

On Huemer on Ethical Veganism

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Abstract:

Huemer [33] argues against the killing of animals. I offer a critical libertarian analysis of his claim.

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I am a libertarian. I view most tractates on political economy, of which Huemer [33] is certainly one, through the perspective of this philosophy. I shall be thorough in my examination of this author's support for vegetarianism, but only from that perspective. I do so because this author, too, is a libertarian [30, 31, 32], and my claim shall be that his support for animals is contrary to that overall perspective of his.

This book [33]¹ appears as a dialogue, or a debate, between two college students, M and V. The former, presumably, standing for "meat-eater" or, supporter of meat eating, while the latter articulates the viewpoint of the vegan, vegetarian, or opponent of eating meat. My method shall be to quote elements of their debate, and subject them to a libertarian² analysis.³

Let us begin [33, p. 2].

M: ... So what made you give up meat?

V: I figured out that meat-eating is morally wrong.

M: So if you were stranded on a lifeboat, about to die of starvation, and there was nothing to eat except a chicken, would you eat it?

V: Of course.

M: Aha! So you don't really think meat-eating is wrong.

V: When I say something is wrong, I don't mean it's wrong in every conceivable circumstance. After all, just about anything is okay in some possible circumstance. I just mean that it is wrong in the typical circumstances we are actually in.

How does this compare to libertarianism? First of all, this philosophy does not pertain to all of ethics, in which fits V's (Huemer's) "okay" and "wrong." Rather, it deals with, solely, a small aspect of the freedom viewpoint. As a first approximation, it asks only one question, and gives only one answer. The question: when is the use of force, or violence, or threat, justified? The answer: only in response to a previous rights violation: the prior use of force, or violence, or threat thereof. But we can narrow this down even further: libertarianism is, at bottom, a punishment theory; it offers the proper response to rights violations. It is almost, but not quite, indifferent on whether or not initiatory violence should occur. But it is adamant that if it does, then it is justified to pay back the criminal in kind.⁴ So our two perspectives, Huemer's ethics, and my libertarianism, while to be sure they overlap to some degree, are also quite different. Second, my libertarianism brooks no exceptions. None, zero. His ethics does. I take that as a weakness. Vegetarianism can hardly be a strong ethical principle if even its strongest proponent allows exceptions to it.

Our author's next sally is this [33. p. 4]: "V: Okay. It also seems to me that it's wrong to cause a very large amount of something bad, for the sake of some minor good. Would you agree with that?"

I part company with him on this query for several reasons. First, this, too, has nothing to do with libertarianism. It is a matter, instead, of utilitarianism. Now, of course, the two are not totally unrelated. But they are not synonyms for each other either. And, as I say, my interests are in the former, not the latter. Second, this point is vulnerable to a counter-example. The masochist seeks pain, not instrumentally, but as an explicit goal. As far as libertarianism is concerned, pain is irrelevant. They say that "location, location, location" is the be all and end all of real estate. Well, "rights, rights and rights" play a similar role for laissez faire capitalism, and this example of Huemer's is orthogonal to that concept.

A similar objection pertains to this statement: "I think it's wrong to knowingly inflict a great deal of pain and suffering on others, just for the sake of getting relatively minor benefits for yourself." Joke: the masochist asks the sadist to beat him with a stick. Replies the latter: "NO!" It is not "wrong," an ethical not a "what-should-be-legal" concern of libertarianism, to beat a masochist who relishes that act.

Let us consider another example. A large corporation underbids a small mom and pop operation. The former earns a miniscule profit, relative to its overall balance sheet position (a "some minor good") while the latter goes bankrupt and suffers grievously ("a very large amount of something bad.") Perhaps this is unethical. I don't know, I don't care. My concern is solely with the fact that this is entirely compatible with libertarianism, contrary to Huemer's implicit contention to the contrary. In any case, interpersonal comparisons of utility are intellectually fraught, as even our author himself admits [33, p. 11]: "... we don't have statistics on the quantity of suffering, since there's no established way of measuring suffering."

Huemer then launches into a critique of the claim that we, in libertarian terms, have a right to initiate violence against animals, since we are more intelligent than they are. He rejects the notion that it would be good or proper for us to do so -- on that ground. I entirely agree with him here. Some smart animals, dolphins, chimpanzees, pigs, are smarter than some human beings: the senile, the comatose, babies under the age of two months, etc.

However, that is not the ground on the basis of which I reject animal rights. Instead, it is their inability to homestead them via petition. According to Rothbard [65]:

There is, in fact, rough justice in the common quip that 'we will recognize the rights of animals whenever they petition for them.' The fact that animals can obviously not petition for their 'rights' is part of their nature, and part of the reason why they are clearly not equivalent to, and do not possess the rights of, human beings. And if it be protested that babies can't petition either, the reply of course is that babies are future human adults, whereas animals obviously are not.

Rothbard continues:

Thus, while natural rights, as we have been emphasizing, are absolute, there is one sense in which they are relative: they are relative to the species man. A rights-ethic for mankind is precisely that: for all men, regardless of race, creed, color, or sex, but for the species man alone. The Biblical story was insightful to the effect that man was ‘given’ — or, in natural law, we may say ‘has’ — dominion over all the species of the earth. Natural law is necessarily species-bound.

Why is petitioning so all-important? Because this lies at the very core of libertarianism. This philosophy is predicated upon the non-aggression principle (NAP). It is illicit, unlawful, for anyone to initiate violence against an innocent person or his property, or threaten him thereby, unless permission is given. But the opposite side of the coin of this principle is private property rights. For, if I own your jaw, and I punch it, or, you stole from me the shoes you are now wearing and I repossess it, then, you are the criminal, not I. So, we need a theory of private property rights. According to the libertarian viewpoint, this is based on homesteading, and self-ownership, the “mixing of labor” with virgin land of Locke, and the legitimate title transfer theory of Nozick.⁵ But petitioning is a sort of homesteading of rights. When you petition, you “mix your labor” with, you link to, your rights. Yes, babies, the comatose, the senile, those who are asleep, cannot do so, but we go by species, not individual, membership. If and when chimps or pigs or dolphins learn to earn their rights in this way, libertarians will then indeed have to rethink their rejection of rights for these species.⁶

Huemer attempts, quite successfully, to tug at our heart-strings with this example [33, p.14]: “V: So let’s say you saw a couple of boys pour gasoline on a cat, then light the cat on fire, just for the fun of watching it writhe in agony. They laugh, showing that they got some enjoyment out of it. To you, this seems perfectly alright?”

But, qua libertarians, we are simply not at all interested in what is, or is not, “perfectly alright.” Remember, this philosophy is solely concerned with what constitutes just law. So, the relevant question is whether or not these obviously evil boys should go to jail. We assume that they are the proper owner of the felines in question. And the answer is that these monstrous, abominable youngsters should not be incarcerated. We can return Huemer’s heart-string pulling favor. Suppose these young lads have PhDs in bio chemistry, and are doing equally painful experiments on cats with the view toward curing cancer. Would we then have the same attitude toward them? Presumably not. But the cats, we may stipulate, would be writhing in just the same amount of agony in each case. Heart-strings are now held constant. The cats suffer equally. Therefore, their pain is irrelevant. Their torture is illicit if they have a right not to be molested in this horrific manner; if not, then not. Huemer, with this example, fails to demonstrate that they have a right not to be mistreated in this way. He only asserts it would be wrong to torture these cats for unimportant reasons; such as the sick pleasure these boys enjoy thereby. Presumably, curing cancer would be an important reason, but our author never weighs in on whether or not experiments on them to this end which would be equally painful would be justified. However, there is no metric on the basis of which we can definitively say that curing cancer outweighs sadistic pleasure. Thus this distinction is problematic.

Let us now consider Huemer’s analysis of the nuclear bomb in the basement challenge to libertarianism:

V: Say I want to keep a nuclear bomb in my basement. Every day that I keep the bomb there, let’s say, there is a tiny chance that something will accidentally set off the bomb. This chance is much lower than the probability that I will kill someone in a traffic accident while driving my car. And yet, it’s okay for me to drive the car, but it’s not okay to keep the nuclear bomb in my basement.

M: I agree. No one should have personal nuclear bombs.

V: And that's because the harm of a nuclear bomb accident is much greater than the harm of a traffic accident. If I have a car accident, I might kill someone. But if I accidentally set off the bomb, it'll destroy the entire city. So the acceptable risk level is much lower in the case of the nuke.

M: Sounds reasonable. I would add also that you have good reasons for wanting to drive – like, you need to get to work. But I don't think you have very good reasons for wanting to have the nuclear bomb.

This is not exactly the correct libertarian view on the matter. It is not at all “because the harm of a nuclear bomb accident is much greater than the harm of a traffic accident.” In this perspective, we are allowed to “harm” each other in a myriad of ways, ranging from competing for sexual partners to competition amongst firms, to competing for grades at school, all of which can “harm” the losers thereby. Rather, it is a matter of rights violations, not “harm.” The reason nukes in basements in big cities should be prohibited by law is that there is no way to confine their explosive power to criminals. Innocents, necessarily, will be murdered if the bomb goes off. These devices, then, constitute an illicit threat, which is part and parcel of the libertarian NAP to combat. But suppose we lived on Jupiter, and each of us had holdings of 10,000 square miles. Would an atom bomb then be properly allowed to be placed in the middle of someone's property, in his basement? Yes.⁷

Here is Huemer in his role as mathematician:

V: Now, if Peter Singer is right, then the meat industry is about as bad as a practice that tortured 74 billion people a year would be. If there were such a practice, it would be incredibly bad.

M: Good thing Peter Singer isn't right.

V: But if there is a 1% chance that he's right, then the meat industry is about as wrong as a practice that has a 1% chance of torturing 74 billion people a year. Which is about as wrong as a practice that definitely tortures 740 million people a year.

M: That sounds crazy. 740 million?

V: That's 1% times 74 billion. A thing with a 1% chance of doing the equivalent of harming 74 billion people in some way is 1% as bad as a thing that harms 74 billion people in that way. Which means it is as bad as harming 740 million people.

M: But it's 99% likely that such an action wouldn't harm anyone – then it would be as bad as an action that harms zero people.

V: Sorry, let me rephrase. You have reason to avoid actions that, from your point of view, *might* cause something bad. The strength of this reason is proportional to (i) the probability that the action will cause something bad, and (ii) the magnitude of the bad outcome that might occur. So, if there is a 1% chance that Peter Singer is right, then the reason we have for abolishing the meat industry is about as strong as the reason that we would have for abolishing a practice that tortured 740 million people a year.

Here is a reductio regarding that “calculation”:

There is a .0000000001% chance⁸ that unless Huemer gives up his veganism and engages in meat eating, three times per day, the heavens will fall and we will all die a horrid, painful death. This is relevant? To what? The point is, anyone can make up any “calculation” of this sort to prove a point. For the skeptic, nothing is 100% true. This calculation of his establishes nothing.

Consider this dialogue between M and V [33, p. 21]:

M: ... let me ask you this: if you had to kill either a pig or a person, would you really just flip a coin?

V: Why can't I just not kill anyone?

M: You're driving, your brakes have failed, and you're going to run over a kid, unless you swerve aside and hit a pig.

V: Hit the pig.

M: What if it was ten pigs?

V: Still hit the pigs.

M: What about a hundred pigs?

V: I don't know.

Now, juxtapose that conversation with this one [33, p. 22]:

M: Well, at last you've admitted that humans are more important than animals!

V: You mean that human lives are more valuable than animal lives.

M: Isn't that what I said?

V: I was just clarifying. How does this make it okay to torture animals?

M: Human pleasure or pain matters more than animal pleasure or pain. You just admitted it.

V: No, I don't agree with that. I think that what's bad about pain is what it feels like.

Therefore, how bad a painful experience is, is just a matter of how bad it feels. It doesn't depend on how big your vocabulary is, or how fast you can solve equations, or anything else that doesn't have to do with how it feels.

There seems to be a tension between these two statements. Call the first A, the second, B. According to the latter, since pigs and people feel pain equally, to the same extent given the same degree of violence inflicted upon them, and that is the only relevant consideration – vocabulary size and ability in mathematics count for naught – we should treat members of both species equally, in terms of protecting them from suffering, and not inflicting it on them ourselves. This on its face would appear to be what philosophers consider a “howler.” But statement A is content with having the driver hit 10 pigs rather than one person. Its author only balks at 100 swine. Perhaps his cut-off point, the place in which he becomes indifferent between human and porcine lives and levels of suffering is 20 of the latter and 1 of the former. But, if they suffer equally from the same level of invasion, it is difficult to discern the reason for not treating these two species in the identical manner; that is, we should be indifferent between molesting 10 pigs and 10 members of our fellow species. Nor is this just a slip of our author's pen, well, word processor. He doubles down on his contention [33, p. 23]:

“M: But human pleasure is more important than animal pleasure or pain!

V: I don't see why.”

It is thus difficult to conclude but that Huemer sees pigs and people on a par in terms of the right not to be subjected to suffering, or, at least, that he declines to deny this. Such contention can be made even more pellucidly clear when he writes [33, p. 49]:

“M: But do you agree that human pains are more important than animal pains?

V: I don't know,”

and again [33, p. 51]: “V: ... It may be that a few years of factory farming causes more suffering than all the suffering in human history.”

Let me say that I admire Huemer for saying this. In that regard, he reminds me of Bernie Sanders. The latter didn't run away from “socialism” in 2015, when it was much less popular than at present (2020). A staunch democrat, he applied this concept to extending the vote for felons, even

while still incarcerated, a position which did not garner him many votes. What do the senator from Vermont and the professor from Colorado have in common? They are both rigorously logical, and follow the implications of their basic premises wherever they lead them. I disagree with both sets of premises, and both conclusions, but venerate both men for their logical rigor, and courage of their convictions.⁹

We now arrive at the Killian case [33, pp. 26-28]. This worthy murders innocents and steals their cars. Would it be licit to purchase an automobile from Mr. Killian; to have anything to do with him at all in terms of commercial interactions? Our Colorado University professor offers us a resounding “No!” Killian – a stand-in for factory farms – is evil and the law should prevent us from interacting with him in any way, shape, manner or form (apart from perhaps placing him in jail, which is implicitly approved of). But Huemer proves far too much here. The implication is that we should also eliminate trading relationships with the likes of Cuba, Venezuela, North Korea, China, etc. It is an empirical issue as to whether such a policy will help or hurt the victims of these brutal governments, a question of great import to utilitarians. On the one hand, trade with us will boost the prestige, and hence longevity, of their rulers. On the other hand, with commercial interaction comes greater wealth, less hatred, which will inure to the benefit of the downtrodden. But, assume that the benefits of commercial engagement with these dictatorial regimes outweigh the costs, would Huemer then approve? Not if he adheres to his Killian example. But matters are even worse for his analysis. For the U.S. government, too, is a mass murderer. It cannot be denied that this organization has done away with more innocent people than Killian has ever dreamt of dispatching. So are we to have to truck at all with the denizens of Washington DC? No more paying taxes? No more abiding by their numerous regulations? No more using their currency? No more utilizing their roads, parks, museums? No more working for, or attending, public universities? That would appear to be the logical implication of this example. But this philosopher, himself, does not disengage with the U.S. government in any such manner.

Our author’s analysis, here, is also problematic. He states [33, p. 32]:

M: Wait a minute. If the meat industry reduces its production, then farm animals won’t be better off; there will just be fewer of them. It’s better to have a low-quality life than not to live at all. So we’re doing future generations of animals a favor by eating animals today!⁷

V: Would you accept this argument if it were applied to people? What if a particular race of people were bred solely to serve as slaves? Then you could say that those particular people would not have existed if not for the practice of slavery. Would this make slavery okay?

Not okay. Of course not. But better than the alternative! The economist was asked: “How is your wife?” Came the answer: “compared to what.” V (Huemer) is comparing slavery with non-slavery. But, the correct comparison is, rather, between slavery and non-existence. Where there’s a will there’s a way. Where there’s life, there’s hope. Hope for what? Well, maybe, a rescue? Maybe a successful rebellion? Maybe, a change of heart on the part of our lords and masters? The issue he avoids is, would it be *better* that the alternative? Which would we prefer: all human beings as slaves to their presumably very powerful alien overlords, or no members of our species alive at all? As for me, I am pro-human. Some of my best friends are human beings. I would rather I and my fellows exist in such vile conditions – than not at all. Even if slavery continues forever, life is better than non-existence, in my subjective opinion.

What would happen to cows, pigs, chickens, etc., if every last person on the planet were convinced by this astoundingly provocative and in many ways brilliant book and became a vegan? Presumably, the farm animals would all perish.¹⁰ If I were “King” or “God” of these creatures, charged with the responsibility of protecting them and defending their welfare, my first order of business would be to see to it, if at all possible, that my charges continued to exist. What kind of guardian would I be if

I stood idly by while my dependents all vanished? I would then view vegans as harbingers of the death penalty for all animals, as a genocide threat to those I want to save. You have to say one thing in behalf of animal farmers; none of their charges have the slightest chance of ever going extinct. The same cannot be said for the denizens of non-barnyard creatures: elephants, rhinos, zebras, all face this fate. Huemer, thus, is no real friend to our brothers of field and stream, let alone barn.

Here is what our world-class vegan has to say about promoting morality [33, p. 33]:

V: My view would be that it's wrong to financially reward extremely immoral businesses, regardless of whether you're causing them to do it, or if they've already done it and you're paying them after the fact.

M: If it's not contributing to the amount of immoral behavior, what's wrong with it?

V: Two things: one, you're rewarding wrongful behavior, which is unjust. You're contributing to making it so that immorality pays...

Prostitution, pornography, addictive drugs, gambling, homosexuality, masturbation, fornication, are now, or have long been considered to be, "immoral behavior."¹¹ The implication is that these acts are unjust and should be prohibited by law. But this is profoundly at odds with the libertarianism that this author has long and valiantly espoused. In this philosophy, the only crimes are those with (*human*) victims and these presumably immoral acts all constitute victimless "crimes."

He now addresses the objection that "animals eat each other, so why can't we eat them?"

He continues [33, p. 37]: "V: Okay, chickens eat other species, so it's okay to kill chickens. But people also eat other species, so . . . it's okay to kill people?"

But chickens¹² kill and eat members of their own species. They will peck each other to death if not prevented from doing so by farmers. In contrast, human cannibalism is all but limited to cave spelunkers and marooned sailors who would all otherwise perish. Often, this is done on a voluntary basis, by drawing lots. This is quite a bit different than what occurs in the animal kingdom.

The weakest part of this argument of his is this [33, p. 37]: "You don't blame . . . a hurricane for destroying a city, or a lion for killing a gazelle. Because none of them are capable of regulating their behavior morally."

No, of course we do not "blame" the hurricane or the lion, but we do not grant them, rights, either.¹³ With rights come responsibilities. Hurricanes and lions lack the latter and thus do not deserve the former. We are justified in stopping all the storms we can. Cloud seeding does not violate rights. Ditto for initiating violence against wild and – also -- domesticated animals. They cannot petition for rights, nor do they respect the rights of others. In very sharp contrast indeed, (most) humans can be relied upon to do exactly that.

This response of Huemer's is problematic [33, p. 38]:

"M: Okay, lions can't restrain themselves. But do you think we should stop lions from killing gazelles?"

V: If you can figure out a way of doing that without killing all the lions and disrupting the ecology, then we should consider it."

"Consider it?" Why, merely, "consider it?" Why not, actually, *do* it? After all, our author is on record for opposing animal suffering. He nowhere specifically limits this to barnyard animals, although, to be sure, he waxes eloquent, and very properly so, about their suffering. But, gazelles undoubtedly suffer from the depredations of these monstrous felines.¹⁴ Farmers, presumably, kill their property far more humanely than this occurs in the wild.¹⁵

Huemer explicitly announces that rights play no role whatsoever in his analysis [33, p. 38]:

"V: My case for vegetarianism didn't rely on any claims about 'rights.' Remember that it was all compatible with utilitarianism. I'm only assuming that you shouldn't inflict enormous pain and suffering for minor reasons."

This is more than passing curious for a distinguished contributor to libertarianism. Rights¹⁶ are practically the be-all and end-all of this philosophy. To purposefully eschew them is to take the analysis out of this realm. As for “enormous” and “minor” these are subjective concepts. They exist in the eyes of the beholders. To base a position on them is to build a house on quicksand.

I have a verbal dispute with this author when he writes [33, p. 39]: “V: ... Say you have an adult human who can’t understand morality. Like a mentally disabled person. Can we torture them?”

Of course he realizes full well that singular and plural should match. He was taught this in middle school, if not sooner, like all the rest of us.

This sentence should have read, instead, in any of these ways:

1. “Like a mentally disabled person. Can we torture him?”
2. “Like mentally disabled persons. Can we torture them?”
3. “Like a mentally disabled person. Can we torture him or her?”
4. “Like a mentally disabled person. Can we torture her?”

Why the error in the text which I cannot regard other than purposeful? I speculate that he has gone over to the dark side in terms of obeisance to political correctness. Academics have been inflicted with this virus, and, Huemer, unfortunately, seems to have been infected by it.

Option 1 must be rejected because this bespeaks bias against women, even though “men” includes people of both genders. Option 2 would appear to be compatible with the dictates of PC, but, in refusing to ruin the language concerning singular and plural, points might be taken away from our author. Option 3 is fair game in left wing university writing, but is awkward. Option 4, nowadays, is the preferred alternative, except, that in this case, it would be read as demeaning to females.¹⁷ Not a pretty picture.

Professor Huemer maintains that [33, p. 41] “Primitive tribes make war even more than we do.” He cites Pinker [62] as his source for this finding. For an alternative view, see Block [15].

The Colorado University Professor ventures into the thickets of economics with this statement [33, p. 44]:

Insider trading is a crime wherein individuals buy and sell stocks based on ‘inside information’ not available to the public. For instance, a company executive might buy stock in a company because he knows that his own company is planning to merge with the other company, which will drive up the price. This is prohibited in the US, UK, European Union, and many other countries.

Unhappily, he cites no source on this. He accepts the traditional view of this matter without demur. From the libertarian point of view, however, one which we might expect Huemer to take, this can be a voluntary contractual arrangement, and therefore should be legal.¹⁸

If I had to summarize this book in three words it would be: “stop the suffering.” I acknowledge that I, too, support this plea. Who but a malevolent, malicious person, a sadist, would actually support anguish, whether for humans or non-humans. There is altogether too much misery in the world, and any lessening of it has to be counted on the asset side of the ledger.

However, the reduction of wretchedness cannot be the basic premise of any coherent philosophy. For, surely, some grief is justified. For example, criminals are properly punished and undoubtedly grieve thereby. If the desiderata were to eliminate, or radically reduce, agony, we would in the first instance release all murderers and rapists, kidnappers, thieves, from prison. But that would undoubtedly increase the desolation of their victims, one, who wanted revenge against these perpetrators, and two, who would be fearful of being molested yet again. Even if we could discern which inmates, although guilty of past misdeeds, would never again commit a crime, and free only them, still, this would be problematic in that these criminals *deserve* punishment. There is also the

difficulty of the masochist, who enjoys being made to suffer. We would have to legally prohibit the sadist from doing his “thing,” if a decrease in suffering were a basic aspect of just law.

Suppose we could somehow overcome the interpersonal comparison of utility (ICU) problem; that is, we had a “sufferometer.” That would mean, for example, if a rape victim suffered less from being victimized in this way than the perpetrator suffered from not being allowed to rape her, we would compel not just the one or the other, but both of them, to engage in sexual intercourse. Perhaps, we could get the government to subsidize rape and tax non rapists. This is a powerful *reductio ad absurdum* of a philosophy limited to stopping suffering. In contrast, there is libertarianism, which focuses, instead, on rights. It is certainly more just, and will, I contend, lead to less suffering than a philosophy which explicitly made its avoidance its centerpiece.

Huemer veers perilously close to engaging in an *ad hominem* argument when he avers [33, p. 69]:

V: ...the issue turns on a moral intuition about the badness of animal suffering. This intuition is held by many people who appear to be in general reasonable, smart, and morally sensitive.

M: I guess that’s fair to say.

V: In fact, many of them consider the intuition extremely obvious. The great majority of the literature in ethics on the topic also agrees that meat-eating in our society is generally wrong. Many of these experts consider the case decisive.

Just because a group of self-styled “experts reach a consensus does not mean they are correct. There are many professors of humanities who argue in favor of minimum wage laws, rent control, tariffs, licenses which restrict entry to various professions, typically on the ground that these initiatives will reduce human suffering. They err, here, and they err mightily.¹⁹

Huemer mentions, only to reject, the contention that [33, p. 73] “... maybe the chair you’re sitting on is in great agony. No way to prove it isn’t. But we have no reason to think so, and we have to sit somewhere.”

But based upon his own calculations, there is indeed a teeny, tiny, chance that chairs suffer when we deposit ourselves upon them. How would we like it if a chair sat on us? Not too well. In any case, there are an awful lot of chairs out there. If there is even a small chance that they feel grievously dealt with, perhaps we should reconsider our cavalier treatment of them. Yes, we have to sit somewhere, and stand too, despite possible protests from the floor, and we should give a thought to abusing our beds, too, by lying on them.

Our author continues in this vein [33, p. 74]: “V: ... It is virtually certain that animals feel pain. That’s clearly over 99% probable. But it is also virtually certain that plants don’t. Since plants have no nervous systems, the probability that they feel pain is very much lower than 1%.”

But there are many more plants, trees, blades of grass, etc., than there are animals.²⁰ Can we really be so blasé about this tiny possibility? When this is taken into account, the case for veganism, molesting innocent flora, weakens considerably.

Moreover these sorts of “calculations” are highly problematic. One can apply them to virtually anything, and deduce whatever is desired. A more basic point is that even if we stipulate that animals can suffer, and that we lose little satisfaction by refraining from annihilating them, it still does not follow that we should not do so. That is a matter of rights, about which Huemer is exceedingly skeptical.

What about the possible suffering of insects? We read on this as follows [33, p. 75]: “V: ... the costs of giving up killing insects are much higher than the costs of giving up meat-eating... Virtually all of modern life kills insects. You can’t drive a car without killing some; you can barely walk without killing them.”

But why should costs, of all things, be taken into account? If it is wrong to promote suffering, and there are very many more insects than humans ... Yes, to use a Huemerian calculus, the probability of members of these species feeling pain, or suffering, is exceedingly small [33, pp. 77-78]:

M: Why don't you think insects are sentient? They've got eyes and other sense organs, so they must have sensations.

V: Three reasons. One, they don't have nociceptors –

M: What? “Noss receptors”?

V: Nociceptors. The kind of nerve cells that sense pain. They don't have 'em. Second, they have drastically simpler central nervous systems. Like a hundred thousand times simpler.

M: Maybe you only need a simple nervous system to have pain.

V: But you're going to have a hard time explaining the third point: insects don't show normal pain behavior. An insect with a crushed leg keeps applying the same force to that leg. Insects will keep eating, mating, or whatever they're doing, even when badly injured – even while another creature is eating them.”

But, still, there is a *very* small probability that they do feel pain, in their own unique ways. If we weight each person and each insect equally, and there are so many, many more of the latter, even a small probability might indicate we should take this into account. No more chocolate covered ants for the likes of us!

Huemer is profoundly skeptical about rights [33, pp. 79-80]:

M: ... do you buy humane certified meat?

V: I don't buy it because I don't know if it is ethical. I figure that if I don't know, I shouldn't do it.

M: Why don't you know?

V: Well, I'd have to figure out whether it's permissible to kill animals humanely for food. For that, I'd have to figure out whether they have a right to life. And for that, I guess I'd have to first figure out what's the basis for the right to life in general.

M: Isn't that what we have moral philosophers for?

V: Yeah, but the moral philosophers don't agree.

M: Professor Tooley told me that the right to life is based on one's conception of oneself as a subject of experience continuing through time.

V: That's one theory. Another view is that the right to life rests on one's being the subject of a life that matters to oneself. Or perhaps it rests on one's having the potential for a human-like future. Or perhaps there aren't any such things as rights in the first place.

M: Why don't we just figure out which theory is true?

V: Easier said than done. The leading experts can't agree, so it seems unlikely that we can settle it here. If we start on that, we'll just argue about that forever.

This clearly removes him from the ranks of libertarians, at least on this one issue, since that philosophy involves practically nothing apart from rights. It is also disquieting that this author, one of the world's leading advocates of veganism on ethical principles, does not know if free range farm animals, humane certified meat, is licit or not. Libertarians often disagree with one another, but at least the leaders of this philosophy take strongly held positions.

Huemer also diverges from the freedom philosophy when he states [33, p. 83]:

V: ... what B did was to smash A's car with a sledgehammer, just for fun, causing \$2000 worth of damage. Several witnesses saw it.

M: Sounds like an easy case. A gets \$2000.

V: Not so fast! There are a few philosophers in the jury room: a metaphysician, a political theorist, an epistemologist, and an ethicist. The metaphysician argues that B isn't responsible for his action, because there's no such thing as free will.

M: I guess that could make sense . . .

V: The political theorist says that B's action wasn't wrong because property rights are illegitimate. The epistemologist says that we can't accept the eyewitnesses' testimony until we first prove that the senses are reliable. Finally, the ethicist says that there are no moral facts, so B can't have done anything wrong.

M: I guess this is why they don't usually allow philosophers on the jury.

V: (laughs) No doubt. So how would you vote?

M: If I agreed with one of those philosophers, I'd have to support the defendant.

V: Right. But how would you actually vote? Would you say B did nothing wrong?

M: No. Personally, I'd still vote to award \$2000 to A.

Even though uttered by M, not V, his usual voice, our author accepts the latter without demur. But if the punishment from the crime is merely that you have to pay damages commensurate with the costs you have imposed, or, merely return what you have stolen to extrapolate from this "punishment," then criminal behavior will skyrocket. Suppose you steal \$2000 and there is a 50% chance you will be caught, and the only penalty is that you must return this amount of money to your victim. Then the statistically expected value of your theft, to you, will be \$1000. Unless the alternative costs of your time are greater than that amount, then, barring ethical considerations about private property rights, you will enter the "profession" of stealing. It is also more than a tad unjust to impose such a slight punishment for theft or imposing damages on others.²¹

Let me conclude. I admire Huemer. Greatly so. I join him in opposing suffering, whether for man or beast. The world has far too much misery. Any reduction is to be fervently welcomed. But I cannot think that he has made a successful case for veganism. If he had his 'druthers, I infer he would imprison meat eaters and factory farmers. I cannot think this would be just.

There is one last point to be considered. This author wishes to promote veganism – eschew meat eating – so as to reduce suffering. But if that is the goal, there are *reductio ad absurdum*s galore open to the critic. For example, some fruits and vegetables are doused with pesticides. A consistent Huemerite would banish them all from his diet.²² But this is only the tip of the iceberg. Deep mining is more dangerous – to human life in this case – than is strip mining. The former is replete with cave-ins and black lung disease, not the latter. So, supporters of this anti-pain philosophy would be obligated²³ to boycott coal for that reason. Flooding from dams not only kills human beings, but, also, Huemer's beloved animals. Unless it can be demonstrated that more pain will ensue for lack of these dangerous sources of energy, it would also behoove us to shun fuel derived thereby. Nuclear power plants pose dangers to man and beast, if they fail. There goes that source of energy. Windmills kill birds. Scratch that one too.

References

1. Barry, N. *Business Ethics*. London: Routledge, 1998.
2. Block, W. E. Earning Happiness Through Homesteading Unowned Land: a comment on 'Buying Misery with Federal Land' by Richard Stroup, *Journal of Social Political and Economic Studies* 15 (2), 1990, pp. 237-253.
3. Block, W. E. Market Inalienability Once Again: Reply to Radin, *Thomas Jefferson Law Journal* 22 (1), 1999, pp. 37-88.

4. Block, W. E. Berman on Blackmail: Taking Motives Fervently, *Florida State University Business Review* 3 (1), 2002-2003, pp. 57-114.
5. Block, W. E. Homesteading City Streets; An Exercise in Managerial Theory, *Planning and Markets* 5(1), 2002, pp. 18-23.
6. Block, W. E. On Reparations to Blacks for Slavery, *Human Rights Review* 3 (4), 2002, pp. 53-73.
7. Block, W. E. Libertarianism vs. Objectivism; A Response to Peter Schwartz, *Reason Papers* 26, 2003, pp. 39-62.
8. Block, W. E. The Non Aggression Axiom of Libertarianism, <http://archive.lewrockwell.com/block/block26.html>, 2003.
9. Block, W. E. Austrian Law and Economics: The Contributions of Adolf Reinach and Murray Rothbard, *Quarterly Journal of Austrian Economics* 7 (4), 2004, pp. 69-85.
10. Block, W. E. Reply to Frank van Dun's 'Natural Law and the Jurisprudence of Freedom', *Journal of Libertarian Studies* 18 (2), 2004, pp. 65-72.
11. Block, W. E. Radical Libertarianism: Applying Libertarian Principles to Dealing with the Unjust Government, Part II, *Reason Papers* 28, 2006, pp. 85-109.
12. Block, W. E. Toward a Libertarian Theory of Guilt and Punishment for the Crime of Statism, In J. G. Hulsmann and S. Kinsella (eds.), *Property, Freedom and Society: Essays in Honor of Hans-Hermann Hoppe*, Auburn, AL: Ludwig von Mises Institute, 2009, pp. 137-148.
13. Block, W. E. Libertarian punishment theory: working for, and donating to, the state, *Libertarian Papers* 1, 2009.
14. Block, W. E. Rejoinder to Kinsella and Tinsley on Incitement, Causation, Aggression and Praxeology, *Journal of Libertarian Studies* 22, 2011, pp. 641-664.
15. Block W. E. Book review essay of Steven Pinker's: The better angels of our nature: Why violence has declined. New York, N. Y. Penguin; Part II", *Management Education Science Technology Journal*, 2014.
16. Block, W. E. W. Barnett II, and G. Callahan, The Paradox of Coase as a Defender of Free Markets", *NYU Journal of Law & Liberty* 1 (3), 2005, pp. 1075-1095.
17. Block, W. E. and M. A. Block. Toward a Universal Libertarian Theory of Gun (Weapon) Control, *Ethics, Place and Environment* 3 (3), 2000, pp. 289-298.
18. Block, W. E., and S. Craig. Animal torture, *The Review of Social and Economic Issues (RSEI)*, 2017; <http://rsei.rau.ro/index.php/last>.
19. Block, W. E., and M. R. Edelstein. Popsicle sticks and homesteading land for nature preserves, *Romanian Economic and Business Review* 7 (1), 2012, pp. 7-13.
20. Block, W. v. R. Epstein. Debate on Eminent Domain, *NYU Journal of Law & Liberty* 1 (3), 2005, pp. 1144-1169.
21. Block, W. E., and R. W. McGee. Insider Trading, In R. W. McGee (ed.), *Business Ethics and Common Sense*, New York: Quorum Books, 1992, pp. 219-229.
22. Block, W. E., and G. Yeatts. The Economics and Ethics of Land Reform: A Critique of the Pontifical Council for Justice and Peace's 'Toward a Better Distribution of Land: The Challenge of Agrarian Reform', *Journal of Natural Resources and Environmental Law* 15 (1), 1999-2000, pp. 37-69.
23. Butler, S. *Erewhon*. CreateSpace Independent Publishing Platform, [1872] 2012.
24. Bylund, P. Man and matter: how the former gains ownership of the latter, *Libertarian Papers* 4 (1), 2012; <http://libertarianpapers.org/articles/2012/lp-4-1-5.pdf>.
25. Friedman, M. *Capitalism and Freedom*. Chicago: University of Chicago Press, 1962.
26. Gregory, A., and W. E. Block. On Immigration: Reply to Hoppe, *Journal of Libertarian Studies* 21(3), 2007, pp. 25-42.
27. Grotius, H. *Law of War and Peace (De Jure Belli ac Pacis)*, 1625, 3 volumes; translated by A.C. Campbell, London, 1814.

28. Hoppe, H. H. *The Economics and Ethics of Private Property: Studies in Political Economy and Philosophy*. Boston: Kluwer, 1993.
29. Hoppe, H. H. Of Private, Common, and Public Property and the Rationale for Total Privatization, *Libertarian Papers* 3 (1), 2011, pp. 1-13.
30. Huemer, M. *The Problem of Political Authority: An Examination of the Right to Coerce*. London: Palgrave Macmillan, 2012.
31. Huemer, M. Defending Libertarianism: The Common Sense Approach, <https://www.youtube.com/watch?v=vmCn2vP-DEo>, 2013.
32. Huemer, M. An Ethical Intuitionist Case for Libertarianism, <https://www.libertarianism.org/publications/essays/ethical-intuitionist-case-libertarianism>, 2017.
33. Huemer, M. *Dialogues on Ethical Vegetarianism*. Routledge, Taylor and Francis, 2019.
34. Kinsella, S. Punishment and Proportionality: the Estoppel Approach, *The Journal of Libertarian Studies* 12 (1), 1996, pp. 51-74.
35. Kinsella, S. N. A libertarian theory of contract: title transfer, binding promises, and inalienability, *Journal of Libertarian Studies* 17 (2), 2003, pp. 11-37.
36. Kinsella, S. N. How we come to own ourselves, <http://www.mises.org/story/2291>, 2006.
37. Kinsella, S. N. What Libertarianism Is, <https://mises.org/library/what-libertarianism>, 2009.
38. Kinsella, S. N. Homesteading, Abandonment, and Unowned Land in the Civil Law, <http://blog.mises.org/10004/homesteading-abandonment-and-unowned-land-in-the-civil-law/>, 2009.
39. Locke, J. An Essay Concerning the True Origin, Extent and End of Civil Government, In E. Barker (ed.), *Social Contract*, New York: Oxford University Press, 1948.
40. Locke, J. *Second Treatise of Civil Government*. Chicago: Henry Regnery, 1955.
41. Manne, H. A. In Defense of Insider Trading, *Harvard Business Review*, 1966.
42. Manne, H. A. *Insider Trading and the Stock Market*. New York: The Free Press, 1966.
43. Manne, H. A. Insider Trading: Hayek, Virtual Markets, and the Dog that Did Not Bark, *University of Iowa Law School Journal of Corporation Law* 31, 2005.
44. Manne, H. A. Entrepreneurship, Compensation, and the Corporation, *Quarterly Journal of Austrian Economics* 14 (1), 2011, pp. 3-24.
45. Marjanovic, M. Least, Sufficient Force: Libertarian Theory of Defense, 2013, <https://voluntaryistreader.wordpress.com/2013/01/07/least-sufficient-force-libertarian-theory-of-defense/>.
46. McGee, R. W., and W. E. Block. Information, Privilege, Opportunity and Insider Trading, *Northern Illinois University Law Review* 10 (1), 1989, pp. 1-35.
47. Montgomery, S., and W. E. Block. Animal torture and thick libertarianism, *Review of Social and Economic Issues (RSEI)* 1 (3), 2016, pp. 105-116.
48. Morris, H. Persons and Punishment, *The Monist* 52 (4), 1968, pp. 475-501.
49. Nozick, R. *Anarchy, State and Utopia*. New York: Basic Books, 1974.
50. Nozick, R. *Philosophical Explanations*. Cambridge, MA: Harvard University Press, 1981.
51. Olson, C. B. Law in Anarchy, *Libertarian Forum* XII (6), 1979.
52. Padilla, A. Insider Trading, Agency Problems, and the Separation of Property and Control, <http://www.mises.org/journals/scholar/AP.pdf>, 2000.
53. Padilla, A. Can Agency Theory Justify the Regulation of Insider Trading?, *Quarterly Journal of Austrian Economics* 5 (1), 2002, pp. 3-38.
54. Padilla, A. The Regulation of Insider Trading as an Agency Problem, *Florida State University Business Review* 5, 2005, pp. 63-79.
55. Padilla, A. Can Regulation Eliminate the Agency Problems Posed by Insider Trading?, *Commentaries on Law & Economics* 2, 2005, pp. 47-81.

56. Padilla, A. How Do We Think About Insider Trading? An Economist's Perspective on How the Insider Trading Debate Has Influenced the Way We Think About Insider Trading, *Journal of Law, Economics, and Policy* 4 (2), 2008, pp. 249-271.
57. Padilla, A. Should The Government Regulate Insider Trading?, *Journal of Libertarian Studies* 22, 2010, pp. 359-378.
58. Padilla, A. Insider Trading: What Is Seen and What Is Not Seen? In S. M. Bainbridge (ed.), *Research Handbook on Insider Trading*, Cheltenham, UK/Northampton, MA, USA: Edward Elgar Publishing, 2013, pp. 251-265.
59. Padilla, A., and B. Gardiner. Insider Trading: Is There an Economist in the Room? *Journal of Private Enterprise* 24 (2), 2009, pp. 113-136.
60. Paul, E. F. *Property Rights and Eminent Domain*. Livingston. New Jersey: Transaction Publishers, 1987.
61. Pinker, S. *The Blank Slate: The Modern Denial of Human Nature*. New York: Viking, 2002.
62. Pinker, S. *The Better Angels of Our Nature*. New York, NY: Viking, 2011.
63. Pufendorf, S. Natural law and the law of nations (De officio hominis et civis prout ipsi praescribuntur lege naturali) De officio hominis et civis juxta legem naturalem libri duo, 1673, 2 vols., Volume 1: Text, Buffalo, NJ, Hein; reprint of New York: Oxford U. Pr., 1927.
64. Rothbard, M. *For a New Liberty*. New York: Macmillan, 1973.
65. Rothbard, M. *The Ethics of Liberty*. New York: New York University Press [1982] 1998.
66. Rozeff, M. S. Original Appropriation and Its Critics, <http://www.lewrockwell.com/rozeff/rozeff18.html>, 2005.
67. Singer, P. The Ethics of Infanticide, <https://www.lightupthedarkness.net/peter-singer-the-ethics-of-infanticide/>, 2015.
68. Smith, T., and W. E. Block. The Economics of Insider Trading and Labor: A Free Market Perspective, *Journal of Business Ethics* 139 (1), 2015, pp. 47-53.
69. Watner, C. The Proprietary Theory of Justice in the Libertarian Tradition, *Journal of Libertarian Studies* 6 (3-4), 1982, pp. 289-316.
70. Whitehead, R., and W. E. Block. Taking the assets of the criminal to compensate victims of violence: a legal and philosophical approach, *Wayne State University Law School Journal of Law in Society* 5(1), 2003, pp. 229-254.

Notes

1. All otherwise unidentified references will be to this one book.
2. For some relevant readings on this philosophy, see Montgomery and Block [47]; Block and Craig [18]; Rothbard [65].
3. Redacted.
4. To a greatly increased degree. Libertarian punishment theory can be very Draconian. In the view of Rothbard [65, p. 88, ft. 6]: "It should be evident that our theory of proportional punishment—that people may be punished by losing their rights to the extent that they have invaded the rights of others—is frankly a retributive theory of punishment, a 'tooth (or two teeth) for a tooth' theory. Retribution is in bad repute among philosophers, who generally dismiss the concept quickly as 'primitive' or 'barbaric' and then race on to a discussion of the two other major theories of punishment: deterrence and rehabilitation. But simply to dismiss a concept as 'barbaric' can hardly suffice; after all, it is possible that in this case, the 'barbarians' hit on a concept that was superior to the more modern creeds." For more on this: Block [3], [4], [7], [8], [9], [10], [11], [12], [13], [14]; Block, Barnett and Callahan[16]; Gregory and Block[26]; Kinsella [34]; Morris [48]; Nozick [50, pp. 363-373]; Olson [51]; Rothbard [65]; Whitehead and Block [70].

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17. Whaddeya mean, women can be mentally handicapped? That is so sexist!
 18. For a free market defense of insider trading, see Barry [1]; Manne [41], [42], [43], [44]; McGee and Block [46]; Padilla [52], [53], [54],[55], [56], [57], [58]; Padilla and Gardiner [59]; Smith and Block [68].
 19. On the folly of minimum wage laws, rent control and tariffs, see virtually any introductory economics textbook. One of the best essays ever written about restrictive licenses is Friedman [25, ch. 9].
 20. Even including multitudinous insects, I warrant.
 21. Libertarian punishment theory is quite a bit more Draconian. In the view of Rothbard [65, p. 88, ft. 6]: “It should be evident that our theory of proportional punishment—that people may be punished by losing their rights to the extent that they have invaded the rights of others—is frankly a retributive theory of punishment, a ‘tooth (or two teeth) for a tooth’ theory. Retribution is in bad repute among philosophers, who generally dismiss the concept quickly as ‘primitive’ or ‘barbaric’ and then race on to a discussion of the two other major theories of punishment: deterrence and rehabilitation. But simply to dismiss a concept as ‘barbaric’ can hardly suffice; after all, it is possible that in this case, the ‘barbarians’ hit on a concept that was superior to the more modern creeds.” For more in this vein see Block [3], [4], [7], [8], [9], [10], [11], [12], [13]; Block, Barnett and Callahan [16]; Gregory and Block[26]; Kinsella [36]; Marjanovic [45]; Morris[48]; Nozick[50, pp. 363-373]; Olson [51]; Rothbard [65]; Whitehead and Block [70].
 22. Wealthy people could eat organic fruits and vegetables. But this is beyond the means of many of the poor. They would be placed in a difficult position were they to embrace the type of extended Huemerism I am now employing.
 23. Legally? Our author does not say.