—raising the question of third parties’

\textsuperscript{161} An example from conversation with Henry Richardson.
\textsuperscript{162} This clarification was suggested by Alisa Carse.
interpretative authority, to which I will return later. For now, it is useful to consider the third-party perspective (however much authority it ultimately should be granted) and the suggestion that the tourist “misspeaks” through her market choice.

b. Expressive Significance

As noted, the tourist’s action is consistent with—even optically indistinguishable from—that of someone who holds a “pro-owner’s-political-position” attitude and fully intends to express that attitude through patronage of the franchise. A clerk seeing two customers side-by-side placing the same order—one, a member of the anti-gay marriage lobby making a purchase with the intention of expressing solidarity with the owner; the other, the hapless foreign tourist unaware of the owner’s political endeavors and intending only to sample American fast food—would be unable to discern the difference and would reasonably infer not only that they both want to buy a chicken sandwich, but also that neither has misgivings about the owner’s political stances. After all, the owner’s views and activities are well known, there are other restaurant choices easily available, and no one is holding a gun to the customers’ heads making them patronize the chain. They are there of their own volition, spending money they could spend elsewhere.

Similarly, the owner himself would hardly expect people with opposing views to patronize his chain; he has, after all, gone to some trouble establish a link between his “brand” and his politics. Other customers who share the owner’s view would also reasonably assume at least awareness on the part of fellow patrons; they might move beyond assuming the customers have no objection and project on to them their own pro-attitude, assigning all customers’ acts the expressive significance of “endorsement.” Finally, an observer who has strongly held views opposite of the owner’s could reasonably assume the customers are aware of the owner’s politics
and appropriately factored into their choice the prospect of being associated with those views. Even an imagined, reasonably informed, objective observer would have a similar interpretation. One might say that these observers are presumptuous, but nearly all they are assuming is that the customers have some passing acquaintance with current events, have other food options, and have the capacity for thoughtful choice. Recall that the tourist herself would be quite queasy about the idea of patronizing the chain if she knew the facts.

That the tourist has no intention to affiliate herself with the owner’s views and is inculpably ignorant of important facts about the circumstances in which she was acting does not get her entirely off the expressive hook. Regardless of the agent’s awareness, the expressive dimension is present in her choice because of the political dimensions of that choice. The act’s expressive significance is not activated by or dependent on the agent’s recognition any more than it is dependent on her intention. This, however, is the sort of case that prompts me to refer to expressive “significance” rather than “meaning.” To say that the tourist’s action has the “meaning” of condoning or endorsing the restaurant owner’s views is perhaps too strong a statement given her lack of relevant knowledge and intention. “Significance” is meant to convey something less intentional than “meaning” suggests, while still acknowledging some association with the political dimension of the choice.

c. Rationality

I turn now to the question of the rationality of the tourist’s choice. Since she might reasonably be taken at least not to oppose the owner’s position, she acts in a way inconsistent with her commitments. While her ignorance is non-culpable, she will not have done what she has most reason to do, or, alternately put, she will have done what he has reason not to do.\textsuperscript{163}

\textsuperscript{163} Williams, 70.
Her choice does not, as the expressive standard requires, adequately express her rational attitude toward what she cares about, with respect to the political dimensions of her act: sandwich buying (that has the expressive significance of affiliating with the owner’s views) for the sake of trying American fast food does not express her rational attitude, perhaps in part because the gain is too trivial to justify the expressive cost. In the most literal sense, then, she acts irrationally, but perhaps a more nuanced assessment is in order, since her reasoning was entirely coherent based on the facts as she understood them to be.

She would, as noted, not wish to be viewed as aligning herself with the owner’s politics in any way, and if she were aware, she would regret a) that the owner and others of his ilk might believe there is one more person on the planet who thinks their views are acceptable (remember, she feels quite strongly about this), b) that someone might have suffered expressive harm or insult by her patronage (that is, her patronage might reasonably be taken as reflecting, at best, indifference to the question of discriminating against gays), and c) that anyone might now misjudge her character and think she is a different sort of person than she takes herself to be. Finally, regardless of how she is viewed by others, she would regret that she has acted in a way she views as inconsistent with her character and commitments—that aligns her with something she opposes. Yet her action was consistent with the information she had; she was inculpably ignorant and simply made a mistake as a result.

Returning to the parallel case of misspeaking, we might not consider it irrational for her to have made a careless remark that caused hurt or offense, to have used the wrong word in a foreign language, or to have done something that violates a custom in a country with which she is not familiar. We would recognize she had reason to act differently and assume that once aware of the situation, she would exhibit chagrin or regret and would act differently in similar
circumstances in the future. We would presumably also think, “these things happen,” and tend to consider them isolated errors, not necessarily instances of irrationality. Further, if the discovery of the mistake were accompanied by an appropriate response of regret or embarrassment, we would assume the view expressed is not reflective of her true character.

The same assessment applies to the tourist’s patronage of the chain. She did, in fact, act inconsistently with her commitments, but she reasonably acted on the information she reasonably had. Her reasoning was flawed in so far as she acted on a faulty assumption that she knew all she needed to know. She would regret her action as tainted in some way if she knew the facts; there would be expressive residue after the fact of discovery. While I believe that her act is irrational by expressivist standards, even those who believe irrationality is too strong a charge would presumably concede that this case—and the agent’s alarm upon learning the facts—shows agents have reasons to identify the expressive significance of their action as well as she is able, and to factor that expressive significance into decision-making to ensure alignment of commitments and actions. Fundamentally, that is what I wish to show.

C. The Deceived Agent

I turn now to another instance of inculpable ignorance, viz., being the victim of deception. In such a case, the expressive significance of the act remains largely—though not entirely—aligned with the agent’s intention. As I will show, the action’s expressive significance is determined here by both the facts of the matter and the facts as the agent believes them to be. Again, I will consider the agent’s interpretation of her action if the facts were revealed to her; here, her own view, once informed, is more revealing than third-party interpretations. I will also consider the question of rationality, which is complicated in ways similar to the tourist case.
Assume an agent is duped into acting in a way that she would not act if she knew the relevant facts. Perhaps a manufacturer intentionally labels goods “fair-trade” that are, in fact, products of oppressive working conditions. The agent purchases the particular goods precisely in order to express her commitment to fair labor standards. What is the expressive significance of her act and is her choice rational? The duped agent is both intentionally expressive and, due to inculpable ignorance, unintentionally expressive. On its face, the action is—to her and third parties—one of clear intentional expression, in which the speaker’s meaning and sentence meaning coincide. Absent fuller knowledge, neither she nor any observer could reasonably draw any conclusion other than that she is intentionally expressively aligning herself with fair labor practices, and paying a premium to do so. Her speaker’s meaning is, “I support the fair treatment of workers and am willing to pay for it.”

In terms of third parties, the person who knowingly mislabeled the goods would presumably identify her speaker’s meaning as the full expressive significance of the act; her commitment to fair trade and intention to act consistently with that commitment are, after all, what he is preying on. The mistreated workers in the factory or field that produced the mislabeled product would also seem to have to admit the consumer “meant well” and intended to express solidarity with them. They would have no basis to assume she condones their exploitation. If they have cause for anger or resentment, it is toward those who mislabeled the goods they produced and toward those who exploited them.

The duped agent’s own assessment of her action would presumably change, however, with full knowledge, as did the tourist’s. There would be expressive residue of having aligned herself with exploitation, even if that alignment is not obvious to others. The duped agent would have cause not only for anger at being duped, but also for regret. The basis for her anger could
be being duped in principle—and on something that matters a great deal to her; having paid for counterfeit goods; having her good will exploited; and the exploitation of the workers involved. The basis of her regret would be that she has been brought into association with this unsavory mess of exploitation that she firmly opposes. Even though the workers would not feel expressive harm, and the counterfeiter would not believe the agent would support his deception and the exploitation of workers, she, in her own estimation, would inadvertently have “bought into” the exploitation that she is firmly against.

Perhaps she judges herself too harshly, but lack of regret upon learning the circumstances would be odd. She is either the kind of person who cares about exploited workers or she isn’t; if she has a relevant commitment to fair labor and goes out of her way to buy fair-trade products, it is hard to imagine she would be indifferent to association with exploitation, even if she knows she was blameless and her act made no causal difference to the workers’ situation. She feels sullied in some way by affiliation. As was the case with the tourist, her inculpable ignorance does not get her fully off the expressive hook.

1. **Rationality**

What of the rationality of the duped agent’s action? Like the tourist, she acts in a way she has strong reason not to act, in this case by purchasing goods produced through labor exploitation; also like the tourist, her reasoning is internally coherent, because all evidence suggests her actions align with her commitments. An assumption on which she quite reasonably relied was not true, and her error is especially understandable and excusable, because she was purposefully misled and verifying the accuracy of fair-trade labels would seem beyond her ken. Yet she would not think that the act ultimately expressed her attitudes toward what she cares about, despite the fact that buying goods labeled as “fair trade” for the sake of acquiring a
desired consumption benefit while showing solidarity with workers would seem to express the appropriate attitude. But she did not mean only to buy goods merely labeled as “fair trade”; she intended to buy authentic fair-trade goods. A fake label would not be sufficient to express adequately her attitudes toward labor standards, workers’ rights, and respect for workers. The correct question-description of her intended action is, “Does buying goods produced under fair-trade conditions in order to acquire the desired consumption benefits in a way that accords with my minimum acceptable standards for working conditions (including compensation) express the right attitude toward what I care about?” Because she did not meet this standard, I do take her action to be irrational, if excusably so. Even without resolving the potential disagreement about rationality, though, the case again shows the importance to agents of aligning their commitments and actions—and of understanding the larger processes of which they are part—even if the case also acknowledges that we find ourselves in situations of imperfect knowledge and occasionally make a mistake as a result.

D. Misbelief and Unintended Bias

I turn now to a third instance of ignorance and unintended expression—failure to know one’s own mind, or specifically, a case of unconscious bias, in which an agent believes he holds a certain commitment, and is a certain sort of person, when, in fact, his true beliefs run counter to that presumed commitment.164 In this case of unintended expression, in which an unconscious force shapes intention, there is inconsistency between the agent’s professed (even to himself) commitments and actions, but consistency between true beliefs and action. Here, as in the tourist case, a third party may be a more accurate judge of the expressive significance of the agent’s act.

164 The suggestion to consider unconscious bias was made by Henry Richardson.
Consider the case of an agent who believes he is committed to racial equality. Assume he is at some sort of multi-vendor market where two vendors in adjacent booths—one black, one white—are offering the same kind of goods, perhaps baseball cards. The agent realizes that both of them have a card he has been seeking; the cards are the same price, but the black vendor’s card is in slightly better shape, an important consideration in baseball card collecting (and pricing). If the agent had never seen either of the vendors—if, for example, the transaction had been conducted on the internet—he would have opted for the black vendor’s card. Nevertheless, the agent makes the purchase from the white vendor and tells himself a non-race-based story about why the white vendor’s card is preferable—race does not even enter into the story.

As a result, his speaker’s meaning is somewhat off topic from the expressive significance of his act; he perceives himself to be making a statement only about baseball cards and whatever rationale he has concocted to justify choosing the inferior product—not expressing a view on race. His application of the expressive test of rationality will accordingly completely miss the political dimension brought to the action by the presence of race. The question he would ask himself is “Does buying this card for the sake of fulfilling my desire for the card (or “completing a set” or “having the card”) rationally express my attitude toward baseball card collecting?” The question he should ask himself is something like, “Does buying an inferior card from a white vendor, instead of the superior card from a black vendor, for the sake of fulfilling my desire to acquire the card adequately express my attitudes toward acquiring the best possible card and exhibiting no preference for whites over blacks solely on the basis of race?”

Despite his confusion, the answer to the question of whether the agent expresses a racist attitude through his action must be yes: he has a racist attitude and he acts on it, regardless of conscious intention. If his unconscious bias were to become evident to him, even he would
acknowledge, presumably with some mortification, that expressing a racist attitude is exactly what he has done. Third-party observers might more readily see his action for what it is. Either vendor (assume each is familiar with the other’s wares) could recognize the buyer’s reason for choosing one of them over the other and reasonably take his action to express a racist attitude. His sentence meaning would be, “He wants that card, but cares more about avoiding patronizing a black vendor than he does about getting the better card.” Had the goods been truly identical, they might be presumptuous in reaching this conclusion, as, for all they know, the agent flipped a coin out of their sight to break the tie. (Even if they were wrong about the role of racial bias in the coin-flip-determined decision, though, the act might still appear to them as one of racial bias. Fair or not, that is how an observer might reasonably take the expressive significance of a choice between two races (e.g., a hiring decision), and agents who care about the issue of racial equality should to take that significance into account in making informed decision about their choices.)

1. Rationality

The assessment of the rationality of the action of the unconsciously biased agent is obviously complicated by the agent’s own internal confusion. Certainly, he is no model for rationality in so far as he is ignorant of, or deluded about, both what he truly believes and what he has done; he has made a different choice than he thinks he has in expressivist terms. Nevertheless, one could argue that fundamentally, he acts in the way he has most reason to act given his true (if unrecognized) views. While the agent’s impression of himself is that he is committed to equality, it turns out he harbors prejudice, and so, his act is consistent with his actual beliefs, values, and attitudes, if not his beliefs about his beliefs, values, and attitudes. Accordingly, his choice seems rational.

There is another, quite practical way, however, in which his choice appears inconsistent with self-interest and is arguably irrational: he knowingly paid too much for an inferior product
and elected to forego the superior product. Further, he made the decision on the basis of race—a factor that has absolutely nothing to do with the better card investment. By the expressivist standard, for it to be rational, he would have to privilege the opportunity to express his racist attitude over securing the better card, which is not impossible, however troubling one might take his priorities to be.

Yet these assessments do not seem a complete view of the agent’s predicament or the best application of the expressive standard of rationality, so I will offer a possibility by which the act might be irrational on expressivist grounds. I assume that he sincerely believes he is committed to racial equality or sincerely aspires to be the sort of person who is; at the least, he rationally recognizes a pro-equality attitude as one he rationally wishes to hold. If one handed him a ballot, even a secret one, that said “Shall we make choices on the basis of race?” or “Shall we be racist?” or “Shall we express racist attitudes?,” he would vote “no,” and I assume he would mean it. And so, when we apply the expressivist standard of rationality, it would seem that the act does not adequately express his rational attitude toward something he cares about and thus is not rational, but rather expresses what he would view as an irrational attitude about race.

Harry Frankfurt’s first-order desire/second-order volition distinction might help in interpreting this case. The baseball card collector’s situation might be described thus: he has a) a first-order (base) inclination to favor whites over blacks solely on the basis of race; b) a second-order desire to act without prejudice; and c) a second-order volition that he be moved to action by this second-order desire, not by his first-order racist inclinations. If his second-order

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165 For a fuller discussion of instances of irrationality due to unconscious bias see Banaji and Greenwald, 117-118, especially. Interestingly, they define the “good people” of their title as those “who intend well and who strive to align their behavior with their intentions.”

166 One might reasonably respond that such weighting of racial bias is itself irrational, but I have vowed not to judge the rationality of the commitments themselves, but only the ways in which agents adhere to them in their actions.

167 I set aside, as beyond my scope, any questions of incommensurability between baseball cards and racist views.

volition prevailed, he would make a fully rational choice, on expressivist grounds, to do the opposite of what he has done: he would patronize the black vendor. His original decision, however, would be a case of the failure of his second-order volition to prevail: he would know that the better decision, all things considered, would have been to purchase from the black vendor.

Obviously, here, the agent is unaware of his first-order desire, but this still seems a reasonable interpretation of what occurred; he would presumably want his second-order desire to prevail if he takes himself to have a commitment to equality. If he were made aware of his unconscious bias (say, through an Implicit Association Test), he might work hard to be the kind of person he wants to be, to make his professed commitments his prevailing commitments.\textsuperscript{169} At the least, this seems a case of weakness of will, and I do take it to be irrational—as not adequately expressing his rational (versus base) attitude. In any event, his regret upon learning of his bias, would again suggest that he has reason to understand better the expressive significance of his actions, and to work to align his actions with the character he aspires to have.

\textit{E. The Rationally Ignorant Agent}

I turn now to the expressive significance of the actions of a “rationally ignorant” agent, who chooses not to investigate whether a market choice is consistent with his commitments. Anthony Downs’s original formulation applied the term “rational ignorance” specifically to voting: given the remote chance that a voter could affect the outcome of an election, there would likely be no return on the voter’s investment of time in learning about candidates and issues in order to cast an informed vote, and so it might be fully rational to remain uninformed.\textsuperscript{170} If he

\textsuperscript{169} For an example of such a test, see Project Implicit: \url{https://implicit.harvard.edu/implicit/demo/}.

\textsuperscript{170} See Downs, chapter 13.
voted, he would simply roll the dice on whether the candidate represented his interests. In expressive cases, the question of efficacy has also been set aside as irrelevant, but the emphasis is on the need to tend thoughtfully to the expressive significance of the act (for which Downs does not account). Still, I believe the rational ignorance approach is a common strategy of consumers who have a vague awareness of the political dimensions and resulting expressive significance of their choice, and I will refine the term below. For now, the rational ignorance standard as I apply it to expressive significance of market choices involves the agent making a sweeping assessment that the possible negative expressive dimensions of a particular market choice, if those dimensions were identified and considered, would not outweigh the positive benefits gained by both saving the time necessary to investigate and acquiring the good in question. While the rational ignorance approach can lead to market choices that have no expressive dimension germane to one’s commitments or choices with expressive dimensions that serendipitously align with one’s commitments, I will focus on cases in which the expressive dimensions are inconsistent with commitments.

1. Hazy Circumstances

I first return to the case of Kutz’s engineer tinkering with little black boxes, suspecting, but not knowing, that his work is being put to a use with which he disagrees (i.e., producing landmines). The expressive theory offers a sufficient, straightforward explanation for why the engineer should be concerned about his involvement in the work, even assuming some unavoidable ignorance about the precise nature of the activity. Although he cannot know for sure whether his work is deployed in, say, lawn sprinklers or landmines, to the degree that he is opposed to being involved in the manufacturing of landmines, he has expressive reasons to withdraw his talents from the production process. If he withdraws and his suspicions are correct
about the landmines, he has avoided entanglement in an enterprise to which he is very much
opposed. If he withdraws and is incorrect, he has still acted consistently with his commitments,
making a rationally ignorant judgment that the possible expressive outcome of aligning himself
with pointless destruction is not worth the benefits to be gained by staying on the job.

Assume, however, he elects to continue in the role in hazy circumstances, judging that
the worst possible expressive downside of being affiliated with landmine production cannot
outweigh the costs of finding out the truth or resigning. The speaker’s meaning of his choice is
presumably, “I am tinkering with black boxes and can’t know to what use they will be put, but I
would be appalled if it were landmines.” The sentence meanings of his choice, for anyone who
shared or knew of his suspicions (e.g., the families of landmine victims), would include: “He is
indifferent to the plight of landmine victims and cannot be bothered to find out the truth,” “He is
willing to roll the dice with whether his talents are associated with the injury or death of
landmine victims, which shows callous disregard for them,” and “He has decided that proceeding
with his role is more important than avoiding aligning himself with landmine production and
resulting destruction, if that turns out to be what he is doing.”

Regardless of the facts, he expresses a willingness to be affiliated with landmine
production. He has shown himself to be not only the sort of person who is willing to roll the dice
on upholding certain commitments, but also actually willing to violate those commitments, since
for all he knows, the landmine suspicion is accurate. The question he would ask himself is:
“Does continuing to perform my job for the sake of keeping a roof over my family’s head,
though I know that my work might be used in landmines, express the relative weight I place on
my rational attitudes toward not killing innocents and my family’s well-being, respectively?” If
he truly has a commitment that gives him pause about involving himself in landmine production,
the decision to continue his work can still be rational, if the value he places on avoiding affiliation with pointless destruction and the deaths of innocent people is outweighed by a desire—or need—for income to support his family.

Consider now a more mundane, clearer case of rational ignorance in a routine market choice. Assume an agent buys a shirt from a catalog, which specifies the shirt’s origin only as “imported.” Because she needs a gift for Father’s Day and has waited until the last minute, she is inclined to proceed: her father wears that brand, the catalog offers free and fast delivery and easy returns, and she does not have time to go to a store. She, however, also has commitments related to labor standards, and the vague “imported” characterization gives her some pause. Rather than investigate (perhaps she must place the order via the internet by midnight to receive it in time, but customer service is closed for the day so she cannot get the details on origin in time), she decides to hope for the best; the label may end up saying something she would rather it did not about country of origin, but she prospectively decides to subordinate her labor commitment to convenience in order not to show up empty-handed on Father’s Day. When the shirt arrives, the label, in fact, indicates the shirt’s origin as a country notorious for factory disasters that arose from working conditions known to be unsafe and that resulted in the deaths of hundreds, including child workers.

What is the expressive significance of her choice? Her speaker’s meaning seems to be: “I realize it is risky, but I am hopeful it will turn out OK in terms of country of origin and labor standards, but either way, just this once, I am going to compromise my commitment and put convenience (and perhaps avoiding my father’s disappointment) ahead of avoiding affiliation with the exploitation of workers. If I have made a bad bet, I will regret the affiliation with harm, but I have factored that in, and I would rather save the time and stick with this choice.” I believe
the agent shows if not an explicit lack of regard for workers’ rights, then at least the highly contingent nature of her commitment with respect to fair labor standards. She would presumably ask herself: “Does buying a shirt that may have been produced by workers subject to what I generally view to be unacceptable conditions in order to have a convenient gift for Father’s Day express the relative weight I place on my attitudes about workers’ rights and dignity and convenience in having a gift for my father?”

A third-party observer—say, the families of workers killed in factory disasters—would take a dim view of her action; after all, how necessary could this shirt purchase be? The sentence meaning of her choice to buy a shirt whose origin is (or might be) a place synonymous with a blatant disregard for the lives and dignity of workers is, “She doesn’t care very much about concerns like that; she would rather have a superfluous shirt.” Even if the agent insisted she held a commitment about labor standards, the workers’ families might think, with friends like this agent, who needs enemies? Conversely, the buyer for the catalog company and the factory owner might think, with docile and complicit opponents like this, who needs friends?

a. Rationality
While I have borrowed the term “rational ignorance” to illuminate a certain kind of case, such cases might better be viewed as a form of an all-things-considered judgment—albeit a preemptive form. What the agent banks on is that any undiscovered (but discoverable) political dimensions and expressive significance would not have been sufficient to change her mind, had she uncovered it in advance; the negative expressive considerations would not outweigh the benefits gained by saving the time and gaining the good in question.

In such an anticipatory all-things-considered judgment, the agent decides what weight to assign the various factors—the reasons for proceeding with a choice with incomplete knowledge,
the reasons for not investing time in investigating, and whether the worst possible expressive result (including regret) is not only tolerable, but also sufficiently offset by the value of the time saved and the good secured. She should not be surprised if it turns out her action is expressively inconsistent with her commitments and that she is viewed by others as not even having any relevant commitment at all—as being a different sort of person than she takes herself to be. By the expressivist standard, if the act is to be rational, it is simply because she has decided that she cares more about convenience in having a gift for her father, and her action expresses that attitude. If she performs this calculation, I would not question the rationality of her decision. I would, though, question the level of her “commitment” to workers’ rights and wonder if it is not a mere preference. Her devotion to her father is admirable, but surely if she really cared about the workers, she could have found an alternative (e.g., taking some already-known safe course, such as baking her father a cake) or ensuring time for more careful investigation—some alternative that better accommodates and expresses all that she cares about. It is not obviously the case that the need for the shirt qualifies as the kind of care for one’s parent that should override a concern about sweatshop labor.

One would need to know more about the agent, though, to determine if the commitment exists. A third-party observer who, unlike the imagined families of factory workers or catalog employee, and who has more information about the agent than this particular choice, might be more generous. Rather than making a judgment on the isolated incident, someone who has known the agent over time might see the act as truly an isolated lapse—like drinking too much one time or skipping the gym one day, but something that is, generally speaking, “out of character” and for which the observer assumes there is good reason. The agent also views, as I have depicted it, the choice as an unusual departure from her normal standard due to unusual
circumstances, but believes that overall, the “narrative unity” of her life tells a different story about the kind of person she is. Still, as noted, she accepts the true expressive significance as conveying indifference to something she asserts is important to her, and if she takes the “rational ignorance” shortcut too often, she is likely fooling herself about her commitment. In any event, what she could not do while still persuasively claiming the commitment is to have failed to factor in expressive significance at all, and to lack any regret in subordinating that commitment. She understands she is a willing participant in a process that privileges shirts over lives.

F. All-Things-Considered Decisions

I turn now to more straightforward (i.e., not pre-emptive) all-things-considered decisions in which the agent is aware of relevant political dimensions and commitments and the resulting expressive significance of his action and intentionally proceeds with a choice with expressive significance inconsistent with his commitments. I will consider a range of cases—dramatic to more ordinary—and show that while the expressive dimension remains important and should be factored into a rational all-things-considered decision, again, the expressive significance concern relating to the political dimension may not always carry the day. Certainly, in cases of exigency, expressive concerns can easily be outweighed, sometimes with residue, sometimes without. In more ordinary situations, too, other commitments, including other straightforwardly expressive ones, can outweigh the expressive significance counter to commitments related to political dimensions.

1. Exigent Circumstances
Consider first examples in which the stakes surrounding a choice are quite serious, and urgent considerations easily outweigh strongly held commitments and the related expressive
significance of the choice; in some instances of this kind, the outweighed commitment and expressive significance hardly seem salient at all. Assume an agent typically avoids the neighborhood pharmacy because the proprietor is a known racist, and she does not wish to align herself with his abhorrent views (which would be the expressive significance of patronizing his business). On a certain occasion, however, her child, who is deathly allergic to bee stings, is stung on the sidewalk outside the store and, for whatever reason, she does not have the child’s EpiPen with her. She runs into the pharmacy and urgently requests an EpiPen to stave off the child’s going into anaphylactic shock.\footnote{To make this a true market choice, assume the mother returns later to settle her tab, as the EpiPen is costly and it seems unfair to leave the pharmacy to absorb the cost.}

In less exigent circumstances, her commitment to equality would have prevailed in her calculation as sufficient reason not to patronize the store, but it is hard to imagine anyone criticizing her in this case. Third parties (including the owner) could not reasonably attribute to her action any expressive significance about indifference to racism or affiliation with it. Her frantic demeanor and the child’s distress would likely make plain that the only expressive significance—the speaker’s meaning and sentence meaning—pertains to a commitment to the child’s welfare. Even by purely expressivist standards, she has made the right choice; practical reason demands that her actions adequately express her rational attitudes toward her child’s welfare, and “patronizing” even a racist pharmacist for the sake of saving her child’s life expresses the right attitude and the correct prioritization of her commitments. She may not reasonably even have cause for regret. The gravity of the situation, in effect, trivializes what would, in ordinary circumstances, be character-defining commitments.
Now consider a slightly less dire case, but one in which the costs of the agent’s standing on principle with respect to his commitments in relation to expressive significance of an act are still high. Assume an ardent environmentalist is driving on a desert route; his hybrid car’s gas tank is nearing empty, and there is no gas station for 100 miles but the one carrying the brand of gas of a company that has been responsible for numerous environmentally devastating oil spills. He decides his commitment to personal well-being (i.e., not being stranded in the desert) outweighs his environmental commitment in this case. In fact, his environmental commitment seems trivial by comparison to his safety; it would be foolhardy, perhaps irrational, to put his safety at risk to avoid the expressive costs of purchasing the gas. Unlike in the EpiPen case, however, the expressive significance of the act seems more likely, and appropriately, to figure into an all-things-considered judgment, perhaps simply because there is time for reflection (or brooding), as the danger is less imminent. Having considered the expressive element, the driver will likely resent and regret having to patronize the petroleum company, even if the expressive costs and resulting regret are obviously outweighed by a concern for personal safety—and perhaps even the benefit of living to fight “Big Oil” another day.

**a. Expressive Significance**  
The (quite wordy) speaker’s meaning of the driver’s action is: “With heavy heart, I am going to give my money to this corporation and symbolically affiliate myself with their actions. It is only because I have no apparent alternative if I want to get safely to my destination. There are, it is true, limits to my commitments—and sticking to my environmental commitment in this instance would be too costly. Refusing to patronize the only gas station available to me in a desert when I desperately need gas would seem a foolish hill to die on. Yet, while, I know it is the better choice, I regret having to align myself with these knaves and that the expressive
significance of my action includes the possible interpretation that I have no concerns about their reckless behavior and the resulting harms.”

The sentence meaning of his action may, as usual, vary by audience. Those who know him and his character would see the choice as a necessary deviation from his commitments; the sentence meaning for them would be much like his speaker’s meaning, though they might place less emphasis on regret, thinking there is not really cause for that given the stakes and given that they actually might not view this as affiliation with harm but a reluctant, regrettable one-time transaction. Other customers and the gas station owner may interpret the sentence meaning of his patronage just as the driver fears—that he has no opposition to the brand’s abysmal environmental record; alternately, they, too, may factor in the lack of alternatives and assume regret (maybe he has a sticker on his hybrid urging a boycott of the brand in question). A fellow environmentalist, one more zealous than he, might interpret the sentence meaning as, “He is a hypocrite who sold out to Big Oil.” Perhaps this interpreter’s own commitment is truly inviolable, and he would have risked his life in order to avoid patronizing the company.

If third-party interpretations are to be taken into account as I have suggested, the agent must exercise some judgment in filtering which are worthy of consideration. They may not all deserve equal weight. The zealous environmentalist’s criticism seems unreasonable, even if the driver has his own misgivings. The driver has reasonably prioritized what he values and yielded the conclusion that practical reason would seem to demand even by expressivist principles: that he act in a way that reflects the relative rank of the value he places on his life and safety versus the value he places on avoiding affiliation with environmental harm.
I do view these cases as extraordinary, and my primary purpose in exploring them is simply to acknowledge that, under certain conditions, there are limits to expressive considerations pertaining to the political dimension of choices. Expressive theory need not overreach to be compelling, though. I remain less interested in cases of exigency in which larger (causal) considerations (e.g., saving a life) relegate expressive considerations to lesser stature in deliberation, than in everyday occurrences in which choices are more discretionary. I will address more common cases later in this chapter.

2. Filtering Third-Party Interpretations

The hybrid driver case also raises the question of how an agent appropriately weighs possible third-party interpretations in making the best all-things-considered choice, as I suggested that the zealot’s views be disregarded as unreasonable. Consider now a less dramatic case in which third-party interpretations might be reasonable but nevertheless outweighed by other considerations. Assume an agent committed to fair labor practices crosses a picket line in order to negotiate with management without explaining his purpose to observers; he believes he may have some influence for whatever reason, perhaps due to his history with a member of the management team. His action will be poorly received by striking workers and their allies, who will reasonably assume he is either indifferent to their plight or actively opposed to their objectives. Similarly, anyone seeing an image of his line crossing in the media will take his act at face value, assigning it sentence meanings ranging from “He supports that business and disagrees with the attempt to encourage a boycott” to “He does not care about labor” to “He must be a scoundrel because only scoundrels cross picket lines.” What hesitation should he have about creating an impression that he is acting in a way that is, in fact, the opposite of his

172 While I have spoken of the value of lifesaving to weigh the competing commitments in expressivist terms, I recognize that life-saving is a consequentialist consideration; I also want to show, however, that even on a purely expressive calculation, the political dimension can be outweighed.
intention and that his commitments and character are the opposite of what they actually are?
Under perfect conditions of observation, any third-party witnessing an expressive act would interpret the gesture correctly, but such conditions rarely exist—and here, the agent deliberately obscures the facts.

While an act’s overall expressive significance encompasses not just what the agent intends, but also other interpretations, and it is important to take reasonable possible interpretations (and misinterpretations) of an action into account in making an all-things-considered judgment about whether the action is the best course, it is possible that being misunderstood or harshly judged—even causing expressive harm—is not sufficient reason to change course. I assume the picket-line crosser has deliberated and decided that his cause is better advanced by proceeding, for whatever reason, without explicating his act for observers and with letting stand any expressive harm (i.e., insult to the picketers). He is not overriding any commitment to, say, fair labor standards, for a trivial reason (i.e., he is not crossing the picket line at a diner because he has a sudden hankering for pie). Indeed, he is not overriding his relevant commitment at all. He is crossing the picket line and appearing to set aside a commitment to fair labor, in order to take a course that he believes better expresses the value he places on workers’ issues. The criticism he incurs from the picketers is justified, and he should recognize that; yet, all things considered, the reasons to cross the line outweigh both the expressive cost of crossing and the possible expressive gain to be achieved by literally standing in solidarity with the picketers.
Despite Adler’s assertion that expressivists must rely on sentence meaning, one should not be “held hostage” by the possibility of being misinterpreted.\textsuperscript{173} And so, sentence meaning cannot be the sole basis of judgment when an agent decides how to act. I alluded to this in relation to the baseball case that considered the expressive significance of decisions wrongly interpreted to involve race. If, for example, one who is \textit{truly} committed to racial equality favors a white job candidate over a minority candidate \textit{truly} on the basis of the candidates’ relevant records and abilities, and the matter of race is, in fact, not a factor in his decision, he may still be taken, unfavorably, to have made the decision on the basis of race. It is likely not practical to offer an explanation to everyone who might draw unfair conclusions about his motives. He should take this likely negative perception by some into account in making a decision, but it need not outweigh legitimate reasons for choosing the preferred candidate. Crossing the picket line and hiring the minority candidate appropriately express the agents’ rational attitudes toward what they most care about in these instances, even if their true purposes and motives will not be evident to others.

3. \textit{Everyday Compromises}

I turn now to mundane cases in which expressive considerations relating to an act’s political dimensions might reasonably be outweighed, all things considered. Imagine a father is asked by his elementary-school-aged daughter’s friend to buy chocolate bars she is selling to raise money for a field trip or maybe to benefit the Humane Society, because she cares deeply about the welfare of puppies and kittens. The father has very strong feelings about the use of child slave labor in the cocoa trade and knows the candy is made by a company whose supply chain includes child slave labor at its source. Should he decline to buy the candy? Assume he offers to make a donation without taking the candy so the child will have more to sell to others,

\textsuperscript{173} Little, 162.
but she, having a strong work ethic and sense of fairness, refuses to take the money without his getting something in return. Consider, too, an agent whose future in-laws invite him to dinner at their home and ask him to stop and pick up a specific bottle of wine that is sold at only one store in town—a store he avoids because it is owned by a known racist whose positions he opposes. Should he decline to bring the wine? Some version of these sorts of predicaments may be encountered every day.

The speaker’s meaning in these cases would be, “This is not something I would ordinarily do, but in order not to hurt the child’s feelings/alienate my in-laws and annoy my spouse-to-be, I am going to subordinate my otherwise important commitment in this instance. I will regret it, but I will regret taking a stand on principle more.” The sentence meaning of buying the candy or the wine to the parents of the fund-raising child and the future in-laws would likely be simply, “He’s a nice fellow,” as the political dimensions and the respective agent’s relevant commitments might not even be salient to them. Should the agent decide not to buy the candy or the wine, the sentence meaning to the parents and future in-laws would likely be, “This guy is a pretentious jerk.” Anyone who knows the agents’ commitments and the political dimensions would see a sentence meaning akin to the speaker’s meaning. A child enslaved for the sake of producing chocolate for candy bars or a victim of the store owner’s racism might think the relevant agent has no concerns about slavery or racism, or little concern, if he would affiliate himself with such harm for a comparatively trivial reason. Again, each agent’s own misgivings suggest that he believes he is manifesting at least a willingness to be associated with slavery in one case, and racism in the other.
a. Rationality

Still, it is plausible that the agent’s decision to override the political commitment in question and accept the negative expressive results is rational. Even where the stakes are not life-and-death, an agent may reasonably view other considerations (not hurting a child’s feelings, not alienating future in-laws) to outweigh the commitment with which the purchase’s political expressive dimensions and resulting expressive significance conflict. Again, by expressivist standards, the basis for whether the decisions are rational includes whether they appropriately express the agent’s attitudes toward the child and future in-laws.

This is not to allow agents to compartmentalize their choices from the relevant political dimensions and their expressive significance. The agent has appropriately expanded the scope of the description of his action to encompass the political dimension and resulting expressive significance, as the candid speaker’s meaning above reflects. The father may perform the act of buying the candy for the sake of making a child feel accomplishment (or not hurting her feelings), but know that, even though it is not encompassed in his goal, the action includes affiliating himself with an abhorrent practice. He can still rationally decide the more relevant factor in this case is his attitude toward the child, not toward slave labor. The agents may regret having to take the course of compromise, as we have seen; they might even seek to make some sort of restitution to mitigate regret—maybe giving money to an anti-human trafficking organization or telling the wine store owner that he is appalling and making a donation to the NAACP. So long as the agents genuinely consider the expressive significance of their actions in making their decision, and choose the course that reflects what they most care about in that instance, they will have done what expressivism requires with respect to the political dimensions of market choices and commitments.
Where does this leave the expressive account? It seems that expressive considerations relating to the political dimensions of an act can be frequently, rationally overridden. Compromises, then, are not anomalous departures like the EpiPen and hybrid driver cases suggest; there may be daily deviations from commitments. Should there be concern that the scope of practical application of the expressive account is, in the end, too limited, in so far as commitments related to the political dimension of market choices too infrequently prevail in deliberation?

I will address this question in two ways: by focusing on more ordinary cases than I have so far; and by reiterating what is to be gained by agents coming to understand the importance of taking the political dimension of market choices into account, regardless of what reasons prevail in deliberation.

G. Uncomplicated Cases of Quotidian Choice

While the cases I have considered so far concerned situations in which an agent might realistically find herself (perhaps with the exception of the exigency cases), most were intended primarily to raise and address questions about establishing expressive significance and its place in deliberation. The cases were not representative of the circumstances in which the majority of choices are made on a daily basis. When an agent stops for coffee on the way to work, buys lunch, or goes to the grocery store or stops for gas after work, she likely need not be concerned about being in foreign territory, being duped by intentionally deceptive labels, contributing to landmine production, treating anaphylactic shock, being stranded in the desert, making a child cry, or alienating in-laws. We make many choices every day that are entirely discretionary, with sufficient available information, and without urgency.
I will focus on the grocery store case, since I began with food politics. First, assuming one has options, one decides which store to patronize (the organic store versus the unionized store, for example), taking into account the political dimensions, relevant commitments, and expressive significance of the options, as well as which option better meets the particular consumption demand in question. If one chooses a store that has not already, to a degree, filtered stock according to one’s commitments (i.e., the organic store), there is abundant information available to filter for oneself based on relevant commitments.

With this information at hand as one makes one’s way through the grocery list, environmental and labor commitments should be salient in making choices on the produce aisle, public health commitments on the chip and soda aisles, commitments about treatment of animals and public health (i.e., human ingestion of drugs administered to animals on factory farms) on the meat and dairy aisles, environmental commitments again on the paper and cleaning products aisles, and so on. Certain commitments will span a range of choices. For example, environmental commitments pertain to the packaging of all goods, and the known corporate political activity of manufacturers makes a host of commitments relevant to any brand choice. Having made those choices, the agent reaches the checkout counter, where environmental commitments pertain again—this time in deciding on paper or plastic, if she did not bring her own bags. Assuming an agent has the financial capacity (an issue to which I will return in chapter four) to choose in accordance with her commitments on at least some of these choices, or the luxury to resist some purchases all together for expressivist reasons, there are many opportunities to align commitments and actions instead of blithely disregarding the political and expressive aspects of the dozens of choices she will be making.
If customers were polled at the door of the store as to whether they wished to be associated with exploiting migrant workers, gratuitous contributions to global warming, or increased incidences of diabetes among poor children, many would presumably say “no.” If asked whether a particular market choice was worth that association, I assume many would at least pause to conduct a cost-benefit analysis and find that many of their choices are expendable or adjustable when viewed in that light. It is admittedly possible that some agents may have no relevant commitments from the list above, and thus their choices are entirely unconstrained by the political dimensions. What most agents most likely lack, however, is not relevant commitments, but a reason to care, a way of understanding themselves and their immediate discrete choices in relation to the larger processes and outcomes of which they are part.

Beyond food choice, on a regular basis, one has choices about the brand of gas to buy (and in some locations, whether to use public transportation instead of driving), whether and what clothes to buy, and consumption of energy. In all of these quotidian choices, attention is warranted to avoid unforced expressive error by failing to take into account political dimensions and expressive significance.

1. **Gained Ground**
   I think there is much to be gained from application of the expressive view to everyday choices, even acknowledging its limits with respect not only to exigencies, but also to the compromises necessary given agents’ full complement of values, commitments, and concerns.
   My fundamental aim is to explain why an agent has reason to be concerned about participation in larger political processes and structures that bring about outcomes he views as harms, even though his participation in or withdrawal from that process neither causes nor mitigates the harm. The political dimension of market choices and their resulting expressive significance provide the
explanation. We should come to see market choices whose political dimensions affiliate us with outcomes counter to our commitments in the same way we would view cheering against our own team, albeit on matters of more profound weight. Acting in a way that is inconsistent with what side we take ourselves to be on is simply something we should have difficulty seeing ourselves doing, precisely because it is out of character and incoherent.

I have also shown that the correct and complete description of a choice must be attentive to its political dimensions and expressive significance. One cannot get completely off the expressive hook by seeking to compartmentalize or to exercise a sort of line-item veto. Just as a voter could not persuasively claim when voting for a Klansman candidate: “I voted for his stance on taxes, not his racist views. I don’t condone those views at all!”—a consumer could not patronize, say, a hardware store owner known to be a Klansman and convincingly vindicate himself by insisting, “I was taking advantage of his unbeatable sale price on cordless drills; I was taking no position at all on his racism.” Regardless of the agents’ intentions, the expressive significance of his act, as it might be viewed by a reasonable, third-party interpreter, is that both the voter and the hardware store customer are in favor of racial discrimination, indifferent to it, or subordinate concerns about it to self-interest (and fairly trivial concerns in the drill case). The most generous sentence meaning any informed, objective observer could reasonably attribute to either agent’s action is: “He has considered the options and he is less troubled by affiliating himself with racism than he is by his potential personal gain in terms of tax benefits or drill savings, and that tells us something about his character and commitments.”

The expressive account simply does not allow us to adopt the default position of viewing our everyday choices as merely “minding [our] own business” pursuing the “immediate goals we want to achieve,” with no attention to the “background conditions” or “explicit reflection and
“deliberation” on the larger process in which our act is situated and with which we are affiliating ourselves. Recognizing the salience of political dimensions, relevant commitments, and expressive significance in the most ordinary cases would be significant progress toward addressing the “confusion” and need for “clear, action guiding, and psychologically feasible principles” that Scheffler identifies.

2. Navigating the Demands of the Expressive Theory

I suspect, however, that many of us who believe we have commitments relating to issues of “food politics,” for example, compromise all day long for reasons of personal convenience. Similarly, we may believe that we have a commitment to the environment and drive to work because public transportation is not reliable or efficient enough. Attending more fully to the political and expressive dimensions of our choices may cause us to choose differently in the future; to make accommodations (such as driving a hybrid if we must drive); or at least, if other considerations trump expressive significance at odds with our commitments, to recognize the expressive residue and our affiliation with harm.

It is admittedly important that expressivism in the market context respect agents’ full range of values and interests. There will be cases in which accommodating family on even seemingly trivial concerns may result in compromise on commitments related to political dimensions of a choice. The expressive account allows for the complexity of people’s lives and values; it is the job of the practical reasoner to determine which choice, all things considered, expresses the right attitude toward what she cares about—or most cares about when there are competing candidates in one choice.

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One also has to consider how many commitments can one sustain and which are most important. One strategy to make the demands of the expressive account manageable in the market arena is to prioritize—perhaps to focus on adherence to one commitment as it applies across a range of market choices (e.g., a commitment with respect to protecting the environment could inform food, clothing, appliance, transportation, housing, and other choices) or to focus on one type of choice (apparel or food) and align those choices with one’s commitments to a greater degree. As I will discuss in addressing the demandingness objection in the final chapter, adherence to commitments need not be an all-or-nothing affair. Prioritizing is consistent with the demands of practical reason on the expressive account. It is a matter of making difficult choices about what values are most important and the will one has to act in accordance with one’s commitments.

Expressivism may require one to be more thoughtful and more serious about one’s commitments. An agent may discover she claims as commitments what are mere preferences—that she lacks the will to act in accordance with the commitment if it requires the least sacrifice. This is not meant to suggest lowering one’s standards as a coping strategy; it is to suggest being rigorous in evaluating one’s true commitments. I am advocating only that the agent shed the pretense of having a commitment when the standard is rarely acted upon and not truly part of her character in any meaningful way. Whether it is a delusion or an aspiration, she should be candid with herself about it.

a. Third-Party Observers

In closing, I will revisit in more detail how an agent should conduct assessing the political dimensions and resulting expressive significance of a choice and her subsequent
deliberations in order to determine the best choice. I will give particular attention to the place of third-party interpretations and the mechanics of identifying those possible interpretations.

When considering a market choice, as suggested earlier, the agent must first determine a) the reasonably identifiable political dimensions of the market choice under consideration (e.g., the origin of an item of apparel and likely labor standards), and b) what relevant commitments, if any, she holds (e.g., a commitment to fair labor practices). She must then reconcile the two to determine if the act would be consistent or inconsistent with the relevant commitments. The reconciliation would involve assessing the expressive significance of the act—her intention in performing it (her speaker’s meaning) and how third parties might reasonably interpret it (possible sentence meanings and resulting expressive harms, if any). She would assign these possible interpretations that constitute the spectrum of expressive significance what she views to be the appropriate relative weight. She would make a judgment about whether other factors outweigh concerns about letting misinterpretations stand (as in the picket-line crosser case); she would also identify any anticipated expressive residue that would result from a choice inconsistent with one or more commitments. She would turn next to other reasons she might have for making the choice in question (i.e., need for the actual consumption good, ways in which the choice expresses other values she holds), and with this information, determine what, all things considered, she has most reason to do.

The role of third-party observers in establishing expressive significance is perhaps not entirely intuitive, but I believe it is easily navigated. We have seen that there can be serious differences between the speaker’s meaning of an action and its sentence meanings (and that sentence meanings can also vary with respect to the same action); yet there is a need to capture the range of interpretations if one is to account fully for the expressive significance of one’s act.
How the act would be viewed by others is a factor in determining the attitudes it expresses. On the other hand, as we have seen, third parties introduce opportunities for misunderstanding. If even the agent himself can be oblivious to certain expressive considerations of his own action, it is unrealistic to think a third party would be a perfect judge. In addition, taking possible third-party interpretations into account requires the agent not only to know her own mind, but also to read the minds of others, which may seem an unrealistic expectation of the agent. Further, my account may establish an unrealistic expectation for third parties’ involvement as well. We pay little heed to others’ everyday market activity and spend little time attempting to discern the intentions of fellow consumers. When a person barely has time to go to the grocery store to meet his own basic needs, he is unlikely to linger to inventory other shoppers’ carts to draw conclusions about their character. Although occasionally another’s act may strike us if it appears to take a stance on an issue of personal importance to us, largely, we have no interest in serving as the audience for or arbiter of others’ expressive acts. And so, third-party observers are frequently inattentive, but when they engage, they are often unreliable or unreasonable in their interpretations.

It should be clear that assessing possible third-party interpretations is largely an exercise in imagination. Just as expressive significance is not dependent on the agent’s awareness or intention, it is not dependent on the actual presence or engagement of third parties. Obviously, if a driver is to consider how victims of skin cancer caused by ozone depletion interpret his continuing use of CFC-coolant, or an engineer is to consider how families of landmine victims

\footnote{It is also possible, of course, that an agent will intentionally create a misleading impression or sentence meaning, such as someone involved in a charity as a resume builder as opposed to genuine concern for the cause. In addition, the expressive significance of an agent’s acts may cast her in an undeservedly favorable light in the minds of some observers. For example, someone in a hurry may stop into an organic food store to buy milk because it is the most convenient option; she may have no relevant commitment to avoiding factory farms and the possible ingestion of hormones and antibiotics with which the cows are treated. In the latter case, an agent should take the third-party interpretation into account as usual; in the former, he already has.}
interpret his continuing to tinker with little black boxes, or a catalog shopper is to consider how families of garment factory collapse victims interpret her purchases, each agent is relying on imagination to conjure the observers and their reactions. Nearer to home, a potential chicken sandwich chain customer may also need to imagine how those the owner aims to marginalize through his political activism would interpret her patronage. Sometimes there may be actual observers standing outside the restaurant holding signs offering their interpretation, but in many cases, even the third parties literally on the scene will be inattentive.

One might worry then, that, as Gilbert insists upon a phantom collective, I am insisting on a figment Greek Chorus. What I am suggesting, though, is something less outlandish—a form of moral imagination to assess whether one’s actions appropriately express “one’s attitudes toward the people and things one cares about.” Our deliberations on all manner of choices and actions routinely take into account how those actions might be received by others and what effects they will have on others. What expressivism requires is no different. Without such imagination, one can easily delude oneself about the kind of action one is performing: believing, for example, that one is simply buying a shirt for Father’s Day and not expressing a view on working conditions in the factory where it was produced. Imagining third-party reaction is a heuristic to help an agent understand what her action might reasonably be taken to say about her and what she values.

The third-party observer heuristic admittedly has its limits. The ability to imagine reactions is limited in part by the agent’s own knowledge. As we have seen, third parties would have insightful interpretations of the tourist and baseball card collector’s choices, but the ability to imagine those insightful interpretations is unavailable to the agent. After all, if the agent knew what the observers are imagined to see (e.g., the racist attitude of the baseball card collector’s
choice, the relevant political dimension of chicken sandwich buying that eludes the tourist), the agent would not need their perspective. Nevertheless, while an agent’s blind spots will limit the usefulness of imagining third-party reactions, where an agent is able to discern the relevant political dimensions of a choice and accurately to assess her relevant commitments, there is much to be gained from considering the range of expressive significance beyond what she specifically intends.
Chapter IV: Challenges to the Expressive Account

I turn now to challenges to the expressive account I have offered and will consider three objections. First, I will address concerns raised made by Matthew Adler in response to Elizabeth Anderson and Richard Pildes that, in so far as expressive acts matter, it is because of their causal force, and expressivists mischaracterize consequential concerns as expressive ones.

Second, I will consider the challenge that the expressive account fails due to its demandingness, viz., a) the burden on an agent to investigate what he might be expressively endorsing by taking part in a market transaction threatens to become paralyzing and the process of investigation itself might be an irrational pursuit, and b) due to external constraints on their choices, many agents do not have the luxury of acting in accordance with their commitments in the marketplace, so what expressivism requires is beyond their reach.

Finally, I will consider the suggestion that ensuring consistency between one’s commitments and the expressive significance of one’s market choices is an inadequate response to harms that an agent finds troubling in the structures and processes in which the choices are embedded—the claim that a more practical and traditionally political response is needed. Iris Marion Young argues for a political responsibility to work with others to change the processes and structures themselves. Walter Sinnott-Armstrong similarly suggests that merely keeping one’s “hands clean” by withdrawing from the offending process is insufficient; one must compel governments to act. I will also consider Young’s assertion that victims of the structures (e.g., sweatshop workers) have a political responsibility to act to change the structures.

176 Sinnott-Armstrong, 312; Young (2013), 113.
I. Smuggled Consequentialism

I will first consider Adler’s suspicion that the case for expressivism relies on consequentialist considerations. I will treat it briefly for two reasons: 1) because Adler’s specific concern seems more relevant to expressive legal theory, and so the worry may not figure as prominently in an expressive account of rationality; and 2) because some of his concern may also stem from his belief that expressivists rely solely on sentence meaning, an assumption I do not share. I do consider sentence meaning in establishing expressive significance and have argued that agents must take the entire continuum of expressive significance into account, and I have noted that “expressive harm” resulting from a choice can be a reason for an agent to avoid that choice. Thus, it is necessary to address Adler’s concern.

With respect to legal concerns, Adler notes that whether or not a law is constitutional on the basis of equality considerations is determined by whether or not it, in fact, “unjustifiably discriminates on racial lines” (an obviously nonexpressive property), not “by virtue of the fact that it possess[es] a particular descriptive or declarative sentence meaning” that suggests, for example, that minorities are viewed to be inferior.177 In so far as he means that the crux of the legal expressivist’s concern is, or should be, the fact of discrimination—or that the question of discrimination is the one that can be “put before the court”—I do not disagree that the focus is a matter of causal consequence not expressive meaning. In addition, as he notes, a sentence meaning of a government action that a class of persons is viewed as inferior does not necessarily result in status harm if no one is listening or respects the government’s view.178 And so, he seems to suggest, the purely expressive element is toothless or irrelevant; the only thing that matters is if illegal harm comes about, and that is not an expressive concern.

177 Adler, “Expressive Theories,” 1438. See also 1424 and 1494.
178 Ibid., 1436.
His observation, however, raises for my account both a corollary question and a more general question about third-party interpretation. The corollary is: have I committed myself to consequentialism by making “expressive harm” a basis for assessment of an agent’s choices? The more general question is: are all third-party interpretations consequentialist considerations (i.e., an effect of the action), not an expressive consideration? I will address the second question first.

In short, my account does not depend on consequential considerations. First, as I have shown, the expressive significance of an action exists and should matter to an agent even if no audience is present. Purely private expressive acts (e.g., burning a draft card in the privacy of one’s home to express one’s objection to his government’s unjust war) are rational means of an agent’s expressing his attitudes toward something he cares about. Second, where I rely on sentence meaning in establishing expressive significance, the focus remains whether the actions adequately express the agent’s attitudes toward what he cares about. The exercise of assessing or auditing sentence meaning is, in effect, a heuristic to determine what attitude the action may be taken to express. If the agent is committed to equality, and the sentence meaning of his action to a possible interpreter might be that a group of persons are of inferior status, the reason it matters by the expressivist standard is that he has failed to act in a way that appropriately expresses his true attitude.

To a degree, the same principle applies if actual expressive harm results from his action; the harm does not need to matter qua harm (or solely qua harm), but rather as a means of determining if the agent succeeds or fails in adequately expressing his attitudes. The focus remains the coherence between the agent’s actions and commitments. Similarly, if one conducts
a litmus test to determine if a substance is acidic or basic, what matters is not the causal consequence that the paper becomes red; it is that the change in color reveals the substance to be acidic.

It is true that Anderson and Pildes stipulate in regard to practical consequences that “We cannot adequately express the right attitudes toward people while ignoring the consequences of our actions,” as that would be “one way to fail to care about people in the ways we ought to care about them.” 179 I agree that in instances in which actual expressive harm results to actual third parties, that consequence must be taken into account in assessing rationality; it remains the case, however, that expressive significance does not depend on such actual harms and victims existing. Recall my imagined third party and Adler’s own observation that whether anyone is heeding a sentence meaning is a contingent matter. On my view, expressive significance and the rationality of an agent’s choice by the expressivist standard do not depend on an attentive audience, or any audience at all. And so, I set aside Adler’s concern as problematic to my account.

II. Demandingness

I turn now to the demandingness objection: that the case I have made for an agent to take into account the political dimensions of his market activity in a complex global economy requires an unreasonable and unworkable investment of knowledge, time, and care by agents and also assumes the availability of options that may not exist for some. I will explore two applications of this objection:

179 Anderson and Pildes, 1513.
1) *The Privileged Agent:* Assuming a robust, capable agent willing to devote reasonable time to determining with what she affiliates herself through the expressive significance of her market choices, at some point, the activity of discovery itself becomes impractical or paralyzing, even irrational to pursue.

2) *The Constrained Agent:* At the other end of the spectrum, assume a less robust agent whose time is severely constrained by the demands of eking out a living at low-wage jobs; whose access to information is limited by library hours, or internet availability, or the ability or inclination to plow through complicated claims to draw his own conclusion; and who, even if the first two barriers did not exist, has severe external constraints on economic choices, whether through limited transportation or limited money. For this agent, meeting basic needs of food and shelter may be the most realistic aspiration; he does not have the option to be choosy. Acting in accordance with personal commitments about the labor standards under which goods he purchases are produced is a luxury beyond his reach. Does that put rationality beyond his reach on expressivist grounds, or simply make the expressive account impractical?\(^\text{180}\)

Also assume a certain set of commitments on the part of both agents that would rationally guide their economic choices. All things being equal, they highly value: fair labor standards; gender and racial equality; some reasonable level of environmental stewardship, or at least not wanton waste; promoting public health; humane treatment of animals; and not propping up dictatorships or exploiting other countries’ natural resources. Assume that these commitments on the part of the agent are deeply held and represent important elements of what they take to be

\(^{180}\) Young also discusses the relative flexibility of privileged agents in terms of their ability to “change their habits or make extra efforts without suffering serious deprivation,” in comparison to lower-income consumers. Young (2013), 145.
good and what they “stand for.” The agents ordinarily would not violate these commitments simply for convenience. What might these commitments mean for everyday choices? Briefly, as suggested in chapter one, the following are *but a few* of the empirical issues that would require scrutiny in order for them to make choices consistent with their commitments:

1) **Fair labor**: The conditions under which any food product or clothing article purchased was developed and brought to market, and the working conditions for employees of the retailer or restaurant from which the consumers acquire any goods;

2) **Equality**: The relevant policies and practices of any business they patronize (e.g., benefits policies pertaining to parental leave, whether the business provides women and minorities the same opportunities given to white men, and whether the corporations or their executives make no political contributions or invest in PACs or campaigns that promote candidates that advance or hinder equality);

3) **Environment**: The accessibility of destinations (work, home) by public transportation, the fuel and emissions efficiency of personal vehicles, the source of fuel and the environmental record of the petroleum company that produced it, the energy efficiency of systems and appliances used in agents’ homes, the packaging of every product bought, and environmental stewardship by producers of goods purchased (e.g., whether apparel producers discard dye in rivers, or farms discard animal waste in rivers);

4) **Public health**: How food the agents consume was produced (e.g., use of antibiotics in animals), and whether a manufacturer of foods purchased produces sugar and fat-laden cheap foods that promote obesity and diabetes;

5) **Treatment of animals**: If one consumes animal products, the conditions to which the animals are subject;
6) Natural resources/oppressive regimes: Whether any product purchased—from cell phones to tin cans—utilizes “conflict minerals,” which are purported “to finance armed groups in the Democratic Republic of Congo,” or any goods purchased are produced by corporations that undertake significant trade with oppressive regimes. ¹⁸¹

A. The Privileged Agent

Take the Privileged Agent (PA) first. In some instances, the facts the agent needs to make an informed choice will be readily available in the popular media. Some of these facts are so well-publicized they can practically be absorbed subliminally, or as suggested earlier, have become synonymous with a particular brand. In other cases, discovery will require a significant investment of thought and time—an investment that is perhaps impossible or otherwise imprudent. Not every racist wears a white hood to help the agent recognize what she is expressively “buying into” in patronizing his business. Even where a certain businessperson’s political leanings are well known, it is not always obvious when one is supporting his enterprise, though it is often easily determined. For example, an industrialist duo now well known for promoting conservative political causes and candidates have, among their corporate holdings (and sources of revenue to fund their political donations), popular brands of mundane household goods such as toilet paper and paper towels. To the inattentive agent, however, the marketplace is as fraught with peril for expressive error as Kutz’s seemingly outlandish picnic was for inclusive authorship of harm.

How, then, does the agent go about avoiding unintended expressive acts or expressive acts inconsistent with her values? If she forswears products of factory farms or exploited labor, must she interrogate the small local farmer at the Saturday neighborhood farmer’s market about

¹⁸¹ Holzer.
the conditions in which his cows live or his laborers work, or about his own personal politics (i.e., if the farmer is going to turn over the agent’s money to a political cause the agent opposes)? Or may the agent assume the farmer’s market purchase represents the lesser of two evils, as it is important to her that she avoid patronizing factory farms and she at least knows the local farmer does not operate on that model. Must she interrogate the staff of any restaurant she visits about the source of all of the food and the wages paid and benefits provided to the workers—or should she just avoid restaurants all together? Must she track down the sourcing of every ingredient in every product a store sells, a restaurant offers, or a colleague serves at a dinner party? Must she investigate every stock in her mutual fund to ensure she is not a shareholder in a corporation whose practices she opposes? May she assume that labeling on any “fair trade” or “organic” product is accurate and that any reports she reads about the political dimensions of her choices are accurate? (Obviously she cannot personally investigate all of these matters and will need to rely on information compiled and published by relevant experts, as noted in earlier chapters.)

It would not take long for the most capable and well-intentioned agent to reach the end of her rope. She presumably has other things that she cares about—family, work, leisure time—and it would be irrational for her to allow vetting consumer and other choices to dominate her time. This is a legitimate concern, and it is part of the job of the adept practical reasoner to assign the proper weight to different factors to shape the choices that make a coherent whole of her life and commitments. It is necessary to concede—except in the case of the zealot investigator or the “homesteader” who withdraws almost completely from commerce—that agents will not be able to ensure thoroughgoing awareness of every aspect of the supply chain.
1. Not an All-or-Nothing Affair

Some agents, as I considered in chapter three, may take the “rational ignorance” or prospective all-things-considered judgment approach. In any choice, an agent can and must decide when sufficient due diligence has been performed and when and if she is willing to forego certain options or compromise on principle. Certainly, in cases where information is readily available (as I believe it is in many instances), the agent should take that information into account. In addition, as I have also suggested, it may be useful for agents to prioritize a particular commitment as most important and focus on learning about and acting consistently with that commitment.\(^{182}\) If, for example, an agent prioritizes avoiding child labor, a central repository of information would provide information across kinds of market choice (e.g., food, apparel, furnishings).\(^{183}\) Alternately, she might choose to focus specifically on food choices and could either learn about the entire range of relevant political dimensions or focus on certain aspects, such as labor and environment. Adherence to commitments is not necessarily an all-or-nothing affair, though some consistency is obviously necessary.\(^{184}\)

To consider a mundane example, on most occasions, an agent might avoid fruit imported from other countries, or flown across the United States, because the expressive significance of purchasing or consuming the fruit is inconsistent with her commitments about labor standards for field workers or the environmental impact of trans- and inter-continental transporting of non-necessary goods. On other occasions, she might simply crave blueberries on her cereal when no locally grown blueberries are available, and decide to indulge. It is possible to be committed to the environment and to like blueberries, and she may draw the line at the asceticism of always

\(^{182}\) Young discusses the “vertigo” caused by confronting the inescapability of structural processes that bring about harm, noting that the fact that the situation appears “too much to deal with” does not excuse one from responding, but rather requires prioritization. Young (2013), 123-124.

\(^{183}\) The U.S. Department of Labor issues an annual report on child labor globally.

\(^{184}\) This clarification arose in conversation with Henry Richardson.
shunning out-of-season blueberries, but be vigilant in other respects. Occasional lapses with respect to blueberries do not necessarily mean the agent has no commitment to the environment or fair labor, though to give greater weight to the blueberry preference at any time admittedly seems to trivialize the significance of the relevant commitment; in addition, the agent should acknowledge in each case the expressive significance of the choice and presumably experience some expressive residue. With respect to her commitment to the environment, if she makes an exception for fresh blueberries on her cereal, she might focus on other matters of environmental concern (e.g., driving a hybrid, replacing her appliances with more efficient ones, and cleaning up streams) to offset her blueberry indulgence.

What she could not do and still reasonably claim a commitment with respect to the environment is ignore that political dimension in every market choice or override that concern in every choice in favor of other reasons. I take commitments to be more significant than mere preferences; there is more at stake in the kinds of choices I have described than there is in simply exhibiting a preference for red over blue when selecting a car or shirt. Commitments to fair labor and protecting the environment say something about one’s character in a way that shirt color does not. In the rational expressivist’s choices, what matters, as Anderson’s language suggests, is the agent’s considered values, what she truly cares about; if she did not care about these things, she would be, to some degree, a different person. I conceded at the outset that the expressive case places a significant burden on the agent. It might be more accurate, though, to locate determination of the degree of demandingness in the agent’s commitments, not within expressive theory that simply requires adherence or attention to the commitments. If an agent wishes for a lesser burden, she should, as previously suggested, perhaps revise her commitments to a set she has the will to sustain.
2. *Expressive Opportunity Cost*

I also want to acknowledge a demand that I do not think the expressive theory makes, to show that the theory is not as demanding as one might think. In the vein of daily compromise, another aspect of all-things-considered market choices is the opportunity cost of other choices foregone. Almost any market choice arguably has an expressive opportunity cost. To adapt an example from Peter Singer, with the money for a discretionary, if not luxury, purchase that one could easily forego (e.g., a latte, a bottle of water when tap water is available, or a new pair of shoes), one could make a monetary contribution to alleviating poverty or some other project or cause consistent with one’s commitments.\(^{185}\) The expressive significance of choosing the latte—of opting for a trivial, discretionary indulgence over alleviating poverty—is perhaps indifference to the impoverished. For example, the sentence meaning of the choice to a homeless person who sees the agent walking with her coffee cup might be, “To her, that drink is the highest and best use of $4 at this moment, and her brief enjoyment of a trivial pleasure is worth more than helping people like me.”

If the consumer is a hedonist, this consumption choice is unimpeachably rational; her attitudes and actions fully cohere, as she simply values her own pleasure above the welfare of others and is fine advertising that. If, however, she believes herself to be deeply committed to helping the poor or feels that poverty is an injustice, then if her consumption of unnecessary goods is to be rational, is it because she indeed places greater value on the treat than on alleviating poverty in those instances? It is true that she may simply have previously overestimated her commitment to the poor, which, at least on this occasion, reaches its limits at foregoing a latte. Alternately, her commitment to reduce poverty may not be her *constant*

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\(^{185}\) Singer, 3. Banaji and Greenwald (163) also offer an example of philanthropy that has its own opportunity cost of not serving the most disadvantaged in the case of a “White American” who “contributes money to worthwhile charitable organizations that primarily serve needy people who happen to be primarily White Americans,” thereby “adding to the advantages of an already advantaged demographic category.”
highest concern, even if it is a true commitment, rather than a mere preference; she is not Mother Teresa and has other interests and desires.

Here it is helpful to return to Anderson’s emphasis on the “entire ensemble of a person’s attitudes, desires, motives, and actions.” Presumably different elements of the ensemble come to the fore in different situations. In any choice, the right balance must be achieved among possible competing commitments and values. One goal in applying expressivist standards to the market place, after all, is to allow a richer conception of an agent embedded in a social context. I have acknowledged that other commitments can override political expressive significance—family being a recurring theme in sample cases. The latte indulgence is more trivial than family concerns, but a person’s identity is constituted by a range of interests, tastes, commitments, and values and perhaps it is too much to demand that a commitment to alleviating poverty require asceticism at all times.

Alternately, it may overreach to require that political dimensions be imported to decisions in which they are not inherent. If confronted directly with the question of “Shall I give this money to the poor, or buy a latte?,” an agent with a commitment to helping the poor might forego the latte. (A homeless person outside the coffee shop door might silently embody this question, and the agent might give him the $4.) Absent such explicit relevance, however, to insist that she treat every choice as a ratification of a particular commitment in order to prove it is a true commitment seems insufficiently respectful of a rich conception of identity and character. The latte indulgence does not necessarily mean she has no commitment relating to alleviating poverty, and it is not necessarily inconsistent with that commitment.

In summary, as I began to suggest in chapter three, I do think the demands of expressive theory are manageable, if taxing to one with serious commitments. I also think there is value to a

targeted approach to tackling the demands, to navigating the “vertigo” that would attend attempting to address every commitment and expressive action at once. There are, as I have indicated, efficiencies with respect to knowledge in one area being applicable to others; it is also important to note the presence of repetition in everyday choices. To the degree that certain choices are made regularly (e.g., at the grocery store), a one-time investment in reconciling choice and commitments would serve one in an ongoing way. I also think an agent can easily extend her heightened awareness of political dimensions and expressive significance to other areas that are not strictly market choice, but that are transactional and operate on the same principles (i.e., choice of jobs, investment decisions), thus expanding the sphere of expressive coherence with commitments. A habit of mindfulness and a body of relevant knowledge will go a long way. Political expressive concerns may not carry the day in every instance, but that is not actually what expressivism requires.

B. The Constrained Agent

Now consider the application of the demandingness objection to the Constrained Agent (CA). In short, this agent’s choices are severely limited by factors beyond his control. Even if he were able to access information about whether his consumer choices align or conflict with his personal commitments, any application of that information in his deliberations would be largely theoretical; his practical choices are, in effect, severely narrowed by external factors.¹⁸⁷ He might well prefer healthier foods or not to patronize businesses that he believes exploit workers,

¹⁸⁷ Powers and Faden (27) capture the CA’s predicament in their “defense of self-determination” as a “dimension of well-being,” citing in particular the problem presented by lack of meaningful choices. They also note the role of economic, legal, and social structures (i.e., political structures) in determining the range of choice available to some agents.
but those are the only places he can afford to shop or that he can reach without a car or public transportation.

The CA’s predicament is prevalent even in highly developed nations. Does the inability to reconcile the plight of such agents with the demands of the theory I have offered present a challenge to the theory? Does it put rationality beyond the CA’s reach? The answer is straightforwardly, no. Where it is economically impossible to align one’s choices with certain commitments (e.g., to purchase locally raised, antibiotic- and growth-hormone-free, free-range chicken at $13/lb. instead of factory-farmed chicken at $2/lb.) the CA’s choice is regrettable, perhaps, but not irrational. It might instead be irrational for him to invest a disproportionate share of scarce resources in fair-trade foods or free-range chickens, as it might also be irrational to decline the only job opportunity that arises because of philosophical differences with the employer. Survival trumps other commitments, and that is hardly the same as setting aside a commitment in favor of indulging a preference for blueberries. And so, in the CA’s case, the rational all-things-considered judgment may routinely be to forego acting in ways that align a wide swath of relevant commitments with his market choices in order to concentrate on one commitment to basic survival. The CA, in his everyday circumstances, is in a position similar to that which I viewed as exceptional for more privileged agents, such as the hybrid driver nearly stranded in the desert or the mother of the child having a life-threatening allergy attack. The CA has certain commitments that, all things being equal, would carry the day, but in an urgent situation in which acting in accordance with those commitments would have high costs, they are set aside for more basic concerns.

188 I will return to the employer topic, and Young’s view of the CA’s responsibility in this context, in considering the third objection. Kutz also acknowledges such cases in considering a shipping clerk in the landmine factory (see Kutz, 161-162).
Indeed, the CA might even hold the PA in contempt for devoting deliberative attention to whether to purchase imported fruit, a matter that seems trivial in comparison to ensuring one has enough to eat, no matter what it is. I do not view these choices as trivial, though, and there is something profoundly disturbing about the CA’s situation, in which meaningful choice is a luxury and it is impossible for his choices to be guided by a rich conception of his values. That such cases exist, however, is not an indictment of my expressive claims, but of the political structures that allow (if not guarantee) the CA’s situation to arise.

What, though, is the expressive significance of the CA’s decision? He may well enact these choices with a sense of reluctance, resentment, or regret that he has no alternatives available and becomes part of the cycle of his own exploitation (e.g., in choosing cheap goods produced under poor labor conditions and processed foods that undermine public health). And so, his choice is likely to be attended by considerable expressive residue. Those proffering the goods he reluctantly buys may take his choice as endorsement or lack of opposition to their practices and products, but an attentive observer could easily recognize the situation for what it is (perhaps by where the CA shops, his use of food stamps, his very limited purchases, his worn clothes, etc.).

I have suggested earlier that such routine overriding of commitments can indicate that the agent does not hold the relevant commitments at all, but is mistaken about who he really is and what he really cares about. Certainly, that is the case with agents who routinely override, for trivial reasons or gains, what they view as commitments. In these cases, I also have assumed those agents had meaningful choices available to them and simply elected to set aside their commitments for convenience or some other reason. In the CA case, however, it is impossible to
make a judgment, based on his choices, about whether he has true commitments when he has no viable opportunity to exercise the commitments. It might be more useful in his case to think of the commitments as akin to unactualized potential—like a talent for math or writing that goes unrealized in someone who lacks the necessary educational opportunity to develop the talent. The talent is still part of who that agent is, as the unrealized commitments might be part of the CA’s true character, even if he is never able to act on the reasons the commitments generate or to make the commitments manifest in his actions. Admittedly, some CAs, given a genuine chance to make a choice in line with commitments might fail to do so, and that may well reflect a lack of commitment. I am simply suggesting that failure to make market choices in line with commitments due to lack of opportunity does not necessarily mean commitments do not exist.

In summary, then, the same principle that applies to the PA applies to the CA: it is the agent’s responsibility to make the best all-things-considered judgment consistent with what he most values in a particular circumstance. The CA should be aware of the political dimensions of his choice, but may not be in a position to privilege commitments with respect to those dimensions. If it is difficult for him to access the necessary information to identify the political dimensions, that again, like the constraints on his choice, tells us more about the shortcomings of the political structure that shapes his circumstances than it does about expressive theory.

III. Not Demanding Enough

Finally, I will consider the challenge that the expressive account does not require enough from agents in response to the harms caused by the processes in which market choices are

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189 Accordingly, I think Anderson may overreach in her assertion that “To adequately care about something requires that one express one’s valuations in the world, to embody them in some social reality.” Anderson (1993), 17. Admittedly the CA may regret that he cannot express his values through his choices, but I am not sure that means he does not “adequately care.” His lack of dedication to his commitment is not really the issue; the lack of opportunity to express it is.
embedded. As noted earlier, Young and Sinnott-Armstrong emphasize the complex structures that determine market and other choices and result in challenges such as global warming and the proliferation of sweatshops. They hold that challenges resulting from these structures require a political response, specifically an effort to change the processes.

Young asserts that participation in processes that “produce structural injustice” brings with it a “responsibility to join with others to change those structures.”190 This is a “political responsibility” not because it may ultimately involve government action, but because it immediately requires joining with others to “transform the processes”; such transformation involves acting together because the harms are produced by the cumulative actions of all involved.191 For her, then, political action is the opposite of solitary action. Not surprisingly, she notes with approval anti-sweatshop movements that bypass boycotts by individual consumers and instead urge consumers to work together to pressure retailers to pressure their suppliers to improve conditions in factories that produce their goods. Given this emphasis, she would no doubt find it insufficient for an agent simply to adjust his market choices to be expressively consistent with his commitments—merely to decline, for example, to buy apparel produced in sweatshops if he has a commitment to fair labor practices.192

Sinnott-Armstrong notes that the scale of the problem of global warming takes the matter out of individuals’ hands: “Global warming is such a large problem that it is not individuals who cause it or need to fix it. Instead governments need to fix it.” While he applauds environmentally conscious market choices, he cautions that we should not think “we can do enough simply by buying fuel-efficient cars, insulating our houses, and setting up a windmill to

190 Young (2013), 153.
191 Young (2013), 112 and 110.
192 While I do believe she would not find boycott a sufficient response, strictly speaking, her rule seems to be if one is a participant in the process, one has a resulting obligation to work to alter the process; a boycott may constitute withdrawal from the process, such that the obligation disappears accordingly.
make our own electricity,” for that will not halt or reverse global warming or “get governments to do their job to prevent the disaster of excessive global warming.”\textsuperscript{193} Agents’ primary concern, he suggests, should be political activity such as working “for political candidates who could and would change government policies.”\textsuperscript{194}

To Young and Sinnott-Armstrong, I would respond that my account neither precludes those whose commitments move them from doing more than the expressive account requires, nor denies that there could be some objective moral reason or obligation (for Young and Sinnott-Armstrong speak in moral terms) for agents to act to mitigate the harms brought about by political processes. I have simply set those questions aside. My aim has been modest, yet challenging: to establish a reason for individuals to be concerned about their participation in these structures that bring about outcomes they view as harms, even though their own actions make no measurable causal difference to those harms and their withdrawal from the structures would not mitigate the harms. With consequentialist theories being irrelevant, and intention theories and their emphasis on guilt and accountability having proved unpersuasive, I have sought to fill what has been identified by Scheffler, Jamieson, and others as a gap in helping individual agents understand their place in these complex structures and motivating them to act differently as a result.\textsuperscript{195} Specifically, I have sought to give agents a reason to acknowledge, investigate, and understand the political dimensions at work in their everyday choices and to consider what those dimensions mean in relation to their character.

Second, while I am sympathetic to the view that there may be moral obligations with respect to issues like sweatshops and global warming, that is not a truth universally acknowledged and it is not clear that they have fully made that case. Sinnott-Armstrong simply

\textsuperscript{193} Sinnott-Armstrong, 312.
\textsuperscript{194} Ibid.
\textsuperscript{195} Scheffler, 45; Jamieson (1992) 149-150.
notes that he assumes global warming is a moral issue,\textsuperscript{196} and Young’s assertions, in her unfinished work, that participation in a structure that results in injustice requires one to work to change the structure could benefit from fuller explanation. For some of the issues I have considered (e.g., environment, animal rights, the agricultural subsidy/junk food/public health concern continuum), there is not widespread agreement that the issues rise to the level of moral obligation; in other cases (e.g., gay marriage), both advocates and opponents claim moral considerations are on their side. I am not suggesting that the existence of moral obligations is dependent on agents recognizing them as such, but that since others have argued that what is most needed is a way for agents to understand their discrete actions in relation to these larger processes, merely asserting a moral obligation (that people generally do not recognize) seems unlikely to motivate a change in behavior. And so, it is possible that my theory is more far-reaching than Young and Sinnott-Armstrong’s in terms of the array of political dimensions and structures an agent would need to take into account in making fully considered market choices appropriately consistent with his commitments. This broad scope is intended, too, to allow room for individual conceptions of the good, such that agents focus on what matters most to them—what they value and take to be worth promoting and protecting.

I also have not claimed that aligning his commitments and actions with respect to choices is the most an agent can do to express what he values, and I do not rule out practical fulfillment of ends related to these commitments. Still, a focus on changing the structure by organizing others absent regulating one’s own behavior with respect to participation in the structures would be puzzling, perhaps even hypocritical. It may be useful for those who share Young and Sinnott-Armstrong’s view to think of aligning one’s commitments and actions with respect to market

\textsuperscript{196} Sinnott-Armstrong, 294.
choices as the minimum necessary one must do with regard to those commitments in relation to larger political structures. Expressive concerns might be thought of as akin to a “first, do no harm” stance, where the harm involved is affiliation with the offending structures and acting inconsistently with one’s character and commitments.

In addition, there may be more to be gained practically by changes in individual behavior with respect to market choices within offending structures than Young and Sinnott-Armstrong consider. Jamieson suggests that individuals’ choices can have at least a modest mitigating effect on the rate of increase in global warming if enough individuals become conscientious about avoiding practices that increase global warming—and that growing numbers of people might be moved to act more conscientiously as they see more examples of others doing so. I do not depend on such mitigating effects and am not overly optimistic about them; I simply acknowledge the possibility that individuals’ focus on aligning their actions with their commitments could bring about change for the better in the same way that lack of conscientious attention to the cumulative effects of individual acts brings about change for the worse. If the harms are brought about by aggregated uncoordinated action, some remedy could be as well. Such non-expressive considerations, however, are beyond the scope of my project.

A. *The Constrained Agent’s Responsibility, Revisited*

Finally, I return to the Constrained Agent and whether the expressive account requires too little of him in accepting that he may routinely make rational all-things-considered choices at odds with his commitments and perhaps ostensibly at odds with his well-being. Young argues that a sweatshop worker himself has a political responsibility to work to change the structure in

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197 Jamieson (2007), 179.
which he is ensnared as a victim: CAs bear some “responsibility to try to change the conditions that constrain their options” because “conditions are likely to improve only if they organize to demand” improvements (though she recognizes that others in more privileged positions must join the effort for it to be successful). 198

I agree that a CA committed to self-respect, dignity of workers, fair labor standards, and his own ability for self-determination has reason to take a stand, all things being equal—to act in ways that promote better conditions. In practice, though, an aggressive course of action against an employer might be enormously costly—in terms of livelihood, and, depending on the circumstances, in terms of the worker’s life. By quitting the job with the offending employer, he might find himself completely without resources to meet basic needs for food, shelter, medicine, and clothing; by agitating against the employer, he might lose those resources and be subject to some form of violence or otherwise costly retaliation—maybe not just by the employer, but also by fellow workers who do not wish for their own jobs to be jeopardized. Even the most conscientious agent with a deep commitment to workers’ dignity and self-determination may find that this is simply not the occasion to act on those commitments.

Certainly, the worker may regret the degree to which his acquiescence to his employer and complicity in the unjust structure might be interpreted at least as lack of opposition to that structure, and indeed the degree to which his complicity truly enables the structure and the objectionable conditions to which he and others like him are subject. The worker is in a bind, though, and may rationally opt for the only route to self-preservation in terms of livelihood. Only that agent can decide whether and when it is rational to take a stand—when his interests are better served by activism and when by acquiescence. Again, the CA’s acquiescence is likely to

198 Young (2003), 43. Also see Little for an interesting discussion of the responsibility of both the complicit victim and privileged participant to resist oppressive arrangements.
be accompanied by reluctance, resentment, regret, despair, or anger. Young has also suggested that the CAs continuing in the structure may not correctly be viewed as a choice, but rather as an instance of coercion.

To Young’s point about the role the CA might play while remaining within the offending structure, however, it is possible that there are things he could do without jeopardy to express his opposition to his circumstances and to promote change. If seeking to organize other workers proves too risky, he could focus on ensuring others outside the structure (and with more latitude to act) understand the conditions and how workers would prioritize change. To the degree that he has options, certainly he should exercise them in ways that promote his overall well-being and chances of self-determination. Generally, though, I would be concerned about demanding too much of the CA.

I believe that the expressive account can effectively address the challenges posed in this chapter. They do not present difficulties for the case that I have made for agents to take into account the political dimensions and expressive significance of their everyday choices—and thereby to attend carefully in their deliberations and decisions to their affiliation with the larger processes and outcomes in which these ostensibly trivial, non-political choices are embedded.

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199 Comments from Alisa Carse helped clarify my response to the CA’s predicament.
200 Young (2013), 128.
201 Young does note that those working from the outside for change should not presume to know all of the facts and need information from the oppressed workers to develop effective strategies.
Works Cited


