
BOYCOTTS, EXPRESSIVE ACTS, AND WITHDRAWAL OF SUPPORT

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A COMMENTARY ON Alan Tomhave and Mark Vopat (2018), “The Business of Boycotting: Having Your Chicken and Eating it Too,” *J Bus Ethics* 152: 123–132, <https://doi.org/10.1007/s10551-016-3336-y>

ABSTRACT

Alan Tomhave and Mark Vopat have argued that organized boycotts against the expressive acts of companies and their leaders are pro tanto morally wrong because they constitute an attempt to silence voices in the marketplace of ideas. I argue that such boycotts are not best viewed as attempts to silence, but rather as a morally permissible form of withdrawal of support of certain expressive acts.

IN “THE BUSINESS of Boycotting: Having Your Chicken and Eating it Too,” Alan Tomhave and Mark Vopat (2018) argue that certain boycotts are pro tanto morally wrong. They focus primarily on *organized* (as opposed to merely individual) boycotts against the *expressive* acts (as opposed to what they call ‘consequential acts’) of companies or their officials. In their view, such boycotts are pro tanto morally wrong because they attempt to silence voices in the marketplace of ideas.

In this Commentary, I argue that organized boycotts against expressive acts (hereafter, *expressive act boycotts*) are not best framed as attempts to silence. Rather, these boycotts are better construed as a pro tanto morally permissible attempt at collective withdrawal of support for what are viewed as morally reprehensible ideas.

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To illustrate the idea of an expressive act boycott, Tomhave and Vopat discuss a 2012 case in which Chick-Fil-A President, Dan Cathy, expressed his opposition to same-sex marriage. This was followed by nationwide calls to protest the company. On Tomhave and Vopat's (2018: 131) view, the ensuing boycott of Chick-Fil-A was morally wrong:

Given that Cathy's acts were expressive, our account would hold that the proper response would be to engage with him in the marketplace of ideas. An organized boycott would be unjustified as it would constitute an attempt to coerce Cathy's silence on gay marriage.

While their argument rests on the idea that expressive act boycotts are an attempt to silence speakers, they do not offer much in the way of elucidation of the idea of silencing and what makes it unjustified. And it is not immediately obvious how boycotts constitute a form of silencing in the first place. After all, the boycott did not feature calls for Cathy to be imprisoned, legally sanctioned, sued, or physically harmed for his views. Nor did anyone call for any of these things to happen were he ever to repeat such claims. So the boycotts were clearly not an attempt to silence Cathy in the most extreme sense of the word.

Perhaps Tomhave and Vopat have a different understanding of silencing in mind. Philosophers sometimes speak of silencing in cases where an individual's words come to lose their meaning – that is, they no longer get *uptake* – due to social factors that influence how those words are received. For example, some have argued that one effect of pornography is that it silences women by making it such that certain words – namely, one's ability to say no or withdraw consent – lose their ability to convey their intended meaning (Maitra 2009). But surely this is not the sort of silencing Tomhave and Vopat have in mind either: there is no reason to believe that the anti-Chick-Fil-A boycotts have done anything to make Cathy's (or anyone other subject's) words lose uptake. Indeed, the boycott was a result of his words having the proper uptake.

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It is possible that Tomhave and Vopat's worry is more about the chilling effects of boycotts: given that there is a possibility that a company might face a boycott based on something its officials say, they might

feel that they are unable to express their views openly. But the mere presence of chilling effects does not entail that their causal source is unjust. For example, the threat of losing constituents might cause a politician to stay quiet about a given issue; the desire to avoid losing fans may cause a band to refrain from writing songs on social issues; worries about bad student evaluations might prompt a professor to avoid discussing controversial current events in his lectures. None of these seem to qualify as unjust. In order to make that stronger claim, we would need an argument for why these effects are the product of an abuse of power, a misuse of private information, a violation of relationship norms, or something else of that sort.

Moreover, the chilling effects that might stem from expressive acts are not special: indeed, all corporate acts – ranging from expressive to consequential to more ordinary business decisions – would create similar effects. And this would affect not only organized boycotts but also a broader range of consumer choices, such as individual boycotts and other more benign market behaviors. Thus, if Tomhave and Vopat's concern is indeed about the apparent silencing that results from chilling effects, then their argument has not picked out anything distinctive about expressive act boycotts. It therefore would seem to prove too much.

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If the foregoing points are correct, then it is a mistake to treat expressive act boycotts as attempts to silence speakers, and therefore, as morally wrong. Instead, I propose we treat such boycotts as a morally acceptable way to withdraw support for the dissemination of certain ideas.

Consider that the central goal of a consumer boycott is to remove the financial connection between the consumer and the company; that's what makes it a boycott and not merely a protest or expression of collective anger. There may be many reasons for this, but one commonly cited reason is that by continuing to spend their money at a company whose expressions they find reprehensible, individuals financially support the ongoing dissemination of these views. That is, they feel complicit in amplifying those ideas. And the organized call for boycott stems from a desire for others, who may not be as aware

of the connection between a company and the ideas of its leadership, to consider removing themselves from this position of support as well.

The problem of apparent complicity is particularly significant when the expressive acts in question come from those who wield considerable social power. Cathy's comments had the effect they did thanks to his platform as the President of a major company and the corresponding influence he has over societal leaders and the public. (This, after all, was a partial cause for his interview, as well as why his comments were newsworthy.)

Put differently, an expressive act boycott is a way of telling a speaker, "You have a right to say that, but you don't have a right to our support to help you say it." This echoes the oft-cited phrase that one has the right to free speech, but not the right to a particular audience or platform. One's withdrawal of support is no more an act of silencing than is our collective refusal to provide a speaker with a stage, an audience, and funding for the spreading of his political views.

Second, and relatedly, it is important to note that expressive act boycotts are often best viewed as a form of counter-speech. In addition to the public statements by those leading the boycotts, such as through their protest signs and public statements, such boycotts also generate discussion in public fora, news media, wearable slogans, and so forth. For this reason, expressive act boycotts often do the exact opposite of silencing: they elevate, at least for a time, the speaker's words in order to respond to them.

Throughout their argument, Tomhave and Vopat base their arguments on the value of a well-functioning marketplace of ideas. They claim that the marketplace of ideas "requires . . . that the false ideas be allowed to compete" (Tomhave and Vopat 2018: 127). But expressive act boycotts – which typically involve clear points of rebuttal from the opposition – engage those ideas and attempt to show how they are misguided. It is thus not only compatible with but in the service of the marketplace of ideas that collectives actively speak out against views they find morally reprehensible.

This might seem to run counter to my earlier point about withdrawing support for ideas, but it doesn't: while the marketplace of ideas requires allowing space for competing views, it does not require that we financially support their dissemination. While engaging in

counter-speech furthers the goals of the marketplace of ideas, this is not a requirement for a legitimate expressive act boycott. Counter-speech is not a requirement in much the same way that providing an audience is not a requirement: all that is required of us is that we allow such ideas be discussed, not that we will be the ones holding the discussions or offering our rebuttals.

Finally, we have good reason to be skeptical of the kinds of pure expressive acts on which Tomhave and Vopat base their argument. The Chick-Fil-A example in particular is far from an ideal illustration: since at least 2003, Chick-Fil-A has given millions of dollars to various organizations that have sought to prevent the passage of same-sex marriage legislation, anti-discrimination legislation, and other pro-LGBT efforts (Equality Matters 2012). And in 2011 – a year before Cathy’s public remarks – there was a Change.org petition that called for Chick-Fil-A to divest from these anti-LGBT organizations; there were also nationwide campus protests that same year with similar demands (McDonald 2011). Thus, while Cathy’s 2012 comments surely played a role in the boycotts, it is more accurate to describe his comments as prompting a continuation of the boycott, as opposed to initiating it. Moreover, Cathy’s comments highlighted Chick-Fil-A’s history of supporting anti-LGBT organizations and offered evidence that the company’s involvement in the mission of these organizations was deliberate. The upshot for Tomhave and Vopat’s argument is that the boycotts against Chick-Fil-A are inextricably linked with the company’s consequential acts. It therefore does not seem to be a useful example of an expressive act boycott.

Perhaps Tomhave and Vopat could shift to a different example—one that is clearly based solely on a company’s expressive acts. But I think the lesson to take from the Chick-Fil-A example is that many of what seem to be merely expressive acts are in fact deeply bound up in the company’s other actions—whether past, present, or future. I am therefore skeptical that we will find many, if any, pure cases of expressive act boycotts, particularly given that companies and their leadership wield enormous power to influence decisions in government and society through their business and philanthropic endeavors. If this is correct, then we have reason to doubt the extent of the application of the authors’ thesis. More permissive views, like the one I have just sketched, face no special difficulty here: what makes a boy-

cott permissible is determined by facts concerning the relationship between the consumer and the content of the idea in question, rather than the type of speech act it is.

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I want to conclude this Commentary by noting one area of agreement. Tomhave and Vopat note the deleterious effects of boycotts on workers, either through layoffs or other financial consequences. Of course, this is often due to choices by managers that we might have reason to find morally questionable. Yet it remains true that the impact of boycotts might be felt most significantly by those who in comparatively more vulnerable positions—indeed, by people who have nothing at all to do with the cause of the boycott. I agree with the authors that this is a serious concern, and it merits further scholarly attention. A full account of the morality of boycotts ought to take seriously the unintended side-effects it produces for those who are essentially bystanders to the conflict.

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