

COMMENT AND ANALYSIS



ANIMAL TORTURE: A CRITIQUE OF THICK LIBERTARIANISM

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Abstract:

Torturing helpless animals is among the most despicable acts known to man. And, yet, prohibition by law is not an option open to libertarianism, which deals, solely, with intra-human relations. Is this then a weakness, not to say a fatal one, in the freedom philosophy? We deny this, and utilize thin libertarianism to make our case.

Key words: Animal torture, libertarianism, law, morality

JEL category: K00, K11.

Animal torture has had a bandit-like existence in libertarian theory. With but few exceptions (mass murder, rape, torture of human beings) viciously mistreating helpless animals is about the most despicable act imaginable. And here we are not discussing dog or rooster fights. These are problematic enough, but they

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occupy a much higher rung in hell, if there be such a thing, than cutting, or burning, or throwing acid at our non-human fellow creatures. There could be but few people who would deny that torturing animals is highly immoral.

And, yet, prohibiting such heinous acts by law which occurs in all civilized jurisdictions is not an option for libertarianism. Is that a problem for this philosophy? There are many who think it is.

We argue, in sharp contrast, that libertarianism is a subset of moral law, concerning when violence is justified, and that it has no position on anything else.

What, then, may libertarianism say about the animal torturer? Only this. If A is a torturer of animals, and B punches him in the nose in behalf of A's non-human victims, then B is guilty of assault and battery. Prediction: no court, even private ones presumably dedicated to libertarian principles, would land too heavily on B, given the almost universal revulsion at this sort of behavior. However, if we are to take seriously the principles of libertarianism, there is no warrant for punishing B any more lightly than anyone else who punches someone in the nose, for far less acceptable reasons; for example, C is a bully and punches D for the sheer enjoyment of the activity. Nor is this really adequate from the point of view of those who oppose animal torture. What they¹ want is not for some private individual to use violence against the violator of non-humans and then to bear even a light sentence for this behavior. The goal is, rather, that the forces of law and order do so, by declaring such acts illegal, and then mete out heavy punishments to the malefactors. For what if A the animal torturer is bigger and stronger than B, the person who objects to his actions in the name of morality and decency? No, the desideratum from this quarter is for this heinous act to be prohibited by law.

But this, precisely, is what libertarianism cannot offer. For, as we have seen, this philosophy is but a narrow slice of ethics. It is

¹ We the present authors certainly include ourselves in that number

concerned, solely, with intra human actions.² That is true of the thin libertarian view of the matter. However, it cannot be denied, there is also a version of thick libertarianism in the literature.³ In that view, in addition to the non-aggression principle (NAP) of thin libertarianism, there are a host, a plethora, of other requirements to comply with this philosophy. For left wing thickists, the libertarian must embrace feminism, homosexual rights, labor unions and oppose hierarchies (“bossism”) and prejudice against minorities. In contrast, right wing or conservative thickists maintain pretty much the opposite of all these criteria. And in the view of thin libertarians,⁴ this philosophy has no position on any of these outside issues. As long as a person does not initiate violence against any of these groups, he is acting in accordance with the freedom philosophy. The perspectives on any of these causes are as relevant to libertarianism as is the issue of whether chess or checkers is more libertarian. For the purist or logically consistent libertarian, as long as an individual does not toss checkers at innocent people, or gouge them with chess pieces against their will, his actions are compatible with libertarianism.⁵

² If E steals F’s cow, or G tortures H’s dog, this is encompassed within the coverage of libertarianism. For E and G, respectively, have violated the property rights in the cow and dog owned by F and H.

³ Thin libertarianism: Albright, 2014; Badalamenti, 2014; Block, 2010, 2014A, 2014B, 2014C; Cantwell, 2014A, 2014B, 2014C; Engel, 2014; Gordon, 2014; Hornberger, 2014; Kinsella, 2009; Mosquito, 2014A, 2014B, 2014C, 2014D, 2014E, 2014F; Rockwell, 2014; Rossini, 2014; Sanchez, 2014; Smith, 2014; Vance, 2014, Wenzel, 2014A, 2014B, 2014C, 2014D; Woods, 2013. Thick libertarianism: Center for a stateless society. Undated; Delikta, 2014; Johnson, 2008; Long and Johnson. 2005; Long, 2009A, 2009B; Massimino, 2014; Petrova, 2014; Richman, 2014A, 2014B; Tucker, 2014; Zwolinski, 2011

⁴ We the present authors certainly include ourselves in that number

⁵ The most powerful critique of the thin against the thick libertarians is the *reductio ad absurdum*: both left and right thicksters include opinions on several issues in their definition of this philosophy; for example, hierarchies, feminism and racism. But why these arbitrary limits? Why not also include cancer research, chess playing, sunsets, babies’ smiles, frisbees?

What does all of this have to do with animal torture? Simply this: it is an issue apart from libertarianism, at least for the thin version thereof. As moralists, we can of course denounce such despicable behavior. But since thin libertarianism concerns itself, solely, with how human beings treat each other, not how they deal with their own (animal) property, the entire issue falls outside of the scope of this philosophy.

When we view the matter through the lens of thin versus thick libertarianism, that supposed weakness in this philosophy widely thought to exist does not really exist. Thick libertarianism is more pernicious and more of a threat than previously imagined, before this present solution to the challenge against it created by the specter of animal cruelty. Libertarianism, the NAP, is *solely* concerned with man's relationship to man; that is it! There is no more. There is nothing in this perspective of relevance to the torture of animals.

It is not a 'flaw in libertarianism' that it offers no (obvious) prohibition of cruelty towards one's owned animals (pets or livestock). One can own a car, and smash it into a wall on purpose – it would be no infringement of property rights for him to do so (provided he also owned the wall, of course), but it would be economically foolish. A man owns his own body, and may put into it whatever use he wants, without libertarianism breathing a word against him, provided only that he does not violate the rights of others. But some behaviors might well be unhealthy. Anyone can apply paints to a canvas, and be ever so pleased with the results, but libertarianism is wholly uninvolved in determining whether or not the product is artistic. A mathematics professor can delude himself into equating $2 + 2$ with 5, and libertarianism will not mark him wrong.

There are many laws in life besides the non-aggression principle – economic, artistic, mathematical, physical, biological, moral, and dear knows how many more. We would not tell the above professor that his sum is unartistic, or immoral, or that it is a breach of libertarianism, but that it is mathematically incorrect.

So why describe it as a flaw in libertarianism that it puts no restraint on a man who would wish to be cruel to his poodle? It is still surely wicked, because a poodle is a creature that can feel pain. We consider it, therefore, immoral; suitable (non-aggressive) approaches for influencing such an individual for the better could include social and/or economic disassociation from him. But is it not another venture down the old slippery slope to thick libertarianism, trying to lead libertarians into reforming how others behave into accordance with one's own preferences? Is trying to restrain a man from beating his own poodle by appealing to libertarianism really, then, any more sensible than trying to do so by telling him such behavior is unartistic? It is cruel, it is wicked, it should be admonished: but it is – as far as we can see – entirely irrelevant to libertarianism. Adherence to this philosophy will not get one to Heaven, either, at least not according to the precepts of many religions. As libertarians we must tolerate far worse misbehaviors than cruelty to poodles. But libertarianism is not the answer to everything.

Consider the views on this issue of Wenzel (2014): "...in a libertarian society, it would be appropriate to ban the torture/cruel treatment of animals, in that, as humans, we can empathize with the horror of unjustified pain. But, I would make the ban extremely narrow to pain inflicted without *any* type of benefit to humans (outside of the jollies of the pain inflicter) [sic]. Thus, I would not, for example, ban horses pulling carriages filled with tourists⁶ nor would I ban animals being used in laboratory experiments which advance medical knowledge. Indeed, to emphasize how narrow I would make such a ban, I would give a pass to young boys, who pull wings off of flies or who tie strings of cans to the tails of cats, on the theory that it is youthful discovery."

In our analysis, Wenzel is herein taking on the stance of a thick libertarian. From the perspective of libertarian thinism, just

⁶ As New York City Mayor de Blasio wants to do See on this: https://www.google.com/?gws_rd=ssl#q=de+blasio+to+ban+horse+drawn+carriages

because “as humans, we can empathize with the horror of unjustified pain” it would *not* “be appropriate to ban the torture/cruel treatment of animals.” There are many things that bring “horror” to us: horror movies, the loss of a game of our favorite sports team – when we have bet more money on them than we should have, having our marriage proposal turned down, etc.⁷ Surely, there is no warrant to ban by law any of these things. And, the same applies to vicious treatment of animals.⁸

We conclude: The challenge to libertarianism, that it has no answer to the challenge of animal abuse, has been met. The solution is that, at least according to correct libertarianism, the thin version thereof, this is not an issue that this philosophy can or should deal with. Rather, it is adventitious with regard to the freedom perspective. For libertarianism covers but a very narrow slice of political economy. It concerns itself, solely, with violations of the NAP between human beings. Cruelty to animals falls outside this realm. Is this a weakness of libertarianism. Yes and no. Yes in the sense that its coverage, correctly understood, is limited.¹⁰

⁷ As methodological individualists, and Austrian subjectivists, we acknowledge that one person’s horror is another man’s boredom, or joy, or indifference. States Hayek (1979, 52): “And it is probably no exaggeration to say that every important advance in economic theory during the last hundred years was a further step in the consistent application of subjectivism.” Also, see the following on this issue: Barnett (1989), Block (1988), Buchanan and Thirlby (1981), Buchanan (1969, 1979), Butos and Koppl (1997), Cordato (1989), DiLorenzo (1990), Garrison (1985), Gunning (1990), Kirzner (1986), Mises (1998), Rizzo (1979, 1980), Rothbard (1979, 1997), Stringham (2008)

⁸ We do not regard horses pulling wagons, or lab experiments with animals as torture, as we do pulling wings off of flies and tying cans to cats. Children who do so are, in our opinion, psychologically disturbed in that their ability to empathize is underdeveloped. However, libertarian punishment theory (Kinsella, 1996, 1997; Rothbard, 1977, 1998) would discipline children far more lightly for crimes. In any case, it is our contention that mistreating flies and cats in this manner does not constitute criminal behavior.

¹⁰ But the same may be said, may it not, about any and all political philosophies. They are all limited in some manner, shape or respect. None of them incorporates issues concerning chess, or cancer research, or handball; none of them delves into the question of why Mozart was a genius.

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