

Natural Rights, Human Rights, and Libertarianism

Author(s): Walter E. Block

Source: *The American Journal of Economics and Sociology*, Vol. 74, No. 1, The Basis of Human Rights: The Elusive Consensus (JANUARY, 2015), pp. 29-62

Published by: American Journal of Economics and Sociology, Inc.

Stable URL: <https://www.jstor.org/stable/43817506>

Accessed: 14-03-2022 17:56 UTC

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <https://about.jstor.org/terms>



JSTOR

American Journal of Economics and Sociology, Inc. is collaborating with JSTOR to digitize, preserve and extend access to *The American Journal of Economics and Sociology*

Natural Rights, Human Rights, and Libertarianism

By WALTER E. BLOCK*

ABSTRACT. The present article is devoted to developing a libertarian understanding of whether natural rights may or may not underpin human rights and, if so, how. Libertarianism is first defined in terms of the nonaggression principle (NAP), in answer to the question “What is the proper use of force?” This provides a basis for the libertarian positions on property rights, taxation, and many other issues, including human rights. Various philosophical rationales for the NAP are explored, including utilitarianism, religion, and natural rights. The basis of human rights is then examined. Every ethical tradition supports the nonaggression principle, which makes it an ideal candidate for the fundamental basis of human rights. Unfortunately, other traditions expand upon human rights by adding “positive” rights that ultimately violate the NAP. The conclusion takes up the application of libertarian principles to three issues, which could be viewed as human rights questions: discrimination, abortion, and the “trolley problem.” The last one involves taking one life to save many others.

What relationship do natural rights and human rights have with one another?¹ And what would a libertarian analysis of this question involve? In my attempt to wrestle with this challenge, I shall start off by defining terms. First we consider libertarianism (section 1), then natural rights (section 2), and third human rights (section 3). We conclude in section 4 with a discussion of how libertarianism impacts discrimination, the trolley problem, and abortion.

*The author is the Harold E. Wirth Eminent Scholar Endowed Chair and Professor of Economics Joseph A. Butt, S.J. College of Business, Loyola University, New Orleans. Email: wblock@loyno.edu; Web: <<http://www.walterblock.com/>>

American Journal of Economics and Sociology, Vol. 74, No. 1 (January, 2015).

DOI: 10.1111/ajes.12086

© 2015 American Journal of Economics and Sociology, Inc.

1. **Libertarianism**

Libertarianism is a very narrow political philosophy. It is exceedingly narrow, or “thin.” It asks but one question, and gives only one answer. The rest of this viewpoint consists of implications of its basic premise, and applications of it to real-world issues and problems. What is the one question? It is: “What is the proper use of force?” That is, on what occasions would it be justified for a person to use violence against another or his legitimately owned property? And the one proper response? It is this: it is justified only in retaliation against initiatory aggression, or in response to it, or in defense against it.

Of course, property rights play an important role in the libertarian philosophy. Without them, we could not determine whether initiatory violence had occurred or not. For example, we see A removing a television from B’s house. Is A a thief, and thus guilty of violating the libertarian nonaggression principle (NAP)? It all depends upon who is the rightful owner of this electronic device.

For the libertarian, justice in property titles is based on homesteading. According to terms developed by John Locke, Murray Rothbard, and Hans-Hermann Hoppe,² homesteading constitutes mixing our labor with previously unowned goods or resources. We start with the human person: we mix our labor with ourselves, in effect, so we are self-owners. Thus, murder, rape, slavery, kidnapping, assault, and battery are crimes against the person, and thus violate our ownership over ourselves. We also homestead virgin territory, and thus come to own it, too. We can further trace legitimate property titles to any voluntary exchange, such as buying, selling, gambling, making gifts, and bartering. As a result, theft, fraud, and so on are also incompatible with our ownership of animals and inanimate objects we may own.

Libertarianism does not say anything to the effect: “Thou shall not violate the NAP.” It only avers that if you do so, you have committed an illicit act. This is important, and obviates objections against libertarianism that have been launched against it in cases such as pushing someone out of the way of an onrushing truck, or grabbing someone about to jump off a bridge to his death. Both cases are NAP violations. This philosophy does not mandate that people do not engage in such acts. It only states that such acts are impermissible, and punishable

(if the victims or their heirs insist). These are “good” NAP violations, in that they are intended to save lives, and the perpetrator of them is obligated to pay a penalty for engaging in them. In stark contrast, there are other well-intended actions, such as Social Security, the welfare system, the minimum wage law, and other social policies that some people think have good effects. The difference is that advocates of these laws would not accept the notion that they are acting in an illicit manner or that justice requires they be punished for such acts. Another distinction is that punching someone in order to save him from drowning is uncontroversial; no one opposes such acts. Those legislative acts, in contrast, are highly controversial.

As stated so far, it is the rare person who would object to libertarianism. After all, this is the essence of a civilized order. Everyone may do anything he wants to do, provided he does not threaten, or initiate, violence against innocent people. The opposite is surely barbaric. (Having mentioned “good” NAP violations above, we will assume them away for the remainder of this article.) The average person would not dream of raping his neighbor, stealing from anyone, assaulting someone; for him, slavery and kidnapping are totally abhorrent, and murder of innocent people is, if anything, even worse. Such violations of the nonaggression principle, apart from a small percentage of criminals who engage in them, are universally condemned, and virtually all of us refrain from such despicable deeds.

Why, then, is not everyone a libertarian? Why did Ron Paul not become president of the United States by an overwhelming majority? Why is it that the Libertarian Party typically garners less than 5 percent of the vote? One explanation is that this nonaggression principle, while applied whole-heartedly to our friends, neighbors, relatives, to anyone on a personal basis, is widely seen as not applicable to government. When the state is involved, seemingly, all bets are off. No decent person would even dream of stealing property from other people in their capacity as individuals. Nor would he join them if a group of his neighbors agreed to do so. This would be the tyranny of the majority, and he would reject any such course of action with alacrity and disgust. But, yet, let the government orchestrate the identical plan, to tax Peter and give (some of) the proceeds to Paul, not a peep to the contrary will be heard from our typical “decent”

citizen. Forcing some people, under duress, to subsidize the healthcare of others, is not ruled out of court as uncivilized.

It is possible that most people think that being a citizen of a nation requires them to contribute to its support, via taxation. The empirical studies that have been done on this point have generally found that while the vast majority of people think that there is a general duty to pay taxes, the duty is often seen as less than absolute. One of the strongest arguments to support tax evasion on ethical grounds is where the taxpayer is a Jew living in Nazi Germany, where Hitler is the tax collector (McGee 2012).

Taxes are often seen as equivalent to club dues. If you join the chess or the tennis or the golf club, you must pay your monthly installment. Likewise, if you live in a country such as the United States you must pay your taxes. So, taxation is not really theft. It is an agreed-upon payment.

The problem with this theory, at least for the libertarian, is that no one ever “agreed” to any such thing. There is no contract signed by citizens of the country obligating themselves and each other to make a payment of this sort. Says Schumpeter (1942: 198): “The theory which construes taxes on the analogy of club dues or of the purchase of the services of, say, a doctor only proves how far removed this part of the social science is from scientific habits of mind.”

What of the argument that if you don’t like it here, if you don’t want to pay taxes here, then leave here? This is circular, in that it assumes the very point in question: that some people have a right to impose payments at the point of a gun on others, without the consent of the latter. Why don’t those who demand the payment of taxes themselves leave? That argument makes just as much sense.

There are many other good things in life besides obedience to the nonaggression principle. For example, there is in the minds of many people chess, golf, tennis, research on cancer prevention, ice cream, sports, and opposition to prejudice, sexism, and racism. Does libertarianism include any of these considerations? Not at all. That is to say, as long as one adheres to the NAP, he may *oppose* chess, golf, tennis, research on cancer prevention, ice cream, sports, *and may favor* prejudice, sexism, and racism. You may be a hater; you can despise all people with certain characteristics. If you physically harm so much as

one hair on their heads, you are violating the NAP, and cannot be considered to be acting in accordance with libertarianism. But if you refrain from any and all violence against them, you can hate them without invalidating your libertarian credentials.

Do not confuse libertarianism, either, with opposition to authoritarianism, hierarchy, intrusiveness, bossiness. Some condominium associations are very totalitarian in terms of the conditions they impose upon members. Not only color of exterior and type of fence, but even over choice in curtains, is mandated. Yet, if someone signs such an agreement, he would be bound by it, according to libertarian law. But the prize for (voluntary) totalitarianism surely goes to the orchestra conductor who insists that the wind players *breathe* when he tells them to do so, and not at other times. The most intrusive slave owner never insisted on anything like that. Mass murderers claim the right to stop people from breathing, but even they do not compel their victims to inhale or exhale at certain times. Yet, as long as the trumpeters and clarinetists are in the ensemble volitionally, there is no legal difficulty with the conductor's requirements.

In my view, libertarianism is a "big-tent" type of philosophy. I have just sketched out the most extreme or radical or "thin" version of it, anarcho-capitalism: governments are per se illegitimate, and free enterprise based on private property rights is licit. The most well-known names associated with this view are Murray Rothbard, Hans-Hermann Hoppe, Lew Rockwell, Benjamin Tucker, Lysander Spooner, David Friedman, Bruce Benson, and Robert LeFevre.

However, there are several other viewpoints that can be considered libertarian, even though their adherence to the NAP is less consistent, not to say less rabid than the aforementioned.

Next in line in terms of adherence to this libertarian philosophy are the limited government libertarians, or "minarchists." This view posits an extremely limited state, one restricted to protecting the personal and property rights of its domestic citizens. To this end there are three, and only three, legitimate institutions: first, armies, to protect us against foreign enemies, not to go around the world making it all "safe for democracy," nor to support U.S. business or citizens located abroad. The United States, with some 1,000 military bases located in about 130 countries, obviously would not qualify (U.S. Department of

Defense 2007; Vance 2010). Second, local police would be justified, to defend us from domestic criminals. However, there is no justification for incarcerating those guilty of perpetrating victimless crimes, such as prostitution, pornography, drug selling, or violating unjust regulations. The only just regulations for libertarians are based on the NAP, which outlaws only barbaric behavior such as murder, rape, theft, threats, assault and battery, kidnapping, slavery, and arson. Third, there would be courts, to determine innocence and guilt. The most prominent supporters of this perspective are Robert Nozick, Ayn Rand, and Ludwig von Mises.

There is a third perspective that must also be included under the libertarian rubric: the classical liberals or strict constitutionalists. For them, in addition to the army, courts, and police of the minarchists, anything specified in the Constitution would be added to the list of proper government functions. For example, post roads, post offices, a mint, and other institutions authorized by the Constitution. (By far the most popular supporter of libertarian constitutionalism is Ron Paul.) Classical liberals oppose the income tax, or at least the graduated income tax, for example, which is enconced in the U.S. Constitution (13th Amendment). However, the “general welfare” and the “necessary and proper” clauses have been used to justify anti-libertarian initiatives. Constitutionally mandated eminent domain gives government the authority to confiscate private property.

Last, and in this case, the least principled libertarians are the free market economists. They make numerous compromises with the NAP. They assign government to supply services in health, education, and welfare; to produce so-called public goods, to address externalities. Do they deserve the libertarian honorific at all? This is a debatable question, but as a big-tent libertarian I include them, just barely. They are typically magnificent in supporting free trade, and opposing numerous governmental interferences with the free enterprise system.

There is just one more aspect of libertarianism that must be mentioned in order to give a full picture of this philosophy: the debate between thin and thick libertarians. The former define this philosophy solely in terms of the nonaggression principle and property rights based on homesteading plus licit title transfers, such as trade, gifts, barter, and gambling. The latter fully subscribe to this, but add on a

whole host of other criteria. If they are left-wing thickists, they add to the NAP considerations such as opposing racism, sexism, homophobia, bossism. If they are right-wing thickists, they append opposition to homosexuality, deviant sexual practices, and claim that libertarianism must be conservative. Both are libertarian, however, in that they adhere, strenuously and fully, to the NAP. Both right- and left-wing thickist libertarians see the NAP as necessary, but not sufficient. The nonaggression principle is an important part of their philosophy, but more is needed, in their view. I myself am among the thinnest of thin libertarians. I see thickists as attempting to hijack the good ship libertarian in order to promote their own pet agendas, which have nothing to do with liberty.

Where do I draw the line? Is my big tent big enough to include anyone who claims to be a libertarian? No. There are those who explicitly reject that NAP. My big tent cannot stretch far enough to encompass them. Chomsky would be one example. His views on foreign policy are very congruent with those of libertarians of whatever stripe. Like libertarians, he opposes imperialism and militarism on the part of any country, including the United States, preeminently so, since the United States has been, for the past several decades, the leading interventionist and war-monger on the planet. There has hardly been a military conflagration of any size the United States has managed to avoid. A giant Switzerland, the libertarian ideal, does not fit this country too well. However, Chomsky's perspective on economics is so far removed from those of libertarians—free enterprise, laissez-faire capitalism—as to make him a very poor fit indeed into this category (Chomsky 2011; Copple 2010; Correa 2007; Shaub 2011).

Zwolinski (2013a, 2013b) also explicitly rejects the nonaggression principle. He claims to be a left-wing thick libertarian, but in my view this claim is invalid since he does not think the nonaggression principle is a necessary part of libertarianism. This is a close call, however, in that Milton Friedman, too, rejects this characteristic. My reason for including the latter, but not the former, in the outer reaches of libertarianism is that Friedman sees NAP violations as an exception to the principle. Zwolinski does not. (For a devastating critique of Zwolinski, see Gordon (2013).)

2. Natural Rights

Picture a native Indian tent. This structure may have wooden poles some 25 feet high, for example. Let us stipulate that they all meet, or cross with each other and are tied together, 20 feet up into the air. That is, the teepee has 5 feet worth of poles sticking up above their overlap, and extend 20 feet below.

Where these sticks join one another, 20 feet above ground, is the equivalent of the nonaggression principle of libertarianism. Below are logical implications of this philosophy, which will be discussed in the next section of this article. What is above? Here are the antecedents, or the precursors, or the justifications of the NAP, one of which is natural rights. That is to say, we are now exploring the reasons why people might choose to adopt the NAP. This is the subject of the present section.

A. Utilitarianism

One obvious candidate is utilitarianism. The nonaggression principle is the only philosophy compatible with laissez-faire capitalism, and this system of free enterprise outperforms all other forms of economic organization. Here are some empirical illustrations of this claim. North Korea and South Korea on the one hand, and East Germany and West Germany on the other, were split apart due to wartime results, which had little or nothing to do with economics. Both pairs of countries shared the same language, the same culture, the same history, presumably the same IQ, similar productivity levels, etc. And yet, after the countries were divided, the first member of each of these two pairs went into an economic tailspin, while the second member of each pair improved its standard of living immensely. Standard of living, as measured by GDP levels, growth rates, and other measures of economic performance, is a good proxy for the happiness of the members of a society. According to Gwartney, Lawson, and Block (1996), empirical studies show a strong positive correlation between economic freedom and the performance of an economy. So logic leads utilitarians to favor limited government, capitalism, and economic freedom.

However, as a justification for liberty, utilitarianism has some drawbacks too. For one thing, there is the utility monster. Suppose there

was a creature who enjoyed the taste of human flesh so much that the utility it derived from eating people outweighed the disutility people would experience from being eaten alive. Would we humans therefore be morally obligated to accede to his wishes in this regard, and be prepared to make meals of ourselves for his benefit? Yes, if we take utilitarianism seriously. But this does not logically follow from libertarianism, since the devouring of humans certainly violates the non-aggression principle, no matter how much enjoyment the monster derives from the process and how little, relatively speaking, we lose. So, utilitarianism is at best an uneasy justification for libertarianism.

Of course, it would be difficult for this monster to demonstrate that its utility in murdering us was greater than our disutility in being so treated. Herein is a second weakness of utilitarianism: interpersonal comparisons of utility, including monster-human comparisons, are illicit. There is no such thing as utils or happiness units, which makes all such appraisals invalid. A similar point arises with regard to transferring money from rich to poor. It is said that there are diminishing returns from wealth. The first dollar is way more important to us than the millionth dollar. If we take away a dollar from a rich man, and give it to a poor one, mainstream economists will aver that we have increased overall utility. If this is done voluntarily, it will occasion no complaint from the libertarian. But when it is done at the point of a gun, the transfer, of course, violates the nonaggression principle. As to whether or not this transfer of funds from rich to poor yields benefits to overall utility, we cannot say, since there are no established units for interpersonal comparisons (Rothbard 1956, 1970).

B. Religion

For some authors, religion is a justification of libertarianism. God, it would appear, has virtually mandated the nonaggression principle. Let us consider the Ten Commandments in this regard. They are as follows:

1. You shall have no other gods before Me.
2. You shall not make idols.
3. You shall not take the name of the LORD your God in vain.
4. Remember the Sabbath day, to keep it holy.

5. Honor your father and your mother.
6. You shall not murder.
7. You shall not commit adultery.
8. You shall not steal.
9. You shall not bear false witness against your neighbor.
10. You shall not covet.

This is a difficult case to make with regard to the first five of these. Violations of them are just not incompatible with the NAP. However, the sixth, eighth and ninth clearly are. Murder, stealing, and false witness (fraud) are explicitly prohibited by libertarian law. What of the seventh? It is possible to interpret this as a contract violation. If so, this, too, would be proscribed. If not, then not. As for the 10th, you can covet all you want, as long as you do not seize the possessions of other people. Well, 3.5 commandments out of 10 do not a ringing endorsement of this thesis make. However, the Ten Commandments do not at all exhaust what comes under the heading of religion.

There are several writers who make a rather stronger case for this justification of economic freedom, an important aspect of the nonaggression principle, on religious grounds. States Woods (2005: 216): "I [Woods] am convinced that a profound philosophical commonality exists between Catholicism and the brilliant edifice of truth to be found within the Austrian school of economics. . . . Carl Menger, but above all Mises and his followers, sought to ground economic principles on the basis of absolute truth, apprehensible by means of reflection on the nature of reality. What in the social sciences could be more congenial to the Catholic mind than this?"³

Another bit of evidence in support of a religious justification for economic freedom, an important component of libertarianism, was the 15th-century School of Salamanca. Noting the major contributions of the School of Salamanca, Rockwell (1995) observes: "Vitoria, Navarrus, Covarrubias, and Molina were four of the most important among more than a dozen extraordinary thinkers who had solved difficult economic problems long before the classical period." Started by Jesuit and Dominican priests, the members of this school were likely to aver that the just price was the market price, the just rate of interest was the market rate of interest, and that profits were far from

a dirty word; rather, a necessary concomitant of the market and a prelude to prosperity. These Catholic Orders, in their modern version, have, however, undergone a 180-degree turn in their political philosophy.

None of these arguments amount to proof that God had proclaimed: "You all should become libertarians." Or: "If you are not a libertarian, you are not going to Heaven." Nevertheless, this source still constitutes a strong strand in terms of justifications of this philosophy. For support of the relationship between religion and economic liberty, see Booth (2007), Carden (2007), Chafuen (1986), Rockwell (1995), Ritenour (2010), Rothbard (1995), Sirico (1996, 2001), Huerta de Soto (1996), Vance (2011), Watner (1987), and Woods (2002, 2004, 2005).

C. A is A

There is a bandit-like claim circulating in the ether that Ayn Rand has deduced the nonaggression principle from the tautology or identity that "A is A," or that "A equals A." I have not been able to verify this, nor document it. Why, then, do I even mention this claim? There are several reasons. First, I want to be inclusive. I would not wish to exclude any derivations of the NAP, no matter how outlandish. Second, while Ayn Rand always characterized herself as an Objectivist and never as a libertarian, she has had a gigantic effect upon people who consider themselves advocates of this philosophy. Anything she says about the NAP is thus grist for our mill. Third, a personal reason; she was one of two people who converted me to libertarianism.

However, this claim about Rand is highly problematical. Deriving a normative principle from a positive or factual statement violates the "is-ought" or "fact-value" distinction. According to Hume (1739), Hunter (1962), MacIntyre (1959), Searle (1964), and Capaldi (1966), one cannot deduce an ethical judgment from positive considerations. The natural rights/natural law deduction is guilty of this, too. It derives the NAP (a normative principle) from man's nature (a positive claim). The positive and normative universes of discourse are separate and must ever remain so, for no matter what the state of the world, ethical judgments occupy a different domain.

D. Natural Law, Natural Rights

There is an important libertarian literature on natural rights and law (Barnett 1993, 1995; Blackman 1995; Flew 1982; Machan 1978; Osterfeld 1983; Rothbard 2007; Van Dun 2001). The view, here, is that mankind has a certain nature, and that in order to safeguard it, natural law, based on the nonaggression principle, must be installed. If sympathetically read, this claim has a certain charm to it. After all, copper and wood and cows have a certain nature. Some things are “good” for them (burnishing, water and sunlight, grass) and other things are “bad” for them (rust, fire, diseases⁴). Why, not, then, people, too? We also have a nature. Certain things are “good” for us, other things “bad.” And, surely, among the very best things for human beings is adherence to the NAP. If all of us refrained from violating this, it is hard to doubt we would all be better off.

But a more critical examination of this doctrine poses several problems. Looking back at man’s history, replete with torture, rape, slavery, the use of an atomic bomb, endless wars, beheadings, kidnappings, genital mutilations, Communism, Nazism, the welfare state, it is difficult to unambiguously infer that the nonaggression principle is so “good” for mankind. Were this the case, would we not have had far fewer of these vicious episodes in our historical record? There seems to be in people a “nature” that requires we act in barbarous ways toward each other. There is a real streak of nastiness, will to power, desire to dominate, obliterate all that surrounds us. Perhaps, even, this is “good” for our species in some sense. After all, were we not so evil, nasty, vicious, malicious, horrid, horrible, and foul, we might not have survived when our competitors were saber-toothed lions and tigers, bears, and other such predators, before we had fire, or thought of using sticks and stones against these beasts who were more powerful than our forebears. Which would we rather have? No humans at all, because we succumbed to these animal enemies of ours, or the present world, replete with Hitlers, Stalins, Pol Pots, Maos, and other mass murderers? I for one will take the latter. But this undermines the case that our nature is such that the NAP is such a great fit for it.

E. Argumentation Ethics

Hoppe (1988a, 1988b, 1988c, 1988d, 1993, 1995) maintains, quite correctly I think, that a performative contradiction logically undermines any possible statement made. A performative contradiction, like its cousin the logical contradiction, is the end of an argument. Once engaged in, that side of the debate necessarily loses. What is a performative contradiction? It is a case in which what is said logically contradicts the saying of it. For example, "I am dead," not "I am dead tired," is a performative contradiction. Why? Because dead bodies cannot speak, and I have spoken, which demonstrates I am not dead. Here is another example: yelling at the top of your voice while brandishing a knife overhead, "I am not angry and I'm gonna kill you." The statement, again, contradicts the saying of it. If this is not a paradigm case of being angry, something 180 degrees denied in the statement itself, then nothing is. So, here, also, the statement itself logically contradicts the act of the speaker in saying it.

Now consider the statement: "Private property rights are invalid, illegitimate, and improper." This might be said by a socialist, or any intellectual enemy of libertarianism. Does it involve a performative contradiction? Yes. For the person making that statement is relying on private property rights in the act of doing so. He makes the charge "Private property rights are invalid" while *using* private property rights: his tongue, his lungs, his body, and the spot on the earth on which he is sitting or standing. The point is, if you believe that "Private property rights are invalid" you are logically prevented, or "estopped" (Kinsella 1992, 1996a, 1996b, 1997, 1998–1999) from saying so. For you cannot make any such statement without *using* the supposedly improper property rights. You are logically compelled to remain silent about this thought of yours. But, any philosophical claim that cannot be so much as uttered has grave difficulties with it. This is parallel to the libertarian case against intellectual property (Kinsella 2001). Words are ideas. But if ideas can be owned, then so can words. Thus, if you believe in intellectual property, you are estopped from speaking or writing. Why? Because someone else, the creator of them, owns all the words.

In my assessment, this is an outstandingly clever and brilliant *reductio ad absurdum* of the notion that property rights do not exist. If property rights exist, then, as they are inextricably linked to the nonaggression principle, this law is thereby demonstrated to be valid. Property rights and the nonaggression principle are opposite sides of the same libertarian coin: if property rights exist, it is illegitimate to violate them. What is the only way to do so? To act contrary to the NAP. In turn, the NAP is predicated on property rights. For what else is violated other than property rights, in either persons or physically owned things, when someone transgresses the NAP?

Thus, in my view, Hoppe's argumentation ethics justifies the non-aggression principle without any necessity of appealing to natural law or natural rights. It constitutes perhaps the most brilliant refutation of the critics of libertarianism ever penned.⁵ They are actually prevented from speaking or writing, even if they continue to think their evil, obnoxious thoughts. What could be more poetically justified than that? States Rothbard (1988), who was before Hoppe's contribution a strong supporter of natural law and natural rights as the key underpinning for libertarianism: "Hans Hoppe has managed to establish the case for anarcho-capitalist, Lockean rights in an unprecedentedly hard-core manner, one that makes my own natural-law/natural-rights position seem almost wimpy in comparison."

There is specialization and division of labor in all undertakings. No one person can be an expert in everything, not even an Einstein, who was spectacularly ignorant of economics. True confession: my own interests lie not in what is above the meeting place of all these strands, but rather what lies below. That is, I take the NAP as a given, and study its implications. I have done very little work in the justifications of the NAP, in contrast. It is not that I do not think this important. It is just that we must each deal with issues that perk us up the most, and this one is of secondary interest to me. I do not think that any of these criteria are slam dunks. None of them are perfect. But of all the justifications for libertarianism that have ever been put forth, I think the one proposed by Hoppe, the ethics of argumentation, stands head and shoulders over all the rest.

However, the way I look at the matter is that no justification for the NAP and private property rights need be given. These are the

undeniable founding principles of libertarianism. An analogy from the discipline of logic comes to mind. In that field, we accept the law of non-contradiction as a given. No one attempts to justify this law itself. It is impossible to do so, because we cannot so much as speak or write coherently if we contradict ourselves. As in the case of Hoppe's argument from argument, we are guilty of a performative contradiction if we try to engage in intellectual pursuits while violating the law of non-contradiction. So is it with the NAP and political philosophy. It is philosophically awkward, to say the least, to engage in civilized discourse while bashing an innocent person on the head. If the latter is someone you are debating, you cannot really be said to be debating him at all.

3. Human Rights

What are human rights? All traditions agree on the NAP. There is not a single philosophy that says it is permissible to initiate violence against innocent people. Even Nazis and Communists agree. They would defend their abominable actions on the ground, in the former case, that Jews, blacks, homosexuals, Gypsies, and other non-Aryans were not really innocent. Instead, they were vermin, subhuman, whatever. Ditto for the latter case, only now the enemies were bourgeois, capitalists, profiteers, and businessmen. It was against Nazi law to murder a fine upstanding Nazi, and contrary to the Communist legal system to murder a comrade in good standing. Statists, too, adhere to the NAP; they blindly make an exception for the government. But they, too, uphold the NAP for private individuals who are to their liking.

Most proponents of human rights, from both the left and the right of the political spectrum, also add positive rights. This is very misleading, since it only has room for left and right. Libertarians, who are neither, are automatically excluded. Nevertheless, from the left side of the political spectrum, there is the right not only to the traditional food, clothing, and shelter, but also, in the modern era, to the right not to feel insulted or demeaned. (On micro-aggression and the right not to feel insulted, see Etzioni 2014; Hamilton 2014; McWhorter 2014; Nigatu 2013; Sue 2010; Sue, Capodilupo, and Holder 2008; Solorzano 1998; Solorzano, Ceja, and Yosso 2000.) From the right-wing point of

view, human rights include the right not to be insulted or disturbed by someone else burning an American flag (not even by the legitimate owner who purchased it), by homosexual practices even when between consenting adults on their own property, by using addictive drugs even when taken by consenting adults on their own property, or by engaging in other activities that violate conservative sensibilities.

The opposite side of the coin of rights is obligation. If I have a right not to be murdered, raped, kidnapped, then you have an obligation to refrain from these nefarious acts. If I have a right to food, clothing, and shelter, you have an obligation to provide these things for me. If I have a right not to witness, or even know of, the existence of homosexual activity, or flag-burning, then you have an obligation to not engage in these activities.

It is easy to demonstrate that these so-called positive rights are not really rights at all. Rather, they are illicit demands for control over, or actual theft of, the property of other people, or illegitimate mandates that they act as you wish, not as they desire. In order to see just how wide a chasm there is between negative and so-called positive "rights," consider the following:

- All negative rights depend solely on an act of will. If every member of mankind undertook a change of heart, all violations of the NAP could end in one fell swoop: no more murder, rape, theft, slavery, etc. Whereas, in sharp contrast, positive "rights" call for the existence of real resources. If, for example, people have a right to food, there must be something with which to feed them. This cannot be summoned up via a sheer change of heart.
- Negative rights are timeless. They apply to the cave man a million years ago; it was wrong for him to bop his fellow cave dweller on the head with a club. It applies to the spaceman a million years from now. It is equally wrong for him to taser, or phaser, or whatever he does to kill innocents.
- Negative rights are unchanging. Today, positive welfare "rights" include air conditioning and television. This could not apply to years gone by before the invention of these amenities. It was and is always possible to abstain from initiatory violence.

- Only another human being can violate a negative right. Positive rights can be vitiated by storms, wild animals, earthquakes, etc. An isolated Robinson Crusoe may be hurt, but his rights cannot be disrupted.
- If A has more negative rights, this does not imply that B has fewer. They both have the same, always. But if C has more positive rights due to a transfer of wealth from D, then the latter necessarily has fewer.
- Charity is impossible in a regime of positive rights. The poor are *owed* wealth transfers from the rich as a matter of right. The impoverished may send the wealthy a bill, which must be paid. Charity can of course exist when only negative rights are entrenched.
- Who is required to act in accordance with negative rights? Everyone. It is illicit for anyone to violate the NAP. But who is responsible to act in accordance with positive rights? Certainly not all of us. For example, the poor are not required to come to the aid of other impoverished people, or of the middle class, which has more wherewithal than them. This is the job of the rich. But who, precisely, are they? This is not clear. Does this include the middle class? The upper-middle class? The lower-middle class? For Rawls (1971) the wealthy of country A are not responsible for clothing and feeding the poor of country B. This is the responsibility of the well-off in the latter nation. Not all adherents of positive rights would agree, certainly not advocates of foreign aid.⁶ No such debates can arise under negative rights.
- There can be conflicts in the case of positive rights. May a black launderer refuse service to a Caucasian member of the KKK who wants his sheets to be “white, white, white?” May the owner of an apartment discriminate on the basis of race, gender, sexual preference, in terms of a roommate? How about in terms of a friend or spouse? These matters are unclear. They call for a “balancing” of rights. There is no such clash or need for balance in the case of negative rights. For the libertarian, if there is any incompatibility of two rights, then one or both of them are misspecified.

- Negative rights are clearly and perfectly egalitarian. Everyone has an absolutely *equal* right not to be molested. Matters are not so straightforward when positive “rights” are the order of the day. Should a blind person get more than an exact equal share of the wealth of all people? If so, precisely how much more? Must food and toys be equally divided in each city, state, country, or the entire world? This too is unspecified. Even the “difference principle” of Rawls (1971) does not call for exact equality in all these dimensions.

4. Conclusion

The main goal I set myself in this article was to provide a libertarian understanding of whether and if so how natural rights may or may not underpin human rights. I have answered this in a somewhat round-about way. First I attempted to define libertarianism. Second, I maintained that one of its underpinnings was natural rights. In the third section, I discussed human rights from a libertarian point of view. But I am not altogether happy with what I have so far written. All too much of it was definitional, and consisted of reportage about this philosophy. In this concluding fourth section I will attempt to address where the rubber hits road. That is, to consider some contentious and challenging examples the better to make the philosophy of libertarianism come alive with regard to rights and responsibilities. My thought is that I can this way transcend mere definitions and reportage. I have chosen three examples: discrimination, the trolley case, and abortion.

A. Discrimination

To discriminate, in the past, was a compliment. A man of discriminating taste could distinguish between fine wines, music, clothes, etc. He was a person of impeccable discriminatory powers. Even nowadays, discriminating has some positive values. If telescope A can discriminate better between planets in other solar systems than telescope B, then the former is a better example of this device than the latter.

But in the modern era, when people think of this concept, it has a sexual or racial overtone to it. Discrimination in this context is not at all widely seen as a positive characteristic. Rather, it is interpreted by many people as nefarious. This, however, is not necessarily so on the part of libertarians. Remember, this philosophy is solely based on one and only one issue: when is the use of force or violence justified. It gives but one answer: only in response to a prior use of such barbaric tactics. So, should we lock up racists and sexists? It all depends upon how such terms are defined. If racism and sexism mean lynching black people and raping women, then by all means this follows. Murder and rape are paradigm cases of NAP violations, and all such activities should be met with harsh punishment. Certainly, this would include jail sentences, if not the death penalty for the former crime.

But racism and sexism are by no means limited to these rights violations. What about discriminating against black people or females? It would not be contrary to the nonaggression principle to start up a golf club or a restaurant that excluded women or African Americans, unless there are positive rights, such as the right not to be discriminated against. Since positive rights do not exist, the right of free association, an implication of the nonaggression principle, is paramount. People have the right to associate with whomever they please, on a voluntary basis. The only problem with slavery and rape is that the victims are forced to "associate" with their tormentors against their will. Call a halt to this one single characteristic of these evil relationships, and rape becomes voluntary sexual intercourse, while slavery turns into voluntary sado-masochism.

Let us explore two considerations that will make this libertarian stance less objectionable in the minds of most people. First, the nonaggression principle does not distinguish between business and personal life. Likewise, if it should be illegal to discriminate against blacks or females in the one context, so should this prevail in the other. This means that if a businessman may not legally discriminate against minority groups, then neither may people do so in their personal lives. Before allowing two white, or two black, people to marry each other, the government should inquire as to whether or not that gave mixed marriages a fair shot. Did they date a sufficient number of people of the other race? If not, they should not be

allowed to marry each other. There ought to be quotas, too. If an insufficient number of mixed marriages are being contemplated, the state should not allow any further ones until this imbalance is addressed. Also, compulsory bisexuality ought to be mandated, as these are the only persons who do not discriminate on the basis of sexual preferences.

Now, these grotesqueries will strike most people as the product of a deranged mind. And yet, they follow logically from our refusal to distinguish between commerce and personal lives. Rights are rights. If it is a violation of proper law to rape or murder someone in the business world, and it is, then it is *equally* a violation of proper law to rape or murder someone at home. Indeed, to make any such bifurcation between these two spheres is also outrageous. So, we have to take them together; we cannot pick and choose. If we ban discrimination from the world of commerce, we must also do so for personal relations, if we are to be logically consistent. We clearly do not want to do the latter. Therefore, ergo, we are obligated not to do so for the former.

The second consideration is that discrimination in the marketplace is by no means as powerful a tool against the despised minority as is often thought to be the case by non-economists. If a bus company insists that blacks ride in the back of its vehicles, a competitor will take away much of its business.⁷ If a restaurant will not serve a Jew, he becomes more desperate, willing to pay a higher price for a meal. This means greater profits for those who will accommodate him. If a firm will not hire an African American, the wage goes below the level that would otherwise obtain. This means that anyone who employs him will earn additional revenues, and have the capacity to outcompete those who discriminated against this sector of the labor force. No, these types of boycotts are all but impotent, due to this "magic of the market," which penalizes discriminators. To coin a phrase, the only thing we men of good will have to fear from discrimination of this sort is fear itself. The reasons for black poverty lie in entirely different directions. Mainly, the welfare system has obliterated the black family, something slavery itself was not able to do in the long run. See on this Murray (1984) and Sowell (1990).

B. The "Trolley Problem"

Imagine a trolley that will kill 1 billion people if it continues on its present path. (Quite a powerful trolley!) You can divert it onto another track, where it will kill only one person. All potential victims are assumed to be equally innocent. Should you divert the trolley from its present path to save 1 billion people, but kill one other person? If you do, what is the libertarian analysis of your action? This classic thought experiment has been examined in various forms by Clark (undated), Foot (1978), Greene (2002), Mikhail et al. (1998), Saxe (2005), Stanford Encyclopedia of Philosophy (2004), Swartz (2000), Thomson (1985), and Zimmer (2004). Most of their work focuses on motives, which are irrelevant to the points presently being discussed. We have changed this classical case somewhat, in order to highlight the libertarian philosophy.

The first thing to recognize is that it is illegitimate to ask a libertarian what he should do in this or indeed any other such case. This philosophy offers a theory of just action, and says that a violation of the nonaggression principle is punishable. The proper question, then, is, what would the punishment be? And the answer emanating from this quarter is that since the person in question stole a life from the single victim, he owes him one of his own. Whenever you steal something, the first step in the lawful response is surely to return the stolen property. Here, a life was "stolen" and thus must be returned. The death penalty is thus justified. However, if the heirs of the victim decide to forgive this "murderer," they may do so. They are likely to agree to this solution to the problem, given the motive, the purpose, and the result of his action: the saving of 1 billion people. But if not, he must die, according to libertarian punishment theory. How are we to look upon this killer? In the same way we perceive a Hitler or a Stalin? No, of course not. Those worthies murdered millions of human beings. "Our" killer, in sharp contrast, *saved* a billion members of this species, minus one, of course. So the proper reaction to this killer is to first pin a medal on him, then hold a ticker tape parade in his honor, and then, if the heirs of the murdered person cannot be brought to forgive him, engage in an execution. This man is truly a hero, to risk his life so as to save so many others.

The trolley problem can be interpreted as an attempt to undermine the libertarian nonaggression principle. After all, the NAP may be understood as mandating that our hero not kill the innocent person. And yet, it would be a gargantuan utilitarian horror to allow fully one thousand million people to perish. Seemingly, libertarianism would be guilty of being compatible with the deaths of multitudes. However, this interpretation of the classic trolley problem cannot accomplish this task. Why not? With the present analysis, we can have our cake and eat it, too. We can on the one hand save the masses of endangered people. On the other hand, we can adhere to the NAP: as long as the “murderer” is punished for his “misdeed” or forgiven for it, the niceties of libertarianism are respected. The point is, our rather sophisticated interpretation of libertarianism does not state: “Thou shalt not kill.” If it did, then it would be curtains for the 1 billion, for by stipulation, the only way to save them is to kill an innocent person. Rather, the NAP mandates this: the only proper use of violence is in retaliation, or in defense against, the prior use of force.⁸ Anyone who violates this stricture shall be punished to the full extent of the law. In other words, libertarianism is a theory of punishment for illicit action, not a theory of proper, ethical, moral behavior.

C. Abortion

Let us posit that the human being begins with the fertilized egg. When kept in a beneficial environment, something without which none of us would survive, it will develop into a person. In contrast, its predecessors, a sperm alone or an egg alone, will not. There is nothing “magical” about being born. The fetus a few minutes or hours before that event is just as much human, and just as much dependent upon others, as the baby a few minutes or hours afterward.

The libertarian analysis of the rights and wrongs of the pro-choice and pro-life positions rely first, foremost, and last upon private property rights. What, then, is the relevant property? Why, of course, it is the mother’s body, or her womb, which, of course, she and she alone

owns. Lose sight of this primordial fact, and miss the entire libertarian perspective on this issue.

Given, then, that the fetus occupies the womb, what is the proper legal relationship of the baby and the mother from this perspective? It is one of occupation. The fetus welcomed by the mother in her womb is a cherished guest. But the one who is not is a trespasser. Yes, this sounds a bit harsh, but if we keep our libertarian spectacles firmly on our noses, and do not for a moment take our eye off of private property rights and the NAP, no other conclusion is possible. Consider the case of rape. If the product of that nefarious act is not typically seen by the woman as a trespasser, then there is no such thing as trespassing, nor any possible violation of private property rights.

So, what rights does the owner of property have with regard to an unwanted trespasser? My claim is that the proprietor has the right to remove such a person, in the gentlest manner possible, particularly if the invader is innocent and has no *mens rea*. Otherwise, the NAP will be abrogated. Thus, we arrive at evictionism, which is a compromise position between the pro-choice and pro-life perspectives: the woman, or any other victim of trespass, has the right to evict, or remove from her premises, any unwanted person, but not to kill him. In the pro-choice stance, the woman may both evict and kill, or first kill the unwanted fetus and then evict it. According to pro-life, she may do neither: she is, or should be, legally obligated to bring the baby to term after the nine-month gestation period.

If evictionism were to be adopted as the law of the land, at one fell swoop all babies now in the third trimester would be protected. They would be saved from the horrors of partial birth abortion, a heinous crime from this viewpoint. Here the baby is needlessly murdered, when the woman has only the right to evict, not to kill. And, as medical technology improves, this time would come earlier and earlier in the pregnancy. For example, in 10 years from now, perhaps all fetuses would be viable after only six months, and in two decades after five months, etc. A century from now, if we have not blown each other up, the entire debate would become moot, since fetuses would be viable at the fertilized egg stage. But this holds true if and only if evictionism is adopted. If not, and pro-choice is still the law of the land, the needless slaughter of very young human beings will continue forever.

What of the first two trimesters under evictionism? Here, this compromise position would side with the pro-choicers. The woman would have the right only to evict, but this will necessarily kill the evictee. Thus, evictionism is truly an intermediate position between these two extremes.

It is beyond the scope of this presentation to deal with numerous objections to this thesis. Let me here confine myself to just one.⁹ Abstracting from rape, where, clearly, the woman did not invite the fetus into her premises,¹⁰ in most cases there was an invitation. Abortion, certainly, but even eviction is thus a violation of this promise; it is illicit to allow a guest onto your property, and then pull the rug out from under him. There are difficulties here. First of all, there is ignorance: the woman may not have known that sexual intercourse would or could lead to this result. Second, just because you invite someone for dinner does not mean you have to host them for nine months. Third, at the time of intercourse, there was no fertilized egg. This comes after male ejaculation. At that precise moment there was no human creature in existence who could have been "invited" in. Fourth, consider an explicit invitation. An exhausted swimmer is picked up by a boat owner 200 miles from shore, far too distant to swim. The owner feeds and rests the swimmer, and then asks him to leave, to his certain death. Must the boat owner keep the swimmer alive? This would be a positive obligation, and for libertarians, see *supra*, there is no such thing.

Notes

1. I very much appreciate the editing done on my article. It significantly improved my presentation. The usual caveats of course apply.

2. These three theoreticians have done more than anyone else to explicate this concept. See Block (1990, 2002a, 2002b), Block and Edelstein (2012), Block and Yeatts (1999), Block and Epstein (2005), Bylund (2005, 2012), Grotius (1625), Hoppe (1993, 2011), Kinsella (2003, 2006), Locke (1948), Paul (1987), Pufendorf (1673), Rothbard (1973: 32), Rozeff (2005), and Watner (1982).

3. Of course, Austrian economics is a value-free enterprise, and libertarianism is normative. Nevertheless, a strong connection between the two of them exists. See Woods (2013) and Block (2010A) on this.

4. Initially, I was going to write “slaughterhouses” here instead of “diseases.” But, on second thought, slaughterhouses are indubitably “good” for cows. Thanks to them, many more cows live long peaceful lives than would otherwise be the case. If there were no slaughterhouses, that is, if we did not eat steaks, far fewer of them would come into existence.

5. Of course, there are criticisms of Hoppe on this point (Friedman 1988; Murphy and Callahan 2006; Steele 1988; Yeager 1988), but it would take me too far afield to refute them here. For a defense of argumentation ethics against these criticisms, see Block (2004, 2011b), Eabrasu (2009), Gordon (1988), Kinsella (1996a, 1996b, 2002, 2011), Meng (2002), Rothbard (1988), and Van Dun (2009).

6. For a critique of this practice, see Bauer (1954, 1972, 1981, 1982, 1984) and Bauer and Yamey (1957).

7. This did not occur in the Jim Crow era because of laws precluding such competition. Laissez-faire capitalism was not allowed to function in that context. For support of this contention, see Block (2011c), Carden (2010), Malek (2002, 2009), Sowell (1990: 20–21, 2005), and Williams (2010, 2013). Stated Sowell (1990: 20–21): “Segregation into smoking and non-smoking sections is significant because it was done on the initiative of streetcar companies themselves, while some of those same companies publicly opposed the imposition of racially segregated seating by law when such legislation was first proposed. Even after such Jim Crow laws were passed, the streetcar company in Mobile initially refused to comply, and in Montgomery it was reported in the early years that blacks simply continued to sit wherever they pleased. In Jacksonville, the streetcar company delayed enforcing the segregation seating law of 1901 until 1905. Georgia’s state law of 1891 segregating the races was ignored by the streetcar companies in Augusta until 1898, in Savannah until 1899, and in the latter city was not fully enforced until 1906. In Mobile, the streetcar company publicly refused to enforce the Jim Crow laws of 1902, until its streetcar conductors began to be arrested and fined for non-compliance with the law. In Tennessee, the streetcar company opposed the state legislation imposing Jim Crow seating in 1903, delayed enforcement after the law was passed, and eventually was able to get the state courts to declare it unconstitutional.”

8. Would the one innocent person we have contemplated our hero killing have a right to self-defense, even though if successful the 1 billion people would perish. Yes, of course. Although he, too, could achieve heroic status if he refrained from exercising this right of his.

9. For further elaboration, see Block (2001, 2010b, 2011a, 2013, 2014) and Block and Whitehead (2005).

10. This is an awkward description of a body part. I indulge in it to underscore that property rights are the basis of this analysis.

References

- Barnett, Randy E. (1993). "The Intersection of Natural Rights and Positive Constitutional Law." *Connecticut Law Review* 25: 853–868.
- . (1995). "Getting Normative, the Role of Natural Rights in Constitutional Adjudication." *Constitutional Commentary* 12: 93–122.
- Bauer, Peter T. ([1954] 1967). *West African Trade*. New York: Augustus M Kelley.
- . (1972). *Dissent on Development*. Cambridge, MA: Harvard University Press.
- . (1981). *Equality, the Third World, and Economic Delusion*. Cambridge: Harvard University Press.
- . (1982). "Ecclesiastical Economics is Envy Exalted." *This World* 1 (Winter/Spring).
- . (1984). *Reality and Rhetoric: Studies in the Economics of Development*. Cambridge, MA: Harvard University Press. <<http://books.google.com/books?id=d39fWxk5YqIC&printsec=frontcover&dq=Reality+and+Rhetoric:+Studies+in+the+Economics+of+Development#PPP7,M1>>.
- Bauer, Peter T., and Basil S. Yamey. (1957). *The Economics of Underdeveloped Countries*. Chicago: University of Chicago Press.
- Blackman, Rodney J. (1995). "There is There There: Defending the Defenseless with Procedural Natural Law." *Arizona Law Review* 37: 285–353. <<https://litigation-essentials.lexisnexis.com/webcd/app?action=DocumentDisplay&crawlid=1&doctype=cite&docid=37+Ariz.+L.+Rev.+285&srctype=smi&srcid=3B15&key=cadb3786a2447ad3222a78cd38123a53>>.
- Block, Walter. (1990). "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): 237–253.
- . (2001). "Stem Cell Research: The Libertarian Compromise." September 3. <<http://www.lewrockwell.com/block/block5.html>>.
- . (2002a). "Homesteading City Streets; An Exercise in Managerial Theory." *Planning and Markets* 5(1): 18–23. <<http://www-pam.usc.edu/volume5/v5i1a2s1.html>> <<http://www-pam.usc.edu/>>.
- . (2002b). "On Reparations to Blacks for Slavery." *Human Rights Review* 3(4): 53–73.
- . (2004). "Are Alienability and the Apriori of Argument Logically Incompatible?" *Dialogue* 1(1). <<http://www.uni-svishtov.bg/dialog/2004/256gord6.pdf>>.
- . (2010a). *Austrianism and Libertarianism*. Auburn, AL: Mises University. <https://www.youtube.com/watch?v=Xn6TXqgyj_M>.

- . (2010b). "A Libertarian Perspective on the Stem Cell Debate: Compromising the Uncompromisable." *Journal of Medicine and Philosophy* 35: 429–448.
- . (2011a). "Terri Schiavo: A Libertarian Analysis." *Journal of Libertarian Studies* 22: 527–536. <http://mises.org/journals/jls/22_1/22_1_26.pdf>.
- . (2011b). "Rejoinder to Murphy and Callahan on Hoppe's Argumentation Ethics." *Journal of Libertarian Studies* 22: 631–639. <http://mises.org/journals/jls/22_1/22_1_31.pdf>.
- . (2011c). "Why Discriminate?" <<http://mises.org/daily/4957/>>.
- . (2013). "Toward a Libertarian Theory of Evictionism." *Journal of Family and Economic Issues* 35(2): 290–294. <<http://link.springer.com/article/10.1007%2Fs10834-013-9361-4>>.
- . (2014). "Evictionism and Libertarianism." *Journal of Medicine and Philosophy* 35(2): 290–294.
- Block, Walter E., and Michael R. Edelstein. (2012). "Popsicle Sticks and Homesteading Land for Nature Preserves." *Romanian Economic and Business Review* 7(1): 7–13. <<http://www.rebe.rau.ro/REBE%207%201.pdf>>.
- Block, Walter, and Richard Epstein. (2005). "Debate on Eminent Domain." *NYU Journal of Law & Liberty* 1(3): 1144–1169.
- Block, Walter E., and Roy Whitehead. (2005). "Compromising the Uncompromisable: A Private Property Rights Approach to Resolving the Abortion Controversy." *Appalachian Law Review* 4(2): 1–45. <https://www.researchgate.net/publication/228125532_Compromising_the_Uncompromisable_A_Private_Property_Rights_Approach_to_Resolving_the_Abortion_Controversy?ev=prf_pub>.
- Block, Walter, and Guillermo Yeatts. (1999). "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): 37–69.
- Booth, Phillip, ed. (2007). *Catholic Social Teaching and the Market Economy*. London: Institute of Economic Affairs.
- Bylund, Per. (2005). *Man and Matter: A Philosophical Inquiry into the Justification of Ownership in Land from the Basis of Self-Ownership*. Master thesis, Lund University (June). <<http://www.uppsats.se/uppsats/a7eb17de8f/>> <http://perbylund.com/academics_polsci_msc.pdf> <<http://www.essays.se/essay/a7eb17de8f/>>.
- . (2012). "Man and Matter: How the Former Gains Ownership of the Latter." *Libertarian Papers* 4(1). <<http://libertarianpapers.org/articles/2012/lp-4-1-5.pdf>>.
- Capaldi, Nicholas. (1966). "Hume's Rejection of 'Ought' as a Moral Category." *Journal of Philosophy* 63(5): 126–137. <<http://141.164.71.80/exchange/>>

- walterblock/Inbox/Hume.EML/1_multipart_xF8FF_2_Is-Ought%201966.pdf/C58EA28C-18C0-4a97-9AF2-036E93DDAFB3/Is-Ought%201966.pdf?attach=1>.
- Carden, Art. (2007). "Christian Ethics, Formal Institutions, and Economic Growth." *American Review of Political Economy* 5(1): 34–53. <<http://www.arpejournal.com/ARPEvolume5number1/carden.pdf>>.
- . (2010). "Jim Crow: Government Against Market Forces." <<http://archive.mises.org/13502/jim-crow-government-against-market-forces/>>.
- Chafuen, Alejandro A. (1986). *Christians for Freedom: Late Scholastic Economics*. San Francisco: Ignatius Press. <<http://www.amazon.com/Christians-Freedom-Late-Scholastic-Economics/dp/0898701104>>.
- Chomsky, Noam. (2011). "Noam Chomsky on US Libertarian Party." <<http://www.youtube.com/watch?v=gbL3zRgZUBo>>.
- Clark, Josh. (Undated). "How the Trolley Problem Works." <<http://people.howstuffworks.com/trolley-problem.htm>>.
- Copple, Roger. (2010). "Noam Chomsky, Libertarians, Intentional Communities, and the Venus Project." <<http://disinfo.com/2010/06/noam-chomsky-libertarians-intentional-communities-and-the-venus-project/>>.
- Correa, Felipe. (2007). "The Libertarian Socialist Thought of Noam Chomsky." <http://www.fondation-besnard.org/article.php3?id_article=581>.
- Eabrasu, Marian. (2009). "A Reply to the Current Critiques Formulated Against Hoppe's Argumentation Ethics." *Libertarian Papers* 1(1). <<http://libertarianpapers.org/2009/20-eabrasu-critiques-argumentation-ethics/>>.
- Etzioni, Amitai. (2014). "Don't Sweat the Microaggressions: The Old Pitfalls of New Sensitivities in Political Speech." *Atlantic* April 8. <<http://www.theatlantic.com/politics/archive/2014/04/dont-sweat-the-microaggressions/360278/>>.
- Flew, Antony. (1982). "Could There be Universal Natural Rights?" *Journal of Libertarian Studies* VI(3–4): 277–288.
- Foot, Phillipa. (1978). "The Problem of Abortion and the Doctrine of the Double Effect." In *Virtues and Vices and Other Essays in Moral Philosophy*. Berkeley: University of California Press.
- Friedman, David. (1988). "The Trouble with Hoppe: Some Brief Comments on Hoppe's Justification of the Private Property Ethic." *Liberty* (November): 53–54. <http://www.davidfriedman.com/Libertarian/On_Hoppe.html> <http://www.libertyunbound.com/sites/files/printarchive/Liberty_Magazine_November_1988.pdf>.
- Gordon, David. (1988). "Radical & Quasi-Kantian." *Liberty* (November): 46–47. <http://www.libertyunbound.com/sites/files/printarchive/Liberty_Magazine_November_1988.pdf>.
- . (2013). "Zwolinski on the NAP." April 9. <<http://bastiat.mises.org/2013/04/zwolinski-on-the-nap/>>.

- Greene, Joshua D. (2002). "The Terrible, Horrible No Good Very Bad Truth About Morality and What to Do About It." <<http://www.wjh.harvard.edu/~jgreene/GreeneWJH/Greene-Dissertation.pdf>>.
- Grotius, Hugo. ([1625] 1814). *Law of War and Peace (De Jure Belli ac Pacis)*, 3 volumes; trans. A. C. Campbell. London.
- Gwartney, James, Robert W. Lawson, and Walter E. Block. (1996). *Economic Freedom of the World, 1975–1995*. Vancouver, BC, Canada: Fraser Institute.
- Hamilton, Graeme. (2014). "McGill Student Forced to Apologize for Racial 'Microaggression' After Emailing Joke Obama Clip." *National Post* February 18. <<http://news.nationalpost.com/2014/02/18/mcgill-student-forced-to-apologize-for-racial-microaggression-after-emailing-joke-obama-clip/>>.
- Hoppe, Hans-Hermann. (1988a). "On the Ultimate Justification of the Ethics of Private Property." *Liberty* September.
- . (1988b). "The Justice of Economic Efficiency." *Austrian Economics Newsletter* Winter.
- . (1988c). "From the Economics of Laissez Faire to the Ethics of Libertarianism." In *Man, Economy, and Liberty: Essays in Honor of Murray N. Rothbard*. Ed. Walter E. Block and Llewellyn H. Rockwell. Auburn, AL: Mises Institute.
- . (1988d). "Utilitarians and Randians vs Reason." *Liberty* (November): 53–54. <http://www.libertyunbound.com/sites/files/printarchive/Liberty_Magazine_November_1988.pdf>.
- . (1993). *The Economics and Ethics of Private Property. Studies in Political Economy and Philosophy*. Boston: Kluwer Academic Publishers.
- . (1995). *Economic Science and the Austrian Method*. Auburn, AL: Ludwig von Mises Institute. <<http://www.mises.org/esandtam/pes1.asp>> <<http://www.mises.org/esandtam/pfe3.asp>> <<http://mises.org/pdf/esam.pdf>>.
- . (2011). "Of Private, Common, and Public Property and the Rationale for Total Privatization." *Libertarian Papers* 3(1). <<http://libertarianpapers.org/2011/1-hoppe-private-common-and-public-property/>>.
- Huerta de Soto, Jesús. (1996). "New Light on the Prehistory of the Theory of Banking and the School of Salamanca." *Review of Austrian Economics* 9(2): 59–81. <http://mises.org/journals/rae/pdf/RAE9_2_4.pdf>.
- Hume, David. (1739). *A Treatise of Human Nature: Being an Attempt to Introduce the Experimental Method of Reasoning into Moral Subjects*. <<http://www.gutenberg.org/ebooks/4705>> <http://oll.libertyfund.org/?option=com_staticxt&staticfile=show.php%3Ftitle=342&Itemid=27>.

- Hunter, Geoffrey. (1962). "Hume on Is and Ought." *Philosophy* 37(140): 148–152. <<http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=3486064&fileId=S0031819100036809>>.
- Kinsella, Stephan. (1992). "Estoppel: A New Justification for Individual Rights." *Reason Papers* 17: 61.
- . (1996a). "New Rationalist Directions in Libertarian Rights Theory." *Journal of Libertarian Studies* 12(2): 313–326. <http://www.mises.org/journals/jls/12_2/12_2_5.pdf>.
- . (1996b). "Punishment and Proportionality: The Estoppel Approach." *Journal of Libertarian Studies* 12(1): 51–74. <http://www.mises.org/journals/jls/12_1/12_1_3.pdf>.
- . (1997). "A Libertarian Theory of Punishment and Rights." *Loy. L. A. L. Rev.* 30: 607–645.
- . (1998–1999). "Inalienability and Punishment: A Reply to George Smith." *Journal of Libertarian Studies* 14(1): 79–93. <http://www.mises.org/journals/jls/14_1/14_1_4.pdf>.
- . (2001). "Against Intellectual Property." *Journal of Libertarian Studies* 15(2): 1–53. <http://www.mises.org/journals/jls/15_2/15_2_1.pdf>.
- . (2002). "Defending Argumentation Ethics: Reply to Murphy & Callahan." *Anti-state.com* Sept. 19 [July 2]. <http://www.anti-state.com/article.php?article_id=312>.
- . (2003). "A Libertarian Theory of Contract: Title Transfer, Binding Promises, and Inalienability." *Journal of Libertarian Studies* 17(2): 11–37. <http://www.mises.org/journals/jls/17_2/17_2_2.pdf>.
- . (2006). "How We Come to Own Ourselves." September 7. <<http://www.mises.org/story/2291>>.
- . (2011). "Argumentation Ethics and Liberty: A Concise Guide." May 27. <<http://mises.org/daily/5322/>>.
- Locke, John. (1948). "An Essay Concerning the True Origin, Extent and End of Civil Government." In *Social Contract*. Ed. E. Barker, pp. 17–19. New York: Oxford University Press.
- Machan, Tibor. (1978). "Against Nonlibertarian Natural Rights." *Journal of Libertarian Studies* 2(3): 233–238.
- MacIntyre, A. C. (1959). "Hume on 'Is' and 'Ought'." *Philosophical Review* 68(4): 451–468. <<http://www.jstor.org/stable/2182491>>.
- Malek, Ninos, P. (2002). "Associate in Peace." April 1. <<http://mises.org/daily/924/Associate-in-Peace>>.
- . (2009). "The Right to Work at Hooters?" February 9. <<http://mises.org/daily/3326/content/>>.
- McGee, Robert W. (2012). *The Ethics of Tax Evasion: Perspectives in Theory and Practice*. New York: Springer.

- McWhorter, John. (2014). " 'Microaggression' Is the New Racism on Campus." *Time* March 21. <<http://time.com/32618/microaggression-is-the-new-racism-on-campus/>>.
- Meng, Jude Chua Soo. (2002). "Hopp(e)ing Onto New Ground: A Rothbardian Proposal for Thomistic Natural Law as the Basis for Hans-Hermann Hoppe's Praxeological Defense of Private Property." Working paper. <<http://www.mises.org/journals/scholar/meng.pdf>>.
- Mikhail, John, et al. (1998). "Toward a Universal Moral Grammar." *Proceedings of the Twentieth Annual Conference of Cognitive Science Society*. <http://www.law.georgetown.edu/faculty/mikhail/documents/Toward_a_Universal_MoralGrammar_pdf.pdf>.
- Murphy, Robert P., and Gene Callahan. (2006). "Hans-Hermann Hoppe's Argumentation Ethics: A Critique." *Journal of Libertarian Studies* 20(2): 53–64. <http://www.mises.org/journals/jls/20_2/20_2_3.pdf>.
- Murray, Charles. (1984). *Losing Ground: American Social Policy from 1950 to 1980*. New York: Basic Books.
- Nigatu, Heben. (2103). "21 Racial Microaggressions You Hear on a Daily Basis." *BuzzFeed* December 9. <<http://www.buzzfeed.com/hnigatu/racial-microaggressions-you-hear-on-a-daily-basis>>.
- Osterfeld, David. (1983). "The Natural Rights Debate: A Comment on a Reply." *Journal of Libertarian Studies* 2(1): 101–113. <http://mises.org/journals/jls/7_1/7_1_5.pdf>.
- Paul, Ellen Frankel. (1987). *Property Rights and Eminent Domain*. New Brunswick, NJ: Transaction Press.
- Pufendorf, Samuel. (1673). *Natural Law and the Law of Nations. (De officio hominis et civis prout ipsi praescribuntur lege naturali)*.
- Rawls, John. (1971). *A Theory of Justice*. Oxford: Oxford University Press.
- Ritenour, Shawn. (2010). *Foundations of Economics: A Christian View*. Eugene, OR: Wipf and Stock. <http://wipfandstock.com/store/Foundations_of_Economics_A_Christian_View> <<http://www.foundationsofeconomics.com>>.
- Rockwell, Llewellyn H. Jr. (1995). "Free Market Economists: 400 Years Ago." *Freeman: Ideas on Liberty* 45(9). <<http://www.fee.org/publications/the-freeman/article.asp?aid=4482>>.
- Rothbard, Murray N. (1970). *Man, Economy & State*. Los Angeles: Nash Publishing.
- . (1973). *For a New Liberty*. New York: Macmillan. <<http://mises.org/rothbard/newlibertywhole.asp>>.
- . (1988). "Beyond Is and Ought." *Liberty* (November): 44–45. <<http://mises.org/daily/4629/Beyond-Is-and-Ought>> <http://www.libertyunbound.com/sites/files/printarchive/Liberty_Magazine_November_1988.pdf>.

- . (1995). *An Austrian Perspective on the History of Economic Thought*. London: Edward Elgar. <http://www.amazon.com/s/ref=nb_ss_b?url=search-alias%3Dstripbooks&field-keywords=An+Austrian+Perspective+on+the+History+of+Economic+Thought.+&x=14&y=19>.
- . (1956) 1997). "Toward a Reconstruction of Utility and Welfare Economics." In *The Logic of Action*, Vol. I., pp. 211–254. Lyme, NH: Edward Elgar. <<http://www.mises.org/rothbard/toward.pdf>>.
- . (2007). "Introduction to Natural Law." <<https://mises.org/daily/2426>>.
- Rozeff, Michael S. (2005). "Original Appropriation and Its Critics." September 1. <<http://www.lewrockwell.com/rozeff/rozeff18.html>>.
- Saxe, Rebecca. (2005). "Do the Right Thing." *Boston Review* September/October. <<http://bostonreview.net/BR30.5/saxe.html>>.
- Schumpeter, Joseph A. (1942). *Capitalism, Socialism and Democracy*. New York: Harper.
- Searle, John R. (1964). "How to Derive 'Ought' from 'Is'." *Philosophical Review* 73(1): 43–58. <<http://www.jstor.org/stable/2183201>>.
- Shaub, William E. (2011). "Revisiting Chomsky's Views on Ron Paul." *Firebrand Magazine* June 11. <<http://thefbm.com/2011/06/10/revisiting-noam-chomskys-views-on-ron-paul/>>.
- Sirico, Robert A. (1996). *Moral Base for Liberty*. Irvington-on-Hudson, NY: Foundation for Economic Education.
- . (2001). *Capitalism, Morality and Markets*. London: Institute for Economic Affairs.
- Solorzano, Daniel G. (1998). "Critical Race Theory, Race and Gender Microaggressions, and the Experience of Chicana and Chicano Scholars." *International Journal of Qualitative Studies in Education* 11(1): 121–136.
- Solorzano, Daniel G., Miguel Ceja, and Tara Yosso. (2000). "Critical Race Theory, Racial Microaggressions, and Campus Racial Climate: The Experiences of African American College Students." *Journal of Negro Education* 69(1/2): 60–73.
- Sowell, Thomas. (1990). *Preferential Policies, An International Perspective*. William Morrow and Company.
- . (2005). "Rosa Parks and History." October 27. <http://realclearpolitics.com/Commentary/com-10_27_05_TS.html>.
- Stanford Encyclopedia of Philosophy. (2004). "Doctrine of the Double Effect." July 28. <<http://plato.stanford.edu/entries/double-effect/>>.
- Steele, David Ramsay. (1988). "One Muddle After Another." *Liberty* (November): 45–46. <http://www.libertyunbound.com/sites/files/printarchive/Liberty_Magazine_November_1988.pdf>.
- Sue, Derald Wing. (2010). *Microaggressions in Everyday Life: Race, Gender, and Sexual Orientation*. New York: John Wiley & Sons.
- Sue, Derald Wing, Christina M. Capodilupo, and Aisha M. B. Holder. (2008). "Racial Microaggressions in the Life Experience of Black

- Americans." *Professional Psychology: Research and Practice* 39(3): 329–336.
- Swartz, Luke. (2000). "Silicon at the Switch: A Computational Moral Grammar for Solving Trolley Problems." Stanford University. <<http://xenon.stanford.edu/~lswartz/trolley/>>.
- Thomson, Judith Jarvis. (1985). "The Trolley Problem." *Yale Law Journal* 94(6): 1395–1415. <<http://www.jstor.org/stable/796133>> <<http://philosophyfaculty.ucsd.edu/faculty/rarneson/courses/thomsonrolley.pdf>>.
- U.S. Department of Defense. (2007). "Base Structure Report." <http://www.defenselink.mil/pubs/BSR_2007_Baseline.pdf>.
- Vance, Laurence M. (2010). "Same Empire, Different Emperor." February 11. <<http://www.lewrockwell.com/vance/vance195.html>>.
- . (2011). "Is Libertarianism Compatible with Religion?" March 15. <<http://www.lewrockwell.com/2011/03/laurence-m-vance/is-libertarianism-compatible-with-religion/>>.
- Van Dun, Frank. (2001). *Journal of Libertarian Studies* 15(4): 1–28. <https://mises.org/journals/jls/15_4/15_4_1.pdf>.
- . (2009). "Argumentation Ethics and the Philosophy of Freedom." *Libertarian Papers* No. 19. <<http://libertarianpapers.org/2009/19-van-dun-argumentation-ethics/>>.
- Watner, Carl. (1982). "The Proprietary Theory of Justice in the Libertarian Tradition." *Journal of Libertarian Studies* 6(3–4): 289–316. <http://mises.org/journals/jls/6_3/6_3_6.pdf>.
- . (1987). "'All Mankind is One': The Libertarian Tradition in Sixteenth Century Spain." *Journal of Libertarian Studies* 8(2): 293–310. <http://mises.org/journals/jls/8_2/8_2_9.pdf>.
- Williams, Walter E. (2010). "The Right To Discriminate." June 2. <http://townhall.com/columnists/walterewilliams/2010/06/02/the_right_to_discriminate/page/full>.
- . (2013). "Freedom of Association and Jim Crow." September 3. <<http://newsbusters.org/blogs/walter-e-williams/2013/09/03/walter-e-williams-column-freedom-association-and-jim-crow>>.
- Woods, Thomas E. Jr. (2002). "Catholic Social Teaching and Economic Law: An Unresolved Tension." <<http://www.mises.org/asc/2002/asc8-woods.pdf>>.
- . (2004). "Morality and Economic Law: Toward a Reconciliation." <<http://www.mises.org/fullstory.asp?control=1481>>.
- . (2005). *The Church and the Market: A Catholic Defense of the Free Economy*. Lanham, Md.: Rowman and Littlefield; <http://www.amazon.com/Church-Market-Catholic-Defense-Economics/dp/0739110365/ref=sr_1_1?ie=UTF8&s=books&qid=1226622645&sr=8-1>.

- . (2013). "The Attractiveness of Austrian Economics." July. Mises University. <<https://www.youtube.com/watch?v=DStLhWMRERM>>.
- Yeager, Leland. (1988). "Raw Assertions." *Liberty* (November): 45–46. <http://www.libertyunbound.com/sites/files/printarchive/Liberty_Magazine_November_1988.pdf>.
- Zimmer, Carl. (2004). "Whose Life Would You Save?" *Discover Magazine* April 21. <<http://discovermagazine.com/2004/apr/whose-life-would-you-save>>.
- Zwolinski, Matt. (2013a). "Six Reasons Libertarians Should Reject the Non-Aggression Principle." April 8. <<http://www.libertarianism.org/blog/six-reasons-libertarians-should-reject-non-aggression-principle>>.
- . (2013b). "What Do Libertarians Believe About the Non-Aggression Principle?" May 7. <<http://www.libertarianism.org/blog/what-do-libertarians-believe-about-non-aggression-principle>>.