

Liberty, Property and Rationality

Concept of Freedom in Murray Rothbard's Anarcho-capitalism

Master's Thesis

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<p>Murray Rothbard (1926–1995) on yksi keskeisimmistä modernin libertarismien taustalla olevista ajattelijoina. Rothbard pitää yksilöllistä vapautta keskeisimpänä periaatteenaan, ja yhdistää filosofiassaan klassisen liberalismien perinnettä itävaltalaiseen taloustieteeseen, teleologiseen luonnonoikeusajatteluun sekä individualistiseen anarkismiin. Hänen tavoitteenaan on kehittää puhtaaseen järkeen pohjautuva oikeusoppi, jonka pohjalta voidaan perustaa vapaiden markkinoiden ihanneyhteiskunta. Valtiota ei täten Rothbardin ihanneyhteiskunnassa ole, vaan vastuu yksilöllisten luonnonoikeuksien toteutumisesta on kokonaan yksilöllä itsellään.</p> <p>Tutkin työssäni vapauden käsitettä Rothbardin anarko-kapitalistisessa filosofiassa. Selvitän ja analysoin Rothbardin ajattelun keskeisimpiä elementtejä niiden filosofisissa, ideologisissa, poliittisissa ja henkilöhistoriallisissa konteksteissaan. Käytän näiden elementtien arviointiin sekä historiatieteen että filosofian lähestymistapaa. Tässä mielessä työni edustaa sekä aate- että filosofian historiaa. Hyödynnän tutkimuksessani Isaiiah Berlinin negatiivisen ja positiivisen vapauden teoriaa (1958). Nojaudun vapauden käsitteen analysoinnissa klassisen liberalismien traditioon, jota työssäni keskeisimmin edustaa Berlinin lisäksi John Stuart Millin filosofia (1859). Tähän viitekehykseen tukeutuen esitän, ettei Rothbardin vapauden teoria edusta liberalistista ajattelua, vaan on selkeästi tämän tradition ulkopuolella niin metaeettisen teoriansa, yhteiskunnallisten arvojensa kuin perimmäisen vapauskäsitteensäkin puolesta.</p> <p>Vapauden käsitteellä on Rothbardin filosofiassa kaksi toisistaan erottuvaa merkitystä. Rothbard viittaa vapauden termillä useimmiten praxeologisen taloustieteen logikkaan perustuvaan, välinearvolliseen "moraalitieteeseen" ja tämän pohjalta johdettuun vapauden objektiiviseen määritelmään luonnollisena tosiasiana. Toisaalta hän viittaa termillä myös normatiiviseen, itseisarvolliseen poliittiseen ihanteeseen. Tutkimustavoitteenani on selvittää, miten nämä kaksi merkitystä lopulta yhdistyvät Rothbardin ajattelussa toisiinsa. Teen täten ymmärrettäväksi, mitä vapaus lopulta tarkoittaa Rothbardin filosofiassa. Primäärilähteenäni on Rothbardin kirjallinen tuotanto vuosilta 1960–1982. Hänen poliittisen filosofiansa kannalta keskeisimmät teokset ovat "Ethics of Liberty" (1982) sekä "For a New Liberty" (1973). Tukeudun tutkimuksessani myös Rothbardista tehtyihin elämäkerrallisiin selvityksiin, joita ovat kirjoittaneet Rothbardin lähipiiriin ja kannattajakuntaan kuuluneet akateemikot.</p> <p>Tutkimustulosteni pohjalta väitän, ettei anarko-kapitalismi ole luonnollisiin tosiasioihin ja puhtaaseen järkeen pohjautuva eettinen systeemi, vaan pohjimmiltaan uskonnollisen moraalin päälle rakentuva vapaiden markkinoiden ideologia, jossa vapauden välinearvollinen määritelmä yhdistyy vapauden poliittiseen ihanteeseen lopulta vain sen oletuksen kautta, että olemme epävapaita valtion takia.</p>			
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1. Introduction

“I have come to believe that libertarianism is indeed a discipline, a ‘science,’ if you will, of its own, even though it has been only barely developed over the generations. Libertarianism is a new and emerging discipline which touches closely on many other areas of the study of human action: economics, philosophy, political theory, history, even – and not least – biology. For all of these provide in varying ways the groundwork, the elaboration, and the application of libertarianism. Some day, perhaps, liberty and ‘libertarian studies’ will be recognized as an independent, though related, part of the academic curriculum.”¹

“In the broadest and longest-run sense, libertarianism will win eventually because it and only it is compatible with the nature of man and of the world. Only liberty can achieve man’s prosperity, fulfillment, and happiness. In short, libertarianism will win because it is true, because it is the correct policy for mankind, and truth will eventually win out.”²

These visionary statements by Murray Rothbard (1926–1995), one of the originators of modern libertarianism,³ portray his conviction that all social sciences, that is, ‘sciences of human action,’ are ultimately interrelated, and can be “integrated into a ‘science’...of individual liberty.”⁴ Much in the fashion of the great philosophers of pre-modern world, Rothbard was a “grand system builder,” an interdisciplinary theorist, who uniquely combined *economics* and *ethics* into a “unified moral science.”⁵ The political philosophy thus established was that of *anarcho-capitalism*: in short, a philosophy of a stateless society constituted by a basic universal law and the free market.

Rothbard is often considered the most prominent exponent of anarcho-capitalism,⁶ which he himself deemed the only correct version of libertarianism. He committed his life and career to the study, development and promulgation of his rigorous philosophical system, and became perhaps best known to the public for his radical anti-establishment pronouncements, such as his catchphrase, ‘taxation is theft.’ With academic merits in economic science and a strong inclination toward political activism, he was both an indispensable theoretician and one of the leading public

¹ From the introduction to “Egalitarianism as a Revolt Against Nature and Other Essays”; Rothbard 2000: xvi–xvii.

² From the final chapter of the book “For a New Liberty: The Libertarian Manifesto”; Rothbard 2006b: 394.

³ In fact, Lew Rockwell insists that Rothbard is “the creator of modern libertarianism.” Rothbard 2006b: ix. For the definition of ‘libertarianism,’ see below chapter two, page 7.

⁴ Rothbard 1998: xlvii.

⁵ These are words by Rothbard’s disciple Hans-Hermann Hoppe. Rothbard 1998: xi.

⁶ See Barry 1986: 161–191; see Marshall 2008: 559–565. In the context of this thesis, ‘anarcho-capitalism’ (unless specified in some other way) refers by default to the Rothbardian version of anarcho-capitalism.

intellectuals for the libertarian movement during its vogue in the 1970s and 1980s.⁷ Rothbard is therefore often acknowledged as the father of modern libertarianism, and the legacy of his philosophy remains in the center of intellectual gravity of the libertarian movement today.⁸

Rothbard insists that liberty is the primary ethical principle upon which the society must be founded, and the “highest political end” that must always be pursued by the most efficacious means.⁹ The anarcho-capitalist “goal of consistent liberty”¹⁰ has a heavy emphasis on rationality and logic. By taking the classical liberal notion of inviolable individual rights to its logical conclusion, Rothbard asserts that the state monopoly of violence is ethically untenable. In Rothbard’s vision, the “dream of liberty and prosperity for all mankind”¹¹ is fulfilled by the complete privatization of society. This means that the free market provides even the most basic institutions of rights-protection, like courts of justice or private militias.

The controversy over Rothbard’s intellectual legacy is largely due to his striking notion that unhampered capitalism is the correct pathway to true freedom. A somewhat commonplace reaction to Rothbard’s vision is to doubt that his vision is sincerely motivated by the goal of liberty and rather assume that anarcho-capitalism is “tailor-made for ‘rugged individualists,’” who want to deny the need for collective responsibilities in their pursuit of capitalist self-interest.¹² On the other hand, it is also typically suggested that anarchism is fundamentally incompatible with capitalism, and that Rothbard’s system seems mostly a mere chimerical, utopian theory.¹³ However, Rothbard stresses that anarcho-capitalism is not utopianism.¹⁴ According to him, his philosophy is rooted in the world as it is: with imperfect people and the inevitable possibility of injustice and violence. Rothbard insists that anarcho-capitalism does not ultimately require a benign change in human nature, but is, in fact, the only philosophy consistently compatible with it.¹⁵

An intriguing feature of Rothbard’s view is the dual nature of the concept of liberty. As we can already see, liberty is held as both a scientific doctrine and a political, moral ideal. This thesis sets out to investigate, how these two senses of the concept connect to each other, and how, then, is the actual nature of liberty ultimately conceived in anarcho-capitalism.

⁷ See Marshall 2008: 559; Boaz 1997: 8–9; Barry 1986: 128.

⁸ See Boaz 1997: 56; see Callahan 2013: 54.

⁹ Rothbard 1998: 258–259.

¹⁰ Rothbard 1998: 257.

¹¹ Rothbard 2006b: 403.

¹² See Marshall 2008: 564–565.

¹³ See Barry 1986: 106.

¹⁴ Rothbard 2006b: 380–381.

¹⁵ Rothbard 2006b: 394.

1.1. Aims and Structure of the Thesis

In this thesis, I analyze the *concept of liberty* in Rothbard's anarcho-capitalism. More specifically, I examine the precise content, context and implications of Rothbard's account of political freedom. The anarcho-capitalist definition of liberty is contrasted with the nature and relevance of freedom as a political concept in the more established philosophies of classical liberalism and libertarianism. Against this background, the aim of this thesis is to answer one straightforward question: "What does 'liberty' *mean* in the anarcho-capitalist philosophy?"

The precursory notions about the concept of liberty and the tradition of classical liberalism and libertarianism are discussed in chapter two. The preconditions for a philosophy of freedom are outlined by collating and discussing the central questions of classical liberalism and libertarianism. An essential insight into this tradition, the theory of 'negative' and 'positive' liberty by Isaiah Berlin (1909–1997), is examined in detail.

The investigation into the system of Rothbardian liberty is divided into three parts. The first part examines the development and influences of Rothbard's 'Grand System,' which is eventually an idiosyncratic fusion of different analytic approaches and philosophical traditions. In chapter three, I consider Rothbard's personal history, detecting the origins of his system and examining the different philosophical and ideological influences on Rothbard throughout his life and career.

The second part concerns the major intellectual components in the system, and examines their purported functions and normative underpinnings. The intellectual traditions of these major components are the Austrian School of economics, the Aristotelian-Thomist natural law tradition, the Lockean theory of property and the tradition of American individualist anarchism. My claim is that the Rothbardian concept of liberty can be properly understood only through a perceptive account of these approaches. In chapter four, I present the Rothbardian versions of these components and examine Rothbard's arguments for their philosophical justifications, focusing on their specific relevance in respect to the eventual nature of political liberty in Rothbard's system.

In the fifth chapter, which comprises the third part of the investigation, I turn to Rothbard's definition of liberty itself, and contrast it with Isaiah Berlin's concepts of 'positive' and 'negative' liberty. In this chapter, I examine Rothbard's explicit account of freedom more thoroughly, challenging its consistency also by way of utilizing thought experiments. I examine the implications of Rothbard's definition for freedom in detail, and account the crucial differences between Rothbardian liberty and the liberty of the wider tradition of classical liberalism and libertarianism.

1.2. Methodology and Sources

My aim is to understand and explain Murray Rothbard's concept of liberty in its relevant philosophical, ideological, political and personal historical contexts. Thus, this thesis belongs to the discipline of intellectual history. Since I use both historical and philosophical evidence to analyze my subject matter, and aim to understand the different ideas of freedom within the historical continuum of the concept, this thesis can also be correctly understood as partaking in the disciplines of history of philosophy and history of ideas.

I discuss Rothbard's philosophy primarily within the context of the classical liberal tradition. I hold this context to be convenient and relevant, not only because it is a relevant context for any philosophy holding liberty as its central principle, but also because it is the tradition in which Rothbard himself places his philosophy. He traces the origins of his philosophy to John Locke (1632–1704) through primarily classical liberal thinkers, although he refers to this tradition with the name 'libertarianism.'¹⁶

The main methodological theory for the investigation is provided by Isaiah Berlin's essay "Two Concepts of Liberty" (1958). In addition to considering the discourse of 'positive' and 'negative' liberty a genuinely incisive approach to the philosophical questions about the nature of the concept of liberty, I hold that the portrayal of political liberty that has taken shape in the wake of Berlin's philosophy is convincing. Both the methodological framework and the normative background for this thesis are properly established in chapter two.

This thesis does not, however, assume a totally uncritical approach to Berlin's ideas. Rather, the fundamental questions about the nature of political freedom are often reflected against the 'Berlinian' background. These fundamental questions include, for example, the question of the necessity of freedom of the will in an authentic philosophy of freedom, and the question of the proper role of autonomy as part of the concept of political liberty.

John Stuart Mill (1806–1873), one of the greatest influences to both Berlin's philosophy and the tradition of classical liberalism in general, is also invoked for a similar purpose; the median position of the Mill-Berlin axis, it is my belief, reliably captures the essence of political liberty in a way in which it is emphasized by the classical liberal tradition and, furthermore, acknowledged as an authentic societal value across the political board.

¹⁶ See Rothbard 2006b: 2–20.

My sources in this investigation are Murray Rothbard's essential political and philosophical works. Most importantly, these are "Power and Market" (1970), "For a New Liberty: The Libertarian Manifesto" (1973) and "Ethics of Liberty" (1982). Rothbard's various essays and articles are also important sources, from these most crucially "Mantle of Science" (1960) and the essays published as the book "Egalitarianism Against Nature and Other Essays" (1974). All the sources from Rothbard have been written during the years 1960–1982. Although there is some detectable progression in his approaches, his main political and philosophical positions remain consistent throughout this time period.¹⁷

For information about Rothbard's life and intellectual career outside this time period, I rely on biographical accounts written by his close acquaintances. These are "The Enemy of the State: The Life of Murray N. Rothbard" (2000) by Justin Raimondo, "The Essential Rothbard" (2006) by David Gordon and "In Memoriam, Murray Rothbard" (1995) edited by Lew Rockwell.

To witness more nuanced notions of Murray Rothbard as a thinker, I rely on intellectual historiographies concerning him, written from outside the libertarian movement. The interplay of George Nash's "The Conservative Intellectual Movement in America, since 1945" (1976), Norman Barry's "On Classical Liberalism and Libertarianism" (1986) and Peter Mashall's "Demanding the Impossible: History of Anarchism" (1992), has proven very useful; all of these accounts portray Rothbard's thought with different emphases and conclusions, since they are written from the distinct perspectives of their respective focuses on different intellectual traditions.

Some arguments in this thesis rely on a distinction between the concepts 'political philosophy' and 'ideology.' Although these concepts can be seen as basically overlapping, this thesis simply holds that a political philosophy, essentially, aims for a systematic theory which justifies its primary claims, while an ideology, essentially, is less inclined to pursue such a goal, emphasizing rather the intuitive, emotive belief in its claims. Another potentially ambiguous, yet important concept in the context of this thesis is 'authenticity.' This thesis holds that if something is authentic, it is realizing its different, essential aspects in a convincing, intuitively satisfying way. Authentic liberty can then be deemed freedom¹⁸ that is reliably affirmed on different levels of determination: on the level of subjective experience, on the level of objective, empirical observation and on the level of philosophical, definitive assessment.

¹⁷ This notion gains support from Rothbard's protégé Hans-Hermann Hoppe, who states that after establishing his philosophical system, "Rothbard did not change his mind on essential issues" (Rothbard 1998: xxxvii–xxxviii).

¹⁸ Any distinction between 'freedom' and 'liberty,' as is explained in chapter two, is not attempted in this thesis.

1.3. Value Neutrality

A curious factor in the process of this work has been the highly controversial character of Murray Rothbard. Writers commenting on him mostly belong to one of two alignments: the first favorable and excessively praising (Rockwell, Raimondo, Gordon) and the second antagonistic and eventually dismissive (Haworth, Marshall, Callahan).¹⁹ This trend is indeed unsurprising: the unconcerned ease and the poignant, assertive style with which Rothbard addresses politically heavily laden, subtle philosophical questions is bound to come across as either enchanting or disconcerting. Furthermore, the ethical conclusions Rothbard draws can hardly be approached with complete neutrality, much less for the fact that he presents his arguments in an impressively concise and lucid way, but often deems the counterarguments and the subtler nuances undeserving of critical discussion.

To me, this has highlighted the need to acknowledge my own personal ‘alignment,’ which is the latter, that of the antagonists. It is therefore necessary to consider that whereas my favorable attitude toward the positions of Berlin and Mill is benign and pragmatic, a negative bias toward Rothbard’s position poses a challenge to the value neutrality of this work. Originally, I started my research with curiosity and interest in a political philosophy, which seemed so idiosyncratic from the outside. Even after witnessing the appeal of its logical simplicity, however, I found myself disillusioned with the moral character of Rothbard’s ideas. I recognize the improbability that this would have had no effect on the conclusions of this work. On the other hand, complete neutrality might not ultimately be even desirable. After all, history of ideas is never exercised in a vacuum of values. Naturally, however, abiding by the principle of charity has been my sincere and conscious commitment.

The need to stress this commitment is even greater for the fact that criticism toward Rothbard’s system is presented from early on in chapter four, and the conclusions of this thesis eventually amount to a rather comprehensive refutation of Rothbard’s system. The early criticism is for the fact that the intellectual components of Rothbard’s system are logically prior to the eventual superstructure, but entail almost all of the latent, ideological normativity of the system. Therefore, critical analysis on the philosophical premises of Rothbard’s positions is an integral part of the investigation already in an early phase.

¹⁹ An intriguing exception to this trend is Norman Barry, who, while undoubtedly belonging to the first of the two alignments, provides some rather insightful and serious criticism on Rothbard’s philosophical positions. Perhaps the only truly unbiased commentator is George Nash, who presents and accounts the various controversial characters of the conservative intellectual movement in a reliably neutral tone.

2. Concept of Freedom in Classical Liberalism and Libertarianism

Classical liberalism and libertarianism comprise an important context for the topics and themes discussed in this thesis. With this double term, I refer to the entirety of that Western tradition of political philosophy that places special emphasis on the value of individual freedom and holds that free markets and extensive rights to private property are predominantly a beneficial thing for the society as a whole. As such, the tradition is quite inclusive, with its main line originating with John Locke and reaching its enlightenment-era form with Adam Smith and David Hume, before developing into the 19th century philosophies of Benjamin Constant, John Stuart Mill, Alexis de Tocqueville and Herbert Spencer. In the 20th century, the notable exponents of this tradition include Isaiah Berlin, Milton Friedman (1912–2006) and Friedrich Hayek (1899–1992).

From these thinkers, the last two, Friedman and Hayek, are often called ‘libertarians’ instead of ‘liberals.’ There are several ways one can try to make this distinction and explain the divide. One can assert that libertarians are those who want to maximize individual freedom for its intrinsic desirability, or limit the role of the state to rights-protection, or insist that economic production and wealth distribution cannot be treated as separate issues – in the end, however, these points will not consistently make the same divide.²⁰ Here, it seems that the surest way to define the term ‘libertarianism’ correctly is as a strand of classical liberalism in the postwar United States. There, classical liberals started to be referred to as libertarians, since ‘liberalism’ had become the term to describe a current of progressivism and social democracy.²¹ A more detailed account on the history of the libertarian movement in the United States will be presented in chapter three.

In this chapter, however, we focus on classical liberalism and libertarianism as a philosophical tradition and examine the basic assumptions and ideas that are entailed in a philosophy of freedom. In the first part (2.1.), I outline the essential preconditions for a political philosophy emphasizing the centrality of liberty by discussing the requirements for a tenable definition of liberty, and by presenting the most common liberty-related distinctions and dichotomies in classical liberalism and libertarianism. In the second part (2.2.), I deepen the discussion of the nature of political liberty by investigating Isaiah Berlin’s arguments and the further developments in the discourse it has inspired.

²⁰ Barry discusses the many (ultimately inconsistent) ways to make a distinction between classical liberalism and libertarianism; Barry 1986: 192–193.

²¹ This is the definition David Boaz indeed suggests (Boaz 1997: 25–26). Rothbard is also sympathetic to this interpretation, but his view of the ‘correct’ liberal tradition is more eccentric, since he seems to want to exclude some of the most influential classical liberals, like Adam Smith, David Hume and John Stuart Mill (Rothbard 2006b: 10–20).

2.1. Preconditions for a Philosophy of Freedom

“Almost every moralist in human history has praised freedom,” states one of the most influential essays ever written about the concept of liberty, and continues: “the meaning of this term is so porous that there is little interpretation that it seems able to resist”.²² Despite its slight hyperbole, any historian of ideas can acknowledge the insight underlying this statement by Isaiah Berlin. This insight can be confirmed by, for example, comparing the freedom in John Stuart Mill’s system with that of the system of Friedrich Hegel. Alternatively, one can confirm it in the contemporary world: out of the main political currents, theories or movements, basically all endorse an idea of liberty in at least one of its many senses. It is therefore rather evident that the concept of freedom is not easily given a definition that could satisfy all of those who claim to commit to its cause, nor be compatible with all of its various interpretations from one end of the political spectrum to the other.²³

It is a commonplace to think that emphasizing the value of liberty *per se* belongs to the ‘right’ end of this political spectrum, whereas the ‘left’ end of the spectrum is most obsessed about the value of equality. Moreover, among those who subscribe to this kind of one-dimensional picture of the political landscape, it is widely accepted that between these two conflicting values some kind of a tradeoff or a compromise must be done in order to find balance and achieve a desirable society.²⁴ Although Berlin would perhaps be sympathetic toward the inherent value pluralism of this model,²⁵ he would reject its narrowness and simplicity. In Berlin’s view the disagreement between opposed political alignments is not (only) about the degree of freedom, but, more profoundly, the very nature and definition of it. In other words, it should not be possible, strictly speaking, to emphasize freedom *per se*, since anyone who would try to endorse the full scope of its various meanings and interpretations would inevitably end up contradicting oneself.

2.1.1. Endoxa and Conceptual Realism

How, then, should the reality of the concept of liberty be approached in the context of political philosophy? Is it possible to come to know a correct definition for freedom, if such a thing is assumed to exist? Even if we find ourselves skeptical or pessimistic about this, we should recognize

²² Berlin 1968: 2.

²³ For example, conservatives might talk about economic freedom, meaning the freedom of national economy from the state, while socialists might talk about economic freedom, meaning the freedom of the individual from economic hardship; Feinberg 1973: 11. Similar remarks are also made by Ronald Dworkin; Dworkin 2011: 364.

²⁴ Will Kymlicka has given a concise discussion about this topic; Kymlicka 2002: 1–5.

²⁵ Here, admittedly, so far only value dualism; but value pluralism here refers to the notion of having competing intrinsic values in the society incompatible with each other. Value pluralism will be further discussed in chapter 2.2.

the necessity of, at the very least, some universal measure and method for evaluating the aptitude and applicability of alternative definitions for the concept of liberty, and for subsequently concluding that some should be favored over others. To define freedom as, for example, “the degree of opportunity for action” might leave many suspicious and some completely dissatisfied, but a philosophy of freedom wants the superiority of this definition, over the definition, for example, “the degree of irresponsible behavior,” to be a matter of fact and not only that of taste.

In search for such method, some crude form of empiricism might occur relevant. Could the superiority of one definition for freedom be decided simply by measuring which is used most commonly? To some extent, this should be reasonable; we should be interested in the *endoxa*²⁶ and not overlook the actual reality of what people usually intend to convey when they speak of freedom. After all, in order for a certain way to use a concept to become conventional it must be pragmatically sound to a certain extent. Then, a simple way to identify an inapt definition for freedom would be to observe that it simply is not what is normally meant by the concept.²⁷

However, this sort of empiricist approach can only be complementary to the method, since it otherwise would render any definition of freedom purely relative to the contingent use of the concept. It would follow that freedom could not be discussed more or less accurately, but only in a more or less conventional way. More importantly, this would not test the philosophical aptitude of a definition of the concept by observing its logical implications or its relation to definitions of other concepts. ‘Freedom’ should therefore be understood as something that ultimately exists independently from the connotations and interpretations attached to the word, although observing them empirically can serve as additional evidence for or against a certain definition for it.

In fact, it seems that this notion of conceptual realism²⁸ should be essential to all classical liberalism and libertarianism, since these philosophies place special emphasis on the value of freedom. It would be problematic to claim that freedom ought to deserve a special status among other political values and yet remain agnostic about its true character, rendering it susceptible to contingent and varying attitudes. The implicit premise of all classical liberalism and libertarianism must therefore be that, however sophisticated or complex, there is a correct definition, or true nature, of liberty –

²⁶ Aristotle thought philosophy should also concern that what people usually think, and used the term ‘*endoxa*’ to signify this (see Plant 1991: 30). A good definition for this could be ‘credible, established opinion.’

²⁷ Joel Feinberg is alluding to similar common sense methodology in the introduction to his “Social Philosophy”; Feinberg 1973: 1–3.

²⁸ This term is not meant to imply anything that is not already described here. ‘Conceptual realism’ merely holds that universals have real and independent existence.

and even if we cannot come to know it with certainty, we can still make objective and universal claims about the validity of a given definition for it.

2.1.2. Distinctions and Dichotomies

As is common when defining abstract concepts, much of the actual progress is achieved by way of eliminating and narrowing out different implications and senses of the word. To look for the meaning of a concept is often to discern its boundaries, and thus outline its relevant content. This is, and has been, true also for the concept of liberty. Many philosophers and historians of ideas have negatively delineated the concept of freedom by developing various dichotomies and systematic distinctions between freedom and its respective counterparts. While it is not necessarily the aim here to work toward a systematic outline of a general concept of freedom, it will be nevertheless relevant to discuss a few of the basic contrasts within the general discourse.

First, it should be noted that some attempts have been made to determine the difference between the concepts of ‘freedom’ and ‘liberty’.²⁹ However, this will not be a matter of concern for this thesis. The duality of these concepts is an outcome of both Germanic and Latin influences over the English language; the etymological root of the word ‘liberty’ is common with that of the French word ‘*liberté*’, and the word ‘freedom’ shares the same etymological root with the German word ‘*Freiheit*’. Since this particular duality of these concepts is characteristic only to the English language, I will not discuss the potential asymmetrical connotations of these concepts in a thesis addressing supposedly universal, and thus linguistically neutral, political philosophy. Therefore I use (as I already have been using) the concepts of ‘freedom’ and ‘liberty’ interchangeably in this thesis; they are meant to denominate the same thing.

A vital distinction in the history of philosophy of liberty is that between political (or ‘social’) freedom and freedom of the will.³⁰ A famous instance of explicitly making this distinction is by John Stuart Mill in the beginning of his landmark essay “On Liberty” (1859).³¹ In latter political philosophy, this has been a default separation. However, the ultimate separation of political freedom and that of the will is not as clear as it may today seem. A revealing way to observe this is to merely inspect what would happen to the content and value of political freedom, if the freedom of the will was denied. Would it not then seem rather a trivial denominator for a particular subset of causal

²⁹ See Dworkin 2011: 366–368.

³⁰ The classic philosophical discussion about the freedom of the will goes all the way back to the ancient times. Roughly, it asks the question “are human beings free to choose to act otherwise as they do?” Reasons to doubt this have varied from the omnipotence of God to the mechanistic, causal nature of the physical world.

³¹ Mill 2002: 1.

factors determining the conduct of an individual, than anything special or valuable as such? This inspection should suggest that freedom of the will is logically prior to authentic political freedom; the ultimate authenticity and the validity of the idea of political freedom seem to largely depend on some positive answer to the question of the freedom of the will.

Determinists could argue, however, that an individual can be causally determined to act as she does and still gain some special benefit from her political freedom just the same. It may not indeed be impossible to think of a political theory that would place special emphasis on the value of political freedom, while maintaining, as its underlying premise, that the will of an individual is still determined.³² However, that freedom would not then have the status of an intrinsic value, but rather the status of an instrumental value maximizing some other utility, and the special emphasis upon it would not be laid by rationality, but rather by some empirical application instead. In other words, this freedom-emphasizing, yet determinist theory would derive its justification from less philosophical and more technical grounds.³³ Here, it can only be asserted that the theory thus described would simply not qualify as what is generally meant by philosophical liberalism. Therefore, we might be able to conclude that much like conceptual realism, at least some affirmative account of freedom of the will is implicitly presupposed in classical liberalism and libertarianism – otherwise the demands of political freedom would, suffice it to say, ring hollow.³⁴

The intricacies of the relationship between freedom of the will and political freedom suggest the necessity to establish another basic distinction: that between political freedom and freedom in general. If freedom in general should be defined as lack of limitations, then political freedom would be the lack of only those limitations that are brought about by *other people*.³⁵ However, this definition still begs the question: how direct does the causal link between other people's actions and the limitation of freedom have to be in order for it to qualify as a restriction on political freedom?³⁶ "Mere incapacity to attain a goal is not lack of political freedom,"³⁷ asserts Berlin – however, this is surely not to imply that the cause for the incapacity would not be at all relevant to the question. The

³² For example, Friedrich Hayek's anti-rationalist argument for a system of individual freedom is based on its effective utilization of information (see Barry 1986: 74–76). This argument would work also without freedom of the will.

³³ For another way of approaching the same notion, see Berlin 1968: 11–12.

³⁴ This is not to claim that consistent classical liberals must be committed to libertarian free will. It should not be contradictory to remain agnostic about the ultimate inner mechanisms of human consciousness, while upholding a political doctrine that implicitly presupposes some form of free will.

³⁵ See Feinberg 1973: 9.

³⁶ A subsequent question could be asked about the role of intentions. If I fall into a pit and can't get out, my social freedom is hardly limited, although my freedom in general greatly so. It is already established that this might change if it was discovered that the pit was dug by someone else. However, it might change even more drastically if it was discovered that it was dug by someone with the exact intention of trapping me in it.

³⁷ Berlin 1968: 3.

degree to which people ought to be held responsible for limitations of the freedom of others is indeed in the heart of much political disagreement.

Another common dichotomy, especially in the tradition of classical liberalism and libertarianism, is that between ‘liberty’ and ‘power’. The basic idea of emphasizing this distinction is to underscore how these concepts are susceptible to getting confused with each other, since freedom is largely ineffectual without power, and *vice versa*. Libertarians tend to equate this dichotomy to the contrast between state and society, or that between voluntary action and compulsion;³⁸ the ethical implications of these contrasts are extended to the dichotomy of liberty and power to make the moral case for political freedom. This line of arguing also bears resemblance to the implications of Berlin’s famous distinction between positive and negative freedom. Before we look further into that, however, I will discuss one more distinction that is crucial for us, that between liberties and rights.

2.1.3. Liberties and Rights

This thesis will not offer any comprehensive or detailed account on the nature of rights or their moral foundations. However, the idea of rights is distinctly essential to most of the contemporary philosophical discourse concerning political liberty, especially within the tradition of classical liberalism and libertarianism. Therefore, the aim here is to outline how rights contrast to liberties in a general sense. The distinctions presented here might not be, under further scrutiny, without certain complications or inconsistencies, yet they suffice to serve as a basis to the discussion in the following chapters.

To say that I have *liberty* to an action is merely to assert that it is not prevented or denied from me – therefore, I am *free* to act. This is normative only to the extent that I do not have a duty *not* to act; liberty does not generally posit duties on other people. To say, for example, that I have liberty to walk my dog in the park means only that this is, under current circumstances, possible and permissible. If the park is flooding, or my dog gets sick, or for some other reason my liberty to walk my dog in the park is denied from me, I am still not necessarily a victim of a wrong.

But to say that I have *a right* to an action is to say that it *ought* not be prevented or denied from me – therefore, I am *entitled* to act. This is strictly normative; a right posits duties on other people. To say that I have a right to walk my dog in the park would be, strictly speaking, a confused way of

³⁸ See Barry 1986: 7; see also Rothbard 2006b: 4–5.

using words, unless what is implied is the unlikely scenario that the health of my dog, or suitable weather conditions, are ought to be somehow ensured for me.³⁹ In contrast, my right to cast a vote in a democratic election – a supposedly consistent way of using the word ‘right’ – means precisely that it ought to be ensured that I get to do so. If the election officials fall ill, then replacements ought to be summoned. If the polling station is flooding, then it ought to be relocated, or a bridge built, or an access to the voting booth ensured in some other manner – and if it is failed to do so, and I consequently do not get to vote, then I indeed may justifiably consider myself a victim of a wrong.

Perhaps what could be meant by my ‘right’ to walk my dog in the park is my *equal right* to walk my dog in the park, or, alternatively, my *right to the freedom* of walking my dog in the park. The former of these formulations is the simpler one (and eventually less important to us); it simply states that I should be liable to the same restraints on walking my dog in the park as everyone else. In other words, other people have a duty to hold my intention to walk my dog in the park to the same standard of permissibility as anyone else’s similar intention.

The second formulation, my right to the freedom of walking my dog in the park, refers to other people’s duty of *not interfering* with said freedom. This formulation is perhaps best known from descriptions of basic liberties in liberal democracies. For example, it can be said that I have a right to the freedom of speech, since it is other people’s duty not to prevent me from expressing myself (this would compare to not standing in front of my door, blocking the way for both me and my dog), yet I am not entitled to my own newspaper column for this purpose (this would compare to not providing medical care for my dog).

Largely the same point can be made with the talk of ‘negative’ and ‘positive’ rights. A negative right refers to a right that only demands abstention from action by other people. In other words, it obligates people merely not to act – that is, not to interfere, disrupt or block the door when I am trying to exit the building with my dog. A positive right, instead, creates positive duties for other people. This means that they are required to take some kind of action: to organize elections, to summon replacements for ill election officials and to clear the way to the voting booth. This language of negative and positive rights is especially common in libertarian thought, often with an implication that the idea of positive rights is somehow flawed. Although there are some similarities between the idea of negative and positive rights and the idea of negative and positive liberty, these two discourses should still be understood as separate.

³⁹ Or that I should be entitled to some compensation if they are not.

2.2. Two Concepts of Liberty by Isaiah Berlin

Two Concepts of Liberty is an essay that provides both a historical and a philosophical investigation into the nature and content of the concept of liberty. By examining the different senses in which the concept of liberty has been applied by the influential thinkers in the (relatively recent) history of Western thought, Berlin outlines two distinct philosophical traditions. The tradition of negative liberty is the tradition of Thomas Hobbes, John Locke, Benjamin Constant and John Stuart Mill, whereas the tradition of positive liberty is the tradition of Jean-Jacques Rousseau, Immanuel Kant, Johann Fichte and Friedrich Hegel. The division between these two traditions is ultimately so decisive that, according to Berlin, it eventually manifests as the ideological divide of the Cold War.⁴⁰

The motive of Berlin's essay is two-fold. First and foremost, he is concerned with the proper meaning and use of the concept of liberty. Out of the two senses Berlin distinguishes he deems only the negative one ultimately correct, stressing that "nothing is gained by confusion of terms".⁴¹ But the proper use of language, although surely important, is not Berlin's ultimate concern. The underlying argument of the essay is that the positive interpretation of the concept of freedom tends to yield philosophical perfectionism, value monism and, eventually, political authoritarianism and totalitarianism. Berlin's ultimate agenda is, here as well as in so many of his other works, to make a strong case for value pluralism in the society. This is the idea that there are, and there ought to be, multiple intrinsic values, or final ends, in the society, which are in inherent contradiction with each other and thus cannot be harmonized as one 'final solution' to all societal issues. Instead, these intrinsic values must constantly be negotiated and compromised in the society.

Although Berlin's appeal for pluralism is eloquent and powerful, it is not the greatest reason why the essay is so well remembered. The great impact the essay has had in contemporary political philosophy is mostly due to the greatly applicable distinction that Berlin makes between the two different senses of liberty. Although Berlin is not the first philosopher to describe the different types of freedom as 'negative' and 'positive',⁴² his distinction was systematic enough that it provided a particularly useful tool, and a fruitful framework, for so much of later investigation of liberty-related political and philosophical thought. We will now turn to examine what Berlin means with the concepts of negative and positive liberty.

⁴⁰ See Berlin 1968: 1–2.

⁴¹ Berlin 1968: 4.

⁴² The idea of these two senses can be traced back at least to Immanuel Kant, while Benjamin Constant wrote extensively about a similar distinction between 'freedom of the moderns' and 'freedom of the ancients'.

2.2.1. Negative Concept of Liberty

The negative concept of liberty refers to freedom *from* something. It is freedom that is obtained when things such as constraints, obstacles or coercion are removed or decreased. The notion of being free to the *negative* degree of their impact and influence is what defines this liberty as negative and sets it apart from its positive counterpart.

“I am normally said to be free to the degree to which no man or body interferes with my activity,” begins the famous paragraph depicting the idea of negative liberty in Berlin’s essay. It continues by asserting that the degree of liberty is determined only by the size of the area in which one is left to one’s own conduct, regardless of whether one is actually capable of performing actions making use of that area or not. This area of non-interference should not be deemed physical area, but an abstract area of hypothetical activity, defined only by the constraints set by other people or political bodies.

Berlin insists that this is what the “classical English political philosopher” means with the concept of freedom.⁴³ Thomas Hobbes and Jeremy Bentham are singled out as exponents of this archetype,⁴⁴ but the description can be applied just as well, for perhaps the most obvious examples, to John Locke, John Stuart Mill or Herbert Spencer. For Berlin, there are also two French thinkers whose contribution to the tradition of negative concept of liberty is worth noting, namely Benjamin Constant and Alexis de Tocqueville.⁴⁵ Almost all of these philosophers are best known as champions of classical liberalism. It is indeed a commonplace for contemporary classical liberals and libertarians to invoke the concept of negative liberty.⁴⁶ Indeed, Berlin himself, as well, can be interpreted as promoting a free market ideology of some kind, since he appears to emphasize that economic disadvantage does not qualify for lack of freedom.⁴⁷

Yet there is, according to Berlin, no necessary logical connection between the concept of negative liberty and laissez-faire-oriented political philosophies. According to him, the connection is rather strictly historical – that is, empirical. Reacting to criticism, Berlin attempts to correct the allegedly misleading message of the original essay: “I should have made even clearer that the evils of unrestricted laissez-faire, and of the social and legal systems that permitted and encouraged it, led to brutal violations of ‘negative’ liberty – of basic human rights...”⁴⁸ A bit later in the text, Berlin

⁴³ Berlin 1968: 3.

⁴⁴ Berlin 1968: 3, see footnote 7.

⁴⁵ Berlin 1968: 4.

⁴⁶ See Haworth 1994: 38–40; see Boaz 1997: 75

⁴⁷ Berlin 1968: 3.

⁴⁸ Berlin 1969: xlv.

seems to recede even further from the alleged pro-capitalist position: “The case for social legislation or planning, for the welfare state and socialism, can be constructed with as much validity from considerations of the claims of negative liberty as from those of its positive brother; and if, historically, it was not made so frequently, that was because the kind of evil against which the concept of negative liberty was directed as a weapon was not laissez-faire, but despotism.”⁴⁹

Unfortunately, Berlin does not explicate exactly how socialism could derive its justification from considerations of the claims of negative liberty. The correction seems rather puzzling, since it appears to entail the notion, which he explicitly denies in the original essay: that lack of opportunities could be regarded as a restriction on political freedom.⁵⁰ One can only assume that it is not Berlin’s intention to blur the clarity of his conceptual distinction or undermine his original argument. Therefore, a correct solution to this puzzle must be one that is able to reconcile these two seemingly contradicting notions.

Instead of reevaluating the contrast between negative and positive liberty, the reconciliation here must include a consideration of the already established ambiguity between political freedom and freedom in general. If both the claims “mere incapacity to attain a goal is not lack of political freedom” and “unrestricted laissez-faire leads to brutal violations of negative liberty” should be considered simultaneously true, then the decisive difference between these statements must be a difference in the causal relations between the incapacity of an individual and the behavior of other people. It must be Berlin’s view that certain social arrangements are such clear violations of basic social justice that the political conduct enabling them has to be considered a constraint set by other people (and not simply absence of opportunities), encroaching on some fundamental area of negative liberty.

This notion of ‘some fundamental area of negative liberty’ reveals a further implication in Berlin’s model. The underlying assumption here is that everyone is *entitled* to a certain minimum degree of negative liberty – and as we have seen, this notion of entitlement entails the idea of *rights*. This is quite explicitly put also by Berlin, who invokes “basic human rights”⁵¹ in his appeal to the minimum requirements of negative liberty. The concept of negative liberty thus outlined seems then categorically connected to the idea of individual rights, which form the barriers around the minimum area of non-interference to which each individual is entitled; they set up, as Berlin puts it,

⁴⁹ Berlin 1969: xlvi.

⁵⁰ See Plant 1991: 247–248.

⁵¹ Berlin 1969: xlv.

the “wall against oppressors.”⁵² This evidence supports an assumption that a consistent philosophy advocating the concept of negative liberty entails some underlying notion of basic individual rights, regardless of whether these rights are conceived as natural or conventional.

2.2.2. Positive Concept of Liberty

The positive concept of freedom is to be perceived as freedom *to* something. It is freedom that is obtained when things such as opportunity for action, power over oneself or knowledge of possibilities are discovered or increased. The notion of being free to the *positive* degree of presence of these variables is what defines positive liberty and distinguishes it from the negative one.

Whereas negative liberty refers to the size of the area where one is left to one’s own conduct, positive liberty is concerned with the source of that conduct. Negative liberty wants to eliminate control over oneself, but positive liberty wants to place that control into one’s own hands. This distinction might not seem very authentic at first glance, but Berlin explains that “the answer to the question ‘Who governs me?’ is logically distinct from the question ‘How far does government interfere with me?’ It is in this difference that the great contrast between the two concepts of negative and positive liberty, in the end, consists.”⁵³ In this sense, positive liberty can often be equated with autonomy, self-mastery, self-governance or, in its crudest interpretations, power and capability.

But so far it remains unclear why Berlin deemed the concept of positive liberty so perilous. How does perceiving liberty as something similar to autonomy and self-rule connect to authoritarianism and totalitarianism? In order to understand this we must first observe the notion of a separate concept, that of *self-realization*.

The concept of self-realization, as discussed by Berlin, is based on the premise that human beings are occupied by two selves: one higher and rational, other lower and empirical.⁵⁴ Self-realization refers to the rational self becoming conscious of itself and consequently overcoming the empirical one, seizing dominance over it.⁵⁵ When this realization – and the subsequent emancipation – of the rational, higher self is identified as self-liberation, it becomes possible to equate it with political liberation and thus transcend it from the intrapersonal level to the interpersonal level – that of

⁵² Berlin 1969: xlv.

⁵³ Berlin 1968: 7.

⁵⁴ A possible way of saying that the empirical self dominates over the rational one is saying that one is a ‘slave to nature.’ This would be a Platonist or a Hegelian way of speaking; Berlin 1968: 8.

⁵⁵ See Berlin 1968: 12, 14–16.

politics.⁵⁶ The notion of positive freedom can then come to justify its opposite. Rational members of society may rightly seize dominance over the irrational ones and coerce them for their own good – or rather for the good of their own, higher selves. According to Berlin, this ideological development is not merely possible, but has actually taken place on a grand scale in the emergence of authoritarian governments in the earlier half of the 20th century.

One of the most remarkable exponents of positive liberty, according to Berlin, is Jean-Jacques Rousseau. Rousseau's words 'in giving myself to all, I give myself to none'⁵⁷ epitomize the notion, common to the tradition of positive liberty, that the ideal of political freedom is equal to a 'governance of all by all.' A man is not made less free by being denied that which is against the true, rational will of the people, since he himself is part of that will.⁵⁸ This idea, or perhaps some more subtle and modernized version of it, lies in the heart of contemporary democracy. It is this aspect of democracy, which libertarian thinkers so fiercely attack: the oppression of all by all in the guise of autonomy and political liberty.⁵⁹ Here, it should be easy to see how positive liberty is generally perceived as the liberty of a collective, whereas negative liberty, an area of non-interference around its subject, is more characteristically the liberty of an individual. This point is made quite clearly by Berlin, who remarks that Rousseau, Kant and Fichte perhaps "began as individualists," but – after coming to hold the positive concept of liberty – arrived to different conclusions.⁶⁰

It is important to notice that Berlin's objection is not against all paternalism *per se*. In his essay, he acknowledges that coercing people for their own good can be at times justifiable.⁶¹ It is to when this is done *in the name of liberty* that Berlin objects. Conflating the concept of liberty so that it becomes compatible with its opposite is renouncing value pluralism and assuming its opposite, value monism. This harmonization of values into a unified whole yields a utopian final solution and rids the need for openness and dialogue in the society.⁶² This is how Berlin claims that the roots of authoritarianism and totalitarianism of fascist and communist countries are connected to the philosophical tradition of positive liberty.

⁵⁶ See Berlin: 1968: 16.

⁵⁷ Berlin 1968: 18.

⁵⁸ Thus, "being at the same time sovereign and subject" cannot limit one's freedom (Rousseau 1968: 37).

⁵⁹ Perhaps the most eloquent of these attacks is in Robert Nozick's "Demoktesis" in "Anarchy, State and Utopia"; Nozick 1974: 280–292.

⁶⁰ Berlin 1968: 16.

⁶¹ Berlin 1968: 9.

⁶² This is what Berlin means in the first paragraph of his essay: "Where ends are agreed, the only questions left are those of means, and these are not political but technical, that is to say, capable of being settled by experts or machines, like arguments between engineers or doctors"; Berlin 1968: 1.

2.2.3. Developments within the Berlinian Framework

Some notable developments have been made within the discourse of “Two Concepts of Liberty” by Berlin’s later critics. Although Berlin’s historical account of the two liberty traditions has been widely accepted, the plausibility of the distinction between the liberty concepts as a purely philosophical discovery has been much disputed. Many critics of Berlin insist that the two allegedly separate concepts of liberty are actually merely two different ways to refer to the same thing, and that the seemingly wide gap between the individualistic negative freedom and the collectivist positive freedom is due to inaccurate framing of these concepts. Although the Berlinian framework for discussion of liberty remains anything but abolished today, the criticism has provided substantial complements to it. Here, these criticisms will be discussed only to the extent to which they are relevant to the general focus of the thesis.

Joel Feinberg is one to articulate the common criticism over the Berlinian formulation of the two liberty concepts. According to Feinberg, the distinction between negative and positive liberty depends on artificial limitations on the idea of constraints. Berlin’s negative concept of liberty defines constraints largely as *positive* and *external* to self (a fence blocking your path is both existent and outside the sphere of self). On the other hand, the positive concept of liberty is typically concerned about constraints that are *negative* and *internal* (irrationality is both absence of rationality and inside the sphere of self). But, as Feinberg points out, there are also internal positive constraints (headaches, obsessive thoughts) and external negative constraints (lack of resources, lack of transportation). This begins to show that there can be no rigid categorical separation between freedom *from* and freedom *to*; in every instance of freedom and restraint, both aspects are present.⁶³

This criticism is not meant to render Berlin’s concepts invalid. No absolute categorization of different instances of liberty into two rigid subsets was ever needed in order to use the concepts coherently and meaningfully. What is instead relevant here is the implication that identifying different instances of freedom as either positive or negative is less descriptive, and more *normative*, than what Berlin originally seems to propose. I can say either that I am free *to* eat my stomach full, or that I am free *from* being kept away from the kitchen, and still be describing the same exact state of affairs – the only difference is made by my own expectations (of what are the relevant variables), and my subsequent interpretation of what then qualifies as a constraint. The same observation can

⁶³ Feinberg 1973: 12–14.

be derived also from another influential contribution to the Berlinian discourse: the idea of liberty as ‘triadic relation’, presented by Gerald MacCallum. This view basically holds that every claim about presence or absence of freedom entails a relation between three things: an agent, a constraint and an aim. Therefore, there are no two separate concepts of liberty, but only two different formulations, or interpretations, of this triadic relation, emphasizing different things in it.⁶⁴

Two notable contributors to the Berlinian discourse, Philip Pettit and Quentin Skinner, have attempted to improve the concept of negative liberty, saying that freedom ought not to be perceived merely as enjoyment of a sphere of non-interference. Bringing the concept eventually closer to its positive counterpart, they have suggested that freedom is the enjoyment of certain conditions in which such non-interference is guaranteed. This liberty concept has been called ‘neo-Roman’ by Skinner – who invokes the ideas about freedom of ancient Romans and Renaissance writers – and ‘republican’ by Pettit, from whom the latter has been adopted to more common use. Republican freedom can be understood as a certain status: to be a free person is to enjoy a republican citizenship, and the freedom consists of the rights and privileges ensuring the area of non-interference entailed in that status.⁶⁵ This formulation of the concept of liberty, in effect, narrows the gap between individualistic liberalism and collectivist democracy, widened by Berlin’s striking demonstration of the distinction between negative and positive liberty.

Perhaps less famously, Murray Rothbard also made a direct contribution to the Berlinian discourse, in his book “Ethics of Liberty.” However, we postpone the discussion about this contribution, and return to it in chapter five. In order to understand the intricacies of Rothbard’s arguments against Berlin, we first need to examine the details of building the Rothbardian system, starting from the beginning, that is, the person of Murray Rothbard himself.

⁶⁴ Plant 1991: 250–251.

⁶⁵ See Skinner 2012: 84–85.

3. Murray Rothbard

This chapter discusses the essentials of the person of Murray Rothbard. In the first part (3.1.) of this chapter I present the history of his life and career, witnessing his becoming one of the icons of the libertarian movement by accounting his life events. It will be shown that in some certain sense, Rothbard's pronouncement "libertarianism is a philosophy seeking a policy"⁶⁶ is very relatable to the story of his life and political career: he, the libertarian ideologue, spent most of his life seeking the right ideological and political affiliations, finding them, one after another, ultimately incompatible with his stringent views.

In the second part (3.2.) of this chapter I examine the same narrative, only this time focusing solely on the ideological and intellectual aspects of his personal development. The elements Rothbard merged into his system are distinct and dissimilar enough that their origins are eventually not difficult to trace. However, these elements were obviously not presented to Rothbard as some pure intellectual abstractions, but instead became part of his overall philosophy as the synergic outcome of his personal affiliations, academic training, political and intellectual environments and the impact of his own personality traits. In addition to the development of the four major components of the Grand System (praxeology, natural law, theory of property and anarchism), I discuss his Marxist environment, personal rationalistic inclinations, support to the Old Right, partaking in the conservative intellectual movement, admiration for Ayn Rand and sympathy for Roman Catholicism.

The third part (3.3.) of this chapter concerns Rothbard's legacy and his reputation in the posterity, focusing on its controversial nature in particular. The reasons for Rothbard's appearance as an extreme cult figure can be understood mainly by looking into his devoted following, noticing the illiberal nature of his recommendations for political strategies and observing some of his most controversial positions. These notions also help us understand, why he was mostly seen so unfavorably by the mainstream of the academia.

⁶⁶ Rothbard 1998: 258.

3.1. Life and Career: Pioneer of Contemporary Libertarianism

Murray Rothbard was born in the year 1926 in New York. He was the only son of Jewish immigrant parents, David and Raya Rothbard, respectively from Poland and Russia. Rothbard was reportedly a student with exceptional talents already as a young child,⁶⁷ skipping grades “with disconcerting rapidity” in the local public school.⁶⁸ After finding the environment very ill suited for their precocious son, his parents put him in a private school, which proved to be “liberating both intellectually and emotionally” for young Murray.⁶⁹ Later, he earned himself a scholarship in an upscale high school, and eventually went to study mathematics and economics in Columbia University. After becoming a Ph.D. candidate in 1946, his career progression was delayed by a prolonged disagreement between two of his professors about his doctorate dissertation.⁷⁰ With the eventual acceptance of his historical work about the Panic of 1819,⁷¹ Rothbard finally received his doctorate in economic history, in 1956.

During his time as a graduate student, Rothbard attended the seminar of his future intellectual mentor Ludwig von Mises (1881–1973), a visiting economics professor at the New York University, who had come to United States after deciding to leave Austria in the late 1930s. When von Mises published the book “Human Action” in 1949, it had an irreversible impact on Rothbard’s career. He found von Mises’s laissez-faire capitalism so appealing he became a convert of the so-called Austrian School, adopting its praxeological method as his. Rothbard established his reputation as an elaborate and impressively lucid writer with his first major work, “Man, Economy and State” (1962). It was intended as an explanatory work to “Human Action” – a primer for upcoming students of Austrian economics – but ended up being a comprehensive treatise in its own right. The book became a success, receiving high praise also from Ludwig von Mises himself.⁷² Together with “Power and Market” (1970), written originally as a part of “Man, Economy and State,” but cut out from the original version by the publisher and released only later as a separate book, it remains perhaps the main reason for Rothbard’s place among the most eminent economists of the Austrian School.

⁶⁷ Gordon 2007: 9.

⁶⁸ Raimondo 2000: 29.

⁶⁹ Raimondo 2000: 31.

⁷⁰ Raimondo 2000: 42–44

⁷¹ The Panic of 1819 was the first peacetime financial crisis in the United States. Rothbard’s account on the subject “remains a standard work to this day”; Gordon 2007: 12.

⁷² Raimondo 2000: 53–54; Gordon 2007: 14; Rothbard 2004: xxv.

Rothbard's employment at the Volker Fund, one of the only effectively functioning libertarian organizations in the 1950s, had started with writing "Man, Economy and State" in 1952 and lasted until the abrupt and near-total collapse of the organization in 1962.⁷³ During this time, Rothbard was constantly looking to expand a network of potential political allies who would share his anti-establishment convictions. In addition to the people from Volker Fund and the seminar of Ludwig von Mises, Rothbard was tightly affiliated with the members of "Circle Bastiat", a group of upcoming libertarian academics named after the 19th century French economist Frédéric Bastiat.⁷⁴ He also belonged to the circles around both William Buckley Jr. (1925–2008) and Ayn Rand (1905–1982), but came quickly to leave and harshly criticize both. During the most divisive and revolutionary years of the Vietnam War in the end of the 1960s, he also tried to join forces with the anti-war movement of the New Left, with for a while noticeable, but eventually equally short-lived success.⁷⁵

Despite the often untimely unraveling of his various alliances, Rothbard's political activity during the 1950s and 1960s was anything but trivial to the upcoming new wave of libertarianism. The consolidation of the scattered libertarian movement eventually led to even the anarcho-capitalists beginning to receive "something of a hearing,"⁷⁶ and the public interest in the movement became widespread in the early 1970s.⁷⁷ This culminated in the great and sudden popularity of the book "Anarchy, State and Utopia" (1974), by Robert Nozick (1938–2002), the relatively quick growth of the newly founded Libertarian Party⁷⁸ (1972) and the new appreciation of the free market economics of both Austrian and Chicago schools, marked by the respective Nobel prizes of Friedrich Hayek (1974) and Milton Friedman (1976). Rothbard's great influence on Nozick is in many ways clear, and without it, Nozick might have never written his celebrated book.⁷⁹ Rothbard was also a popular character within the Libertarian Party, which he joined in 1973, and where he remained an influential figure until his break with the party in 1988.⁸⁰

⁷³ Raimondo 2000: 151–152.

⁷⁴ Raimondo 2000: 81–85.

⁷⁵ See Nash 1976: 314–317; Raimondo 2000: 188–189, 195.

⁷⁶ Barry 1986: 128.

⁷⁷ Raimondo 2000: 196.

⁷⁸ Libertarian Party became the third largest party in the United States during the 1980s (Marshall 2008: xiii).

⁷⁹ In the acknowledgements of "Anarchy, State and Utopia", Nozick states that "it was the long conversation about six years ago with Murray Rothbard that stimulated my interest in individualist anarchist theory"; Nozick 1974: xv. David Gordon contends that "the entire first part of Nozick's book is an attempt to come to terms with Rothbard's argument [about the moral superiority of anarchism] and might have been entitled "Why I Am Not a Rothbardian"; Gordon 2007: 124.

⁸⁰ Raimondo 2000: 201–203, 264–266.

The 1970s was a prosperous decade for not only the libertarian movement, but also for Rothbard's personal career as a writer. He wrote two of his best known books, which perhaps most define his career as the 'father of modern libertarianism.'⁸¹ "For a New Liberty: The Libertarian Manifesto" (1973) was a book written around the same time as the Libertarian Party was coming onto the political stage. It was a response to the newly arisen public interest in libertarianism, outlining both the libertarian philosophy and the main tenets of its political program. "Ethics of Liberty" (1982), an ambitious work on the libertarian ethical theory and its foundations, was written very soon after that, mostly during the years 1974–1975, although published only later.⁸²

This book was written with the help of a generous research grant, awarded to Rothbard by multi-billionaire Charles Koch (1935–) and the Koch Industries. Koch was looking to pick up the work of supporting the libertarian cause from where the Volker Fund had left it.⁸³ This led to the establishment of the Cato Institute in 1977. The founding of the institute was a dream come true for Rothbard: a libertarian think-tank, in which he took the position of a co-founder and a key strategist.⁸⁴ The time there proved to be extraordinarily productive for his career as a writer,⁸⁵ but, as was typical for Rothbard, it came to an untimely end. The break from Cato came in 1980 as a result of a controversy related to the inside politics of the Libertarian movement.⁸⁶

Soon afterwards, in 1982, Rothbard joined the institute that eventually came to best uphold and represent his intellectual legacy, the Ludwig von Mises Institute, founded by Lew Rockwell (1944–) and named after the former mentor of both Rothbard and Rockwell. The institute dedicated itself to a hardline version⁸⁷ of Austrian economics and promoted Rothbard as its vice president. From there on, Rothbard deepened and strengthened his cooperation with Rockwell. Together they founded the journal "Review of Austrian Economics" in 1986,⁸⁸ and declared a reformed movement of 'paleo-libertarianism', which departed from mainstream libertarianism in its commitment to

⁸¹ Callahan 2013: 55. See also Rothbard 2006b: ix.

⁸² Raimondo 2000: 212.

⁸³ Raimondo 2000: 212–215.

⁸⁴ Raimondo 2000: 218–219.

⁸⁵ Along with many articles, pamphlets and papers, Rothbard completed "Conceived in Liberty" (1979), his monumental, four-volume historical treatise on American colonial history, released the second edition of "For a New Liberty" (1978) and founded the Journal of Libertarian Studies (1977).

⁸⁶ Raimondo 2000: 240–248.

⁸⁷ Ludwig von Mises's economic reasoning is strictly rationalist (and thus 'hardline'), whereas Friedrich Hayek, perhaps the most famous Austrian economist, applies also empiricist methods.

⁸⁸ Raimondo 2000: 260–261.

cultural conservatism.⁸⁹ Paleo-libertarianism of Rothbard and Rockwell was also the driving force behind Ron Paul's (1935–) career in the Libertarian Party.⁹⁰

A rather rare academic recognition, appointment as the S.J. Hall Distinguished Professor of economics at the University of Nevada in 1985, defined the final stage of his career. There, with his protégé Hans-Hermann Hoppe (1949–) as his closest ally, he once again broke from the institution at which he was employed, this time the economics department of the university, in 1992. Rothbard and Hoppe declared to 'secede' from both the department and the mainstream of the quantitative economic science itself, stating that their Austrian branch of economics was "more of a qualitative and philosophic discipline".⁹¹ The last years of his life Rothbard focused on writing another very ambitious work, a multi-volume "History of Economic Thought," which was, however, left incomplete⁹² due to his untimely death of a heart attack in 1995, at the age of 68.

⁸⁹ Raimondo 2000: 267.

⁹⁰ Ron Paul is one of the most famous and influential libertarian politicians in United States. He ran for president three times: in 1988 as the candidate of Libertarian Party, and in 2008 and 2012, he sought the presidential candidacy of the Republican Party.

⁹¹ Raimondo 2000: 284.

⁹² Two volumes, both rather monumental, were still published in time.

3.2. Intellectual and Ideological Development: Building the Grand System

Murray Rothbard's life and career is indeed a story of endless dissidence and nonconformism. This trend can be traced back as far as his early childhood. Growing up as a budding individualist among the leftist middle class of New York during the "Red Decade" of the thirties, Rothbard was a dissenter already at a young age. Most of the neighbors, family friends and relatives of the Rothbards were followers of Marxism, and either communist party members or fellow travelers. According to Rothbard's own account, he "grew up in a communist culture."⁹³ The only kindred spirit to him was his father, David Rothbard. To his son, David embodied the "devotion to the basic American way: minimal government, belief in and respect for free enterprise and private property."⁹⁴ To young Murray, his father was an inspirational character and influenced his views, not only by words, but also by example. As a manager at an oil refinery, David Rothbard was, for instance, involved in conflicts between the management and the workers' union. These controversies sometimes heavily burdened his personal life, affecting also his family.⁹⁵

In addition to these individualistic ideals, Murray Rothbard had also inherited his staunch belief in science and reason from his father, who was a chemist and named his son Murray Newton.⁹⁶ The unwavering confidence in human rationality later became the most dominant trait of the Grand System. Furthermore, Rothbard seems to have been obsessed about underlying 'master principles'⁹⁷ and foundational assumptions from the beginning of his academic career. This affected his view on quantitative economic science, which he soon came to deem misguided and incomplete.⁹⁸ According to his own account, he experienced a crucial "epiphany" during an economics course in the beginning of his time in Columbia University; a sudden realization that statistical inference rests on an "utterly groundless" assumption made him lose his faith in statistical economics.⁹⁹ Henceforth, he was "skeptical of what was going on."¹⁰⁰

These two tendencies, firstly the optimistic rationalism, in similar fashion to the positivism of Auguste Comte, and secondly the keen search for epistemological foundation, in some reminiscence

⁹³ Raimondo 2000: 23, 33–34.

⁹⁴ Raimondo 2000: 26.

⁹⁵ Raimondo 2000: 59–61.

⁹⁶ Raimondo 2000: 27.

⁹⁷ See Callahan 2013: 57.

⁹⁸ See Raimondo 2000: 44–45.

⁹⁹ This 'utterly groundless' assumption was the employment of the normal curve, or 'bell curve,' as the basis of inferring statistical information. Rothbard questioned the evidence for the curve and called it an "incredibly flimsy basis." Raimondo 2000: 35–36.

¹⁰⁰ Raimondo 2000: 45.

of the skepticism of René Descartes, were later to be realized in what Rothbard ambitiously called “true sciences of man.”¹⁰¹ These sciences, unified in epistemology and method, were to be comprised of ‘economics’, ‘psychology’, ‘technology’ and ‘ethics,’ all deduced and inferred, in an *a priori* fashion, from “a single indisputable axiom.”¹⁰² This foundational axiom – and the emancipatory solution to the intellectual bankruptcy after his ‘epiphany’ – was presented to Rothbard in 1949 with the publication of von Mises’s “Human Action.” Although Rothbard had already been led toward a rationalistic method in economics by philosopher Ernest Nagel (1901–1985) in Columbia University,¹⁰³ von Mises’s book and the seminar that followed were what eventually gave Rothbard the means to build his ambitious ‘Grand System,’ supposedly formed and dictated only by pure reason and logic.¹⁰⁴ In his words, the book “solved all the problems and inconsistencies that I had sensed in economic theory.”¹⁰⁵

But there was a problem in the Misesian laissez-faire model for Rothbard’s rigid rationalism: if sound arguments about the logic of human action could show that the free market was able to provide goods and services better than any centralized body of power, why should this not apply also to protection services and courts of justice? In other words, what was the justification – or indeed the *need* – for the interfering, violence-monopolizing state apparatus? To Rothbard, it seemed that one had to either reject laissez-faire theory or accept anarchism. In the absence of tenable reconciliatory solutions, Rothbard’s turn to anarchism, according to his disciple David Gordon (1948–), came already in the end of the year 1949.¹⁰⁶

In 1962, “Man, Economy and State” was still superficially committed to the political neutrality of von Mises’s economics.¹⁰⁷ However, already there it can well be observed that Rothbard has shifted away from the Misesian *wertfrei* utilitarian stance.¹⁰⁸ In the addendum volume of the book, “Power and Market”, Rothbard’s anarchism is beginning to be more explicit.¹⁰⁹ “For a New Liberty,” first published in 1973, was eventually the first book from Rothbard to take an overt, aggressive

¹⁰¹ Rothbard 1960: 2. Later, Rothbard called his practice also the “science of libertarianism” (Rothbard 2000: xvi).

¹⁰² Rothbard 1960:2. See Rothbard 1998: xi.

¹⁰³ Gordon 2007: 9–10.

¹⁰⁴ See Rothbard 1998: xi.

¹⁰⁵ Rockwell 1995a: 107–108.

¹⁰⁶ Gordon 2007: 12–13.

¹⁰⁷ This abstention from expressing strong political opinions is a rather remarkable exception for Rothbard, and telling of his respect toward his mentor.

¹⁰⁸ This stance is utilitarianism, with the ‘utility’ as purely relative to the individual preferences of the people. This relativist idea can be traced all the way back to Thomas Hobbes’s individualism, where “the proper object of every man’s will, is some good to himself” (Machan 1989: xxii). Thus, the content of ‘good’ is understood purely subjectively.

¹⁰⁹ Here it should be noted that the final version of this book was not released before 1970, and it is not clear how much the original text had been revised by then.

anarchistic stance. By the time this manifesto was published, however, at least three other notable books had come out declaring for different variations of anarcho-capitalism. There were “A Market for Liberty” (1970), by Linda and Morris Tannehill, “In Defense of Anarchism” (1970), by Peter Wolff and “The Machinery of Freedom” (1973), by David Friedman.¹¹⁰ This gives rise to the question of to how great a degree the emergence of Rothbard’s anarcho-capitalist doctrine was really only a response to the inconsistency in the Misesian theory, as accounted by Gordon, if the eventual turn to overt anarchism evidently came about as a part of a wider trend.

From another perspective, it is quite obvious that Rothbard’s anarchistic doctrine did not emerge out of any solipsistic intellectual exercise, that is, strictly from critical insights to von Mises’s system. Rothbard’s keen engagement in both public political discussion and study of political history played an important role in this process. During his time in the university, Rothbard was a self-described conservative¹¹¹ and a supporter of the ‘Old Right.’ This was the isolationist ‘America First’ generation of classical liberals, who opposed both war abroad and collectivism in homeland.¹¹² His admiration for the hardline journalists and writers of this trend – such as Albert Jay Nock (1870–1945), Henry Louis Mencken (1880–1956) and Frank Chodorov (1887–1966) – led him to become familiar with the North American individualist anarchist tradition of Lysander Spooner (1808–1887) and Benjamin Tucker (1854–1939). The ideas of Spooner and Tucker came to have a profound effect on Rothbard’s thought. Also Chodorov himself, who was close to Rothbard’s generation and still participated actively in political discourse himself, had a lasting effect on Rothbard – from his pamphlet, Rothbard later adopted the slogan he came to proudly use: “Taxation is robbery.”¹¹³ Although the postwar years were the nadir of individualistic right wing liberalism in the United States and only “scattered remnants of opposition” to the growth of the government remained,¹¹⁴ Rothbard wrote political articles that were already full of his characteristic optimism and vivid rhetoric of political liberty. In one of his earliest published pieces in 1946, he exulted after a Republican congressional election victory: “it is my fervent hope that...the

¹¹⁰ There are big systematic differences between Rothbard and other anarcho-capitalists. Perhaps the most established contrast is between the utilitarian consequentialism of David Friedman and the teleological natural law of Rothbard.

¹¹¹ The word ‘conservative’ must be here understood in its special American sense, that is, including a strong sense of support to the ideal of limited government and nineteenth-century liberal values (see Nash 1976: xi–xiii).

¹¹² Raimondo 2000: 38.

¹¹³ Raimondo 2000:45. “Taxation is Robbery” was a name for Chodorov’s pamphlet. Rothbard’s version of this slogan is perhaps better known as ‘taxation is theft’; see Nash 1976: 315–316.

¹¹⁴ Nash 1976: 14.

Republican Party can turn us off the road to socialist serfdom and on the road to individual liberty and political and economical freedom.”¹¹⁵

Nevertheless, this relationship to the Republican Party was not to last. As the neo-conservative movement of William Buckley Jr. eventually emerged, the party started inevitably moving to the ‘hawkish’ and ‘cold warriorist’ direction, where Rothbard – especially after his turn to anarchism – was anything but willing to follow. Siding with Chodorov, he got eagerly involved in polemics against the ‘Buckleyites’.¹¹⁶ Throughout the debates Rothbard relentlessly and consistently insisted that the real enemy was not the Soviet Union, but the state apparatus in general. He went as far as to claim that “the United States was solely at fault in the Cold War”, and that “Russia was the aggrieved party.”¹¹⁷ The Buckleyites, famous for their defense of the notorious senator Joseph McCarthy and his anti-communist demagoguery,¹¹⁸ naturally attacked Rothbard for this and labeled him a communist sympathizer. The apparent lack of patriotism and suspicion of being a ‘red’ blemished his reputation within the postwar conservative intellectual movement,¹¹⁹ and this stigma stayed with Rothbard for the rest of his career. Although he continued to consider himself a conservative, he was effectively out of the orthodox ranks of Cold War-era conservative public intellectuals.

Rothbard and Buckley might have had very different ideas about the root causes of Cold War, but they both felt the same pressure to consolidate their side in the great ideological struggle that seemed to engulf the world in the 1950s. For Buckley, this struggle was perhaps strictly between ‘the Left’ and ‘the Right,’ but Rothbard saw it as part of a greater historical struggle: for him, it was that between liberty and power,¹²⁰ between the coming age of free individuals and the reactionary stagnation of the ‘Old Order.’¹²¹ However, both Buckley and Rothbard saw Marxism as unified in political, philosophical and economic principle, and acknowledged it as an inspiring, uniform entity; it was a challenge to which the loose collation of democracy, liberalism and capitalism could hardly hope to offer a sufficient retort. When Buckley called for “the philosophy of freedom” to be

¹¹⁵ Raimondo 2000: 39.

¹¹⁶ Raimondo 2000: 69–81, Nash 1976: 125.

¹¹⁷ Nash 1976: 316.

¹¹⁸ See Nash 1976: 110–111.

¹¹⁹ Including such different characters as William F. Buckley Jr., Friedrich Hayek and Leo Strauss, the postwar conservative intellectual movement combined strands of libertarianism, traditionalism and Cold War interventionism in their common opposition to collectivist and egalitarian political progress. The book “The Conservative Intellectual Movement in America, since 1945” (1976) by George Nash is a thorough investigation of this movement.

¹²⁰ See Boaz 1997: 27; see also above chapter 2.1.2, page 12. This is further discussed below in chapter 4.4.1, page 64.

¹²¹ See Rothbard 2000: 22.

“expounded systematically” in 1954,¹²² he was expressing a widely held sentiment among the conservative intellectual movement of postwar America.¹²³ As it turned out, few took upon this task as ambitiously as Rothbard.

And so, the conservative intellectual movement and the traditionalism of many of its exponents, such as Leo Strauss (1899–1973), Frank Meyer (1909–1972) and Richard Weaver (1910–1963), came to have its influence on Rothbard’s thought. The second thing Rothbard rejected in the Misesian picture of economic science (the first being its allegedly inconsistent, passive acceptance of the *status quo* existence of the state) was its commitment to *wertfrei* utilitarianism and the subsequent abstention from making normative judgments. Rothbard was convinced that this type of value relativism could never make the effective case for what he deemed real liberty;¹²⁴ just like Strauss, Meyer and Weaver, he was looking to establish a more *principled* political philosophy.¹²⁵ This ultimately led Rothbard to adopting a rationalistic version of the natural law tradition as the foundation for his system. In “Ethics of Liberty,” he explicitly invokes Thomas Aquinas and the Roman Catholic scholastic tradition, originally stemming from the teleological system of Aristotle. Although Rothbard insists that natural law philosophy can be consistent without an underlying assumption of God’s existence, he still thought that the “attitudes developed by the Christian Church in general, and the Roman Catholic Church in particular” are an important context to the development of “freedom, limited government, natural rights and the market economy...in Western civilization.”¹²⁶ Rothbard’s favorable attitude toward traditionalism and Catholicism was later evidently present in his paleo-libertarian emphasis on cultural conservatism,¹²⁷ and he was even rumored to have converted to Catholic faith before his death.¹²⁸

In addition to the conservative intellectual movement and its traditionalist, even scholasticist philosophical inclinations, the influence of Ayn Rand on what later became Rothbardian ethics is undoubtedly substantial. Rand famously held Aristotle as the only philosopher worthy enough of her allegiance, and based the egoistic moral theory of her ‘objectivist’ philosophy on a notion of a teleological natural law.¹²⁹ Furthermore, both Rand and Rothbard embraced exceptionally

¹²² Nash 1976: 140.

¹²³ In fact, this hope had been articulated by the libertarian pioneer Leonard Read, already in 1945 (Nash 1976: 22).

¹²⁴ See Rothbard 1998: xlvii.

¹²⁵ See Nash 1976: 164.

¹²⁶ Raimondo 2000: 325.

¹²⁷ See Rockwell 1995a: 80.

¹²⁸ This rumor was nevertheless denied by his wife, JoAnn Rothbard, who (as Catholic herself) reportedly lamented, “if only it were so.” Raimondo 2000: 325.

¹²⁹ See Barry 1986: 104–106.

optimistic rationalism in their philosophies;¹³⁰ this approach to the natural law tradition is in distinct contrast to the approach of the conservative intellectuals. Rothbard was initially so impressed by Rand's "Atlas Shrugged" (1957) that he praised her work as "the greatest novel ever written" in a sincere fan letter written to her, promptly joining the circle of her acolytes soon after the book was published.¹³¹ For Rothbard, this fad eventually lasted for only six months, but the admiration for Rand's ideas was genuine, and their influence on Rothbard's system undeniable.

Here, the most relevant influences of the 'Grand System' of Rothbard's anarcho-capitalism have been accounted. The system thus entails laissez-faire tenets (of the Austrian school of economics), a tradition of individualist anarchism (the North American, Spooner-Tucker kind), a natural law doctrine (derived from the scholastic tradition of Aristotle and Thomas Aquinas) and absolutist, ambitiously applied rationalism (in common with Ayn Rand's objectivism).¹³² Furthermore, the almost self-evident, but still crucial context for this unique fusion of ideas and methods is the wider tradition of classical liberalism, which is already more or less present in all the elements so far described. However, the strand of classical liberalism originated by John Locke and continued by the True Whigs,¹³³ Thomas Paine, Frédéric Bastiat, Richard Cobden and Herbert Spencer,¹³⁴ offers some indispensable elements to the Grand System not provided elsewhere. It is evident that this "libertarian"¹³⁵ strand of the classical liberal tradition hardly connects to any particular phase or sphere of interest in Rothbard's intellectual development, since it is, to a great extent, the very tradition of the Founding Fathers and the original American ideal,¹³⁶ to which Rothbard – the son of an 'embodiment of the American way' – was brought up already as a child, and to which he thereof felt so strongly committed his whole life.

¹³⁰ Norman Barry notes that "there could be no greater contrast here than with the skepticism characteristic of the [David] Hume-[Adam] Smith-[Friedrich] Hayek tradition" (Barry 1986: 106). Indeed, as we will see below, Rothbard was explicitly opposed to the ideas of all three.

¹³¹ Raimondo 2000: 118–119.

¹³² Norman Barry writes that Rothbard's influences are "broadly divisible into four 'schools' or movements of ideas." Roughly, these are Lockean liberalism, Austrian economics, Aquinas's natural law tradition and 'native American' anarchist tradition (Barry 1986: 173). Lew Rockwell also divides Rothbard's influences into four strands, maintaining that they are "the whole of the classical-liberal tradition, the Austrian economists, the American antiwar tradition, and the natural-rights tradition" (Rothbard 2006b: ix).

¹³³ Especially John Trenchard (1662–1723) and Thomas Gordon (1691–1750), the writers of "Cato's Letters" are given credit. See Rothbard 2006b: 4–5.

¹³⁴ It is already evident here that there is a considerable overlap between Rothbard's "libertarian" tradition and the tradition of Berlin's negative liberty. This will be further examined in chapter five.

¹³⁵ Naming a current that originates in the 17th century 'libertarianism' is not consistent with the preconditions given in chapter two, but in this particular case it is both useful and consistent with Rothbard's own account. See Rothbard 2006b: 1–7.

¹³⁶ See Marshall 2008: 181; see also Machan 1989: xiii.

3.3. Controversial Legacy: Appearance of a Cult Figure

Despite his ambitious and immensely prolific writing, evident merits in economic science and substantial contributions to the corpus of contemporary libertarian thought, Murray Rothbard was largely ostracized by the mainstream academia.¹³⁷ Outside the libertarian movement, Rothbard's work has not received the acknowledgment and credit his followers insist it deserves. As a proponent of heterodox economics, bold historical revisionism¹³⁸ and a complete abolishment of all state power in favor of the free market, Rothbard is, perhaps unsurprisingly, largely perceived as a maverick economist venturing outside his discipline,¹³⁹ an idiosyncratic right-wing populist¹⁴⁰ and even a cult figure.¹⁴¹

It is conceivable how Rothbard might indeed come across as a cult figure to many – such is the passion and the uncritical devotion of his following.¹⁴² His status among the so-called 'Austrian libertarians'¹⁴³ is insurmountable – indeed, many of the Austrian libertarians have identified themselves as 'Rothbardians.'¹⁴⁴ This circle has been excessively generous with praising remarks of Rothbard, in order to uphold and defend the supremacy of his intellectual legacy. By them, Rothbard's interdisciplinary merits in economics, history, philosophy and political theory are touted as "almost mind boggling achievements,"¹⁴⁵ "on the same level as Marx in terms of scope and originality"¹⁴⁶ and significant enough to earn him the Nobel Prize "twice over."¹⁴⁷

Perhaps the key 'Rothbardians' upholding his legacy are Rothbard's two former colleagues: the editor of various libertarian publications and the founder of the Ludwig von Mises Institute, Lew Rockwell, and the originator of 'argumentation ethics'¹⁴⁸ and the founder of the Property and

¹³⁷ Rockwell 1995a: 87; see also Barry: 173; see also Rothbard 1998: xxx–xxxii.

¹³⁸ Perhaps most famously he accused Adam Smith for plagiarism (see below page 33, footnote 162).

¹³⁹ See Rothbard 2000: xv.

¹⁴⁰ See Rockwell 1995a: 91; see also Rothbard 1998: xlii.

¹⁴¹ Milton Friedman is reported to have called Rothbard's circle a 'cult' (Block 2012). William Buckley Jr. also wrote a rather mischievous obituary for Rothbard in *National Review*, where he said that, at the time of his death Rothbard had "as many disciples as John Koresh" [a notorious leader of a small religious cult]; (Rockwell 1995b; see also Raimondo 2000: 374).

¹⁴² It is also noteworthy that in the early years of anarcho-capitalism, the likes of Ayn Rand and science fiction novelist Robert Heinlein had introduced certain "cultic dimensions" into the libertarian movement (see Nash 1976: 315).

¹⁴³ These are the libertarians, who subscribe to the Austrian School's view of economics.

¹⁴⁴ Rockwell 1995a: 89.

¹⁴⁵ Rockwell 1995a: 35.

¹⁴⁶ Rothbard 2000: xxiii.

¹⁴⁷ Rockwell 1995a: 35.

¹⁴⁸ Argumentation ethics is an axiomatic ethical theory that purports to prove anarcho-capitalism by employing the axiom that all human argumentation and discussion is committed to certain rational premises and principles.

Freedom Society, Hans-Hermann Hoppe. The two are arguably also the most devoted followers of Rothbard. Rockwell compares Rothbard's thought to Beethoven's music and Dante's poetry,¹⁴⁹ while Hoppe moved from Germany to New York – and then again to Las Vegas – just to stay close to his mentor.¹⁵⁰ Other notable devotees include philosopher and intellectual historian David Gordon, historians Justin Raimondo, Ronald Hamowy and Ralph Raico, and economists Joseph Salerno, Walter Block and Thomas DiLorenzo; all are remarkably unconditional with their praise for Murray Rothbard.¹⁵¹

But even within the libertarian movement, Rothbard still remains a controversial and disputed character. Although his decisive influence and his role as the 'father of modern libertarianism'¹⁵² is recognized, his unwavering anarchism and extreme political stances are often found too extreme or absolute, even by committed libertarians. Indeed, as we have seen, Rothbard had a tendency to constantly divert and break off from his political, academic and professional affiliations. His split with the Cato Institute, for example, created a long-lasting rift in the libertarian movement.¹⁵³

Moreover, Rothbard's style of argumentation is very combative and polemic,¹⁵⁴ and his many and often ferocious attacks on other renowned classical liberal and libertarian thinkers further paint the picture of him as a "loose cannon."¹⁵⁵ Most famously, and in a rather vehement manner, Rothbard attacked Ayn Rand,¹⁵⁶ Milton Friedman,¹⁵⁷ Friedrich Hayek,¹⁵⁸ Isaiah Berlin,¹⁵⁹ Robert Nozick,¹⁶⁰ James Buchanan¹⁶¹ and even the historical father of modern economics, Adam Smith.¹⁶² Discussing

¹⁴⁹ Rockwell 1995a: 106.

¹⁵⁰ Rockwell 1995a: 33.

¹⁵¹ The book "In Memoriam, Murray Rothbard" (Rockwell 1995a), a collection of short biographical essays of Rothbard by his intellectual affiliates, is the best, if not the only demonstration of how Rothbard was perceived by his disciples.

¹⁵² Callahan 2013: 55. See also Rothbard 2006b: ix.

¹⁵³ See Raimondo 2000: 261–263.

¹⁵⁴ As Lew Rockwell admits in the forewords of "For a New Liberty," Rothbard "pulled no punches." Rothbard 2006b: xi. Comparing his own style of writing to that of his friend Joseph Salerno, Rothbard himself concedes his critiques "tend to be harder-edged." Rockwell 1995a: 83. For demonstrative examples of this, see below chapter 5.2.

¹⁵⁵ Raimondo 2000: 260.

¹⁵⁶ The feud between Rand and Rothbard was prolonged and included several incidents. Perhaps best known are the two denigrating pieces Rothbard wrote about Rand's circle, "The Sociology of the Ayn Rand Cult" (1972) and "Mozart was a Red," written in the early 1960s. The latter is a short play, satirizing Rand and her followers.

¹⁵⁷ Rothbard attacked the renowned Chicago School economist for being insufficiently radical, calling him an "establishment's court intellectual," an "intellectual sloth" and a "joker". Rothbard 2002: 37, 53.

¹⁵⁸ Rothbard calls Hayek's "Constitution of Liberty" (1960), a contemporary libertarian classic, "surprisingly and distressingly, an extremely bad, and...evil book." Gordon 2007: 68. An extensive criticism of Hayek can also be found in "Ethics of Liberty"; Rothbard 1998: 219–229.

¹⁵⁹ Rothbard 1998: 215–218.

¹⁶⁰ Rothbard 1998: 231–253.

¹⁶¹ Rothbard 1998: 203–206; see also Gordon 2007: 76–78.

¹⁶² Rothbard attacks Smith ruthlessly, calling him an "inveterate plagiarist" and stating, "he originated nothing that was true, and whatever he originated was wrong." Rothbard 2006a: 435–436.

Rothbard's aggressiveness, David Gordon explains, "the mistakes of supposed friends of the free market could be more deadly than the mistakes of its professed enemies."¹⁶³

The evident commitment to this type of strategic reasoning seems to witness Rothbard's conception of himself as not a mere theorist trying to explain the world, but a leader of a radical political movement trying to change it. This attitude is familiar from Marxist political strategy, into which Rothbard looked for guidance. Both "For a New Liberty" and "Ethics of Liberty" contain meticulous final chapters dedicated to developing a strategy for bringing about the libertarian revolution.¹⁶⁴ These chapters attempt to summarize the essential strategic virtues a revolutionary political party needs to have, mostly focusing on the strategies of the Marxist movement. His book-length political manual, "Toward a Theory of Libertarian Social Change," written for the Cato Institute in 1977, was eventually classified as 'strictly confidential' and withheld from the public, since it approvingly quoted Lenin and analyzed organizational methods of Marxism.¹⁶⁵ Indeed, the whole idea of a revolutionary, grand philosophical system, unified in its founding principles, seems to have been greatly influenced by Marx specifically: "The enormous success of Karl Marx and Marxism has been due not to the validity of his ideas...but to the fact that he dared to weave socialist theory into a mighty system. Liberty cannot succeed without an equivalent and contrasting systematic theory."¹⁶⁶

In line with revolutionary Marxism, Rothbard's writings of political strategy also submit to an evidently teleological view on history and have distinct utopian and millenarian underpinnings. With a distinct trait of economic determinism, he explains that the Industrial Revolution brought upon a new historical phase, from which there is no turning back: "The clock cannot be turned back into a preindustrial age."¹⁶⁷ Since "economic science has shown...that *only* freedom and a free market can run an industrial economy,"¹⁶⁸ he asserts, "I am convinced that the dark night of tyranny is ending, and that a new dawn of liberty is now at hand."¹⁶⁹ Elsewhere, he concludes in similarly declamatory fashion: "The masses will never again accept the mindless serfdom of the Old Order; and given these demands that have been awakened by liberalism and the Industrial Revolution,

¹⁶³ Gordon 2007: 82.

¹⁶⁴ These chapters are "Strategy for Liberty" (Rothbard 2006b: 373–403) and "Toward a Theory of Strategy for Liberty" (Rothbard 1998: 257–273).

¹⁶⁵ This decision backfired: when the book however leaked to the public, William F. Buckley Jr.'s journal "National Review" got more evidence in support of their claim that Rothbard and his circle were secret communist sympathizers (Raimondo 2000: 220–221).

¹⁶⁶ Rothbard 2006b: 402–403.

¹⁶⁷ Rothbard 2006b: 395.

¹⁶⁸ *ibid.*

¹⁶⁹ Rothbard 2006b: 393.

long-run victory for liberty is inevitable.”¹⁷⁰ Indeed, when the Cold War ended, it marked the ‘End of History’ to Rothbard, as well as to so many others; his consequent turn to paleo-libertarianism, together with Lew Rockwell, was an attempt to appeal to these ‘masses’ (which, it turned out, were the American Middle Class) in order to spread and consummate the revolution.¹⁷¹

Yet there are more strenuous reasons for deeming Rothbard’s intellectual legacy controversial than his mere combative ideological commitment, the volatility of his intellectual career, or the outside appearance of cult building. Some startling features of Rothbard’s system seem irreconcilable with its claim to the stature of an ethical code. Perhaps the two most notorious details in his legal theory are the notion of torture being an acceptable method to solve crimes,¹⁷² and the notion of children having no positive rights to being kept alive by their parents.¹⁷³ On the other hand, Rothbard’s reputation has perhaps been clouded even more by his categorical disregard for all demands of equality as a political value,¹⁷⁴ and his subsequent refusal to see discrimination (of any kind) as in any legitimate way opposed to the demands of justice.¹⁷⁵

These controversial traits have later been picked up by Rothbard’s following. Instead of attempting to reconcile them with the supposedly humane and tolerant spirit of mainstream libertarianism, these stances have been developed to even further extremes by Hans-Hermann Hoppe and Walter Block, who are typically regarded as the foremost heirs to the Rothbardian project of political and legal theory.¹⁷⁶ One of Hoppe’s infamous contentions is that “democrats and communists,” being potentially dangerous to private property, “will have to be physically separated and expelled from [the free] society.”¹⁷⁷ Block, on the other hand, is known, for example, for his defense of ‘voluntary slavery.’ According to him, there is no reason why a sovereign individual should not have the power to sell herself to slavery, if she so decides.¹⁷⁸ Thus, the awry asymmetry seems disconcerting: while Rothbard is considered a great champion of individual liberty with a “deep devotion to the cause of freedom,”¹⁷⁹ the foremost heirs of his intellectual project eventually propose legalization of slavery and forcible expulsion of dissenters from society.

¹⁷⁰ Rothbard 2000: 47.

¹⁷¹ Raimondo 2000: 266–270.

¹⁷² Rothbard 1998: 82; see also Callahan 2013: 55. According to Rothbard, the unlawfulness of torture depends on the innocence of the tortured suspect (giving the torturer a problematic incentive to frame the suspect as guilty).

¹⁷³ Rothbard 1998: 100; see also Callahan 2013: 55. This point is further discussed in chapter 4.3.3, see below page 60.

¹⁷⁴ Rothbard 2006b: 57, 60.

¹⁷⁵ See Rothbard 1998: xxxix.

¹⁷⁶ Callahan 2013: 56–57.

¹⁷⁷ Hoppe 2007: 218.

¹⁷⁸ Block 2011: 547–549.

¹⁷⁹ Rockwell 1995a: 73.

4. Components of the Grand System

I have so far traced the main points of Murray Rothbard's intellectual and ideological development, outlining the different ideas, traditions and influences to which he was exposed, and in which he took part, in a somewhat chronological order. To investigate them further, I narrow these elements down to four separate, yet interconnected, major components. I argue that these components ultimately entail all the relevant features of the Grand System, eventually defining the nature of the anarcho-capitalist liberty concept. In this chapter, I analyze these four components in critical detail, this time in their logical order.

First, I examine the methodological framework of the Grand System, the Austrian School praxeology. I will argue that that the praxeological method provides the Grand System with a simplistic (4.1.1.) and one-sided (4.1.2.) approach to moral philosophy. In other words, praxeology introduces a problematic practice of 'economistic' reasoning into the Grand System.

Second, I examine the rationalistic natural law, which provides the theoretical foundation for applying the praxeological method. I argue that the idea of rationalistic natural law is ultimately based on either a naturalistic fallacy (4.2.1.) or circular reasoning (4.2.2.), and cannot therefore escape the religious undertone of the wider natural law tradition. Moreover, the rationalistic natural law is based on assumptions that ultimately yield value monism (4.2.3.), therefore making anarcho-capitalism ultimately suspect to absolutism and implicit totalitarianism, in the same way as the tradition of positive liberty. However, the purported distinction between monistic natural law and pluralistic personal morality seems to suggest at least a partial solution to this problem (4.2.4.).

Third, I present the key principles of Rothbard's theory of property, which is mostly drawn from John Locke. The key principles are the principle of self-ownership (4.3.1.) and the principle of homesteading (4.3.2.). These principles establish the anarcho-capitalist law, which is consequently completely reducible to property rights, with striking implications (4.3.3.). The theory of contracts and exchange, which is roughly similar to any classical liberal counterpart, is left out from my account of the theory, since it offers little further insight into the anarcho-capitalist liberty concept.

Fourth, I analyze the influence of a number of radical individualist thinkers on Rothbard's philosophy. I argue that Rothbard's radical analysis of the state is ultimately incompatible with the reducibility thesis, which is central to Rothbard's approach to social sciences (4.4.1.). I also contend that the rationalistic model of the Grand System is reconciled with the otherwise unfit empirical, historical reality by a radical philosophy of history, the 'conspiracy theory of history' (4.4.2.).

4.1. Austrian School Praxeology

The version of the praxeological method in Rothbard's Grand System is adopted from Ludwig von Mises. He, according to Rothbard, was the first to apply the term 'praxeology' to the 'Austrian method'¹⁸⁰ of his predecessors, Carl Menger (1840–1921) and Eugen Böhm-Bauwerk (1851–1914), combining their tradition with the axiomatic-deductive study of human action of the 19th century social scientists.¹⁸¹ Although there are still other schools of praxeology, like the "Polish School" of Tadeusz Kotarbinski, discussion of any non-Austrian praxeology is not necessarily relevant to the basic picture of the Misesian praxeology in Rothbard's system; the method, in its simplicity, is epistemologically self-sufficient.¹⁸²

This method is deductive reasoning, by means of verbal analysis,¹⁸³ from axioms that are already established as true.¹⁸⁴ The foundational, fundamental axiom is the 'action axiom,' which, in its entirety, states that "individual human beings engage in conscious actions toward chosen goals."¹⁸⁵ The truth of this axiom is supposedly unquestionable and self-evident, but there are already 'immediate implications' that can be deductively reasoned from it. Purportedly, a few of the most relevant, immediately observable implications of this axiom are, for example, 'human beings have certain ends they value over other ends,' 'they believe to have means to pursue those ends,' and 'those means are scarce.'¹⁸⁶

Any underlying metaphysical assumption is not considered relevant to the thrust of the practice itself – only the inner coherence of the deduction process is significant. The action axiom is complemented with a small number of other self-evident and indisputable notions, such as 'different individuals have different qualities' and 'labor implies disutility.' Little more has to be added in order to infer basic economic laws, such as that when demand for something increases, the price of it goes up. Also the subjective value theory – the original, formative theory of the Austrian school – is entailed in the action axiom: if I do *not* value my item less than yours, I will not give it up in exchange; if I *do* value my item less, then the exchange is beneficial to me (and the same rationale

¹⁸⁰ Before Ludwig von Mises, the key insights of the Austrian method are epitomized in the subjective value theory. It asserts that both parties always benefit in an exchange and emphatically rejects, for instance, the theory of surplus value of the Marxian school.

¹⁸¹ See Rothbard 1997a: 58.

¹⁸² This is to say, it does not need to presuppose any foundational assumptions from any prior system of knowledge.

¹⁸³ According to the praxeologists, verbal analysis captures the nature of purposive human action better than formal analysis. Rothbard 1997a: 60–63.

¹⁸⁴ This means that they are either implications of previous true axioms, or self-evident and thus unquestionable themselves.

¹⁸⁵ von Mises 1998: 11–12; Rothbard 1997a: 58.

¹⁸⁶ See Rothbard 1997a: 59–60.

applies to you). Therefore *all* free exchanges are mutually beneficial, or otherwise they will not take place.¹⁸⁷ The subjective value theory is accompanied with the axiom that human beings always demonstrate their preferences best with their actions.¹⁸⁸ This is called the ‘principle of demonstrated preference,’¹⁸⁹ and it is, as well, directly inferable from the original action axiom.

This might already begin to show how an Austrian praxeologist ends up concluding that *laissez-faire* is indeed the best possible system for purposively acting human beings. If all the exchanges really are always beneficial to both parties, then surely there is no need for government interference in any point. My ‘item’ can be anything (money; time and labor; personal information), and so can yours (a product; salary; access to a social network), but the law of subjective value, or any other praxeologically derivable law, will not consequently change its form in any way. This idea of the immaculate nature of the free market depends on the optimistic assumption of high degree of both human autonomy and rationality (substantial knowledge of both the actual character of one’s options and the actual consequences of one’s actions), again already entailed in the action axiom.¹⁹⁰

4.1.1. Epistemology

The greatest difference between Austrian praxeology and general economic science is the status of empiricism as means of inferring knowledge. The praxeological method is committed to *a priori* stipulations of implications of the action axiom combined with a few commonsensical, subsidiary axioms. As Rothbard explains, “there is no need to test [the axioms] since their truth has already been established.”¹⁹¹ Von Mises asserts that not only is this unnecessary, but also impossible; economic theory cannot be tested by historical fact, and its principles “are not a statement of what usually happens, but of what must necessarily happen.”¹⁹²

This does not mean, however, that the propositions could not be reflected and ‘checked’ against the background of empirical observations. Only the inductive inference of *new* knowledge is against the rationale of praxeology. New axioms cannot be derived from quantitative empirical evidence, but the axioms themselves still reflect the human experience. In fact, only the action axiom is, strictly

¹⁸⁷ See Rothbard 2009: 1073.

¹⁸⁸ See Rothbard 1960: 13. This means that I cannot try to claim to value having my item more than exchanging it to yours, and still agree to the exchange. In this case my claim would be confused, and I clearly value some other end (or ends) involved in the exchange more than having my item (perhaps your happiness is more valuable to me, or perhaps it is more valuable to me to seem generous). In any case, the same conclusion about my true preferences is yielded; the rationale of the principle is simply that of “actions speak louder than words.”

¹⁸⁹ See Rothbard 1997b: 2.

¹⁹⁰ In this form, it also ignores the fact that bilateral exchanges affect also third parties; see Haworth 1994: 14–18.

¹⁹¹ Rothbard 1997a: 60.

¹⁹² Rothbard 1997a: 72–74; see also von Mises 1998: 858.

speaking, a definite *a priori*, since the subsidiary axioms are, although intuitive, commonsensical notions, still *a posteriori* to some basic experience,¹⁹³ and thus broadly empirical.¹⁹⁴ Indeed, Rothbard's praxeology rejects the demands of empiricism only in the 'post-Humean' framework, which, according to Rothbard, is lamentably pervasive in modern science.¹⁹⁵ By this specification, Rothbard means that his praxeology does not meet the criteria of empiricism only in that its propositions are stipulated prior to any historical event, and therefore, in theory, are unfalsifiable by any empirical evidence. With these exceptions, Rothbard deems his praxeological method empirical "in the broadest sense," since it always reflects on the "experience of reality."¹⁹⁶

This reveals an epistemological difference between von Mises and Rothbard. Rothbard, describing himself "an Aristotelian and neo-Thomist,"¹⁹⁷ is skeptical of the validity of the Kantian (*viz.*, 'post-Humean') epistemological distinction between *a priori* and *a posteriori* knowledge. Here, von Mises is committed to the Kantian notion that some things, such as some basic form of logic, are essential characters of the innate structure of the human mind, and therefore *a priori* to all knowledge.¹⁹⁸ Rothbard is inclined to deem all such structures among the 'laws of reality,' which the mind apprehends in some non-schematic (i.e. non-procedural, direct) way "from investigating and collating the facts of the real world."¹⁹⁹ In respect to the already discussed 'optimism,'²⁰⁰ of Rothbard's rationalism, a quality shared in common with Ayn Rand's objectivism, this idea of direct knowledge from the 'experience of reality' is a case in point.²⁰¹

This epistemological doctrine deserves a brief, closer look. It is an integral part of what I have indeed come to call Rothbard's 'optimistic rationalism,' and plays an important role in Rothbard's philosophy in general. The idea of being directly aware of the reality, without Kantian *schemata* or any other apprehension-related internal constructs, might be correctly identified as a certain Aristotelian-Thomist position, but it has another parallel, closer to Rothbard's intellectual and ideological heritage: North American 'transcendentalism.' This was a spiritualistic philosophical

¹⁹³ To use the earlier example, it would not be a *logical* contradiction to claim that all individuals are identical; it is only in reflection to our experience of the world that we know this to be false.

¹⁹⁴ Rothbard 1997a: 67.

¹⁹⁵ Rothbard 1997a: 63.

¹⁹⁶ Rothbard 1997a: 64–65.

¹⁹⁷ Rothbard 1997a: 63.

¹⁹⁸ Kant asserts that certain *schemata*, i.e. some procedural rules, must exist prior to any knowledge from sensory experience.

¹⁹⁹ Rothbard 1997a: 63.

²⁰⁰ Rothbard invokes the term 'Aristotelian realism' (Rothbard 1997a: 64), but there are substantial differences between Aristotle's and Rothbard's positions on the proper role of reason in ethics, as we will later see.

²⁰¹ This epistemological difference between Rothbard and von Mises is also pointed out by David Gordon; see Gordon 2007: 14–15.

movement, led by Ralph Waldo Emerson (1803–1882). Emerson was influential among the 19th century American individualist anarchists. He, as a proponent of a panpsychist²⁰² world-view, held a similar epistemological account, maintaining that intuition is the only access to the reality, and claiming that ‘reason is potentially perfect.’²⁰³ As an eventual heir of the American anarchist tradition through Spooner, Tucker, Nock and Chodorov, Rothbard’s position is remarkably similar to that of individualist anarchist transcendentalism.

In a curious way, however, this optimistic assumption of direct apprehension does not seem unjustified in the context of praxeology, since the practice is not, in the end, interested in the external world *an sich*²⁰⁴. Rothbard is not undermining the basis of his system, when he sees no reason for “delving too deeply into the murky waters of epistemology,”²⁰⁵ because praxeology concerns only the *logic* of human action. In this sense, its epistemology is similar to phenomenology:²⁰⁶ on the basic level, it deals only with the contents of human mind (surely, it cannot be further justified that one has direct and certain knowledge of the contents of one’s own mind). This enables Rothbard to claim that the laws of economics are knowable with a greater certitude than the laws of physics,²⁰⁷ since the economist is “in the happy position” of possessing at the very outset of the investigation “absolutely certain knowledge” of the ultimate causes of economic phenomena, that is, human choices and actions.²⁰⁸

4.1.2. Atomistic Individualism

However, there are some undeniably ‘murky waters’ between the human agent and the external world, in which the human action, in the end, must take place. Since the man is inevitably embedded in the external world, so is his action also inevitably part of its causal relations. However, praxeology is, by its very definition, strictly committed to both methodological individualism²⁰⁹ and libertarian free will.²¹⁰ Then, even with perfectly executed verbal analysis, a social science

²⁰² Panpsychism is a metaphysical doctrine, which holds that consciousness is a primordial feature of all things.

²⁰³ Marshall 2008: 182.

²⁰⁴ “In itself” or “as such”; the expression refers to (here relevant) Kantian metaphysics.

²⁰⁵ Rothbard 1997a: 63.

²⁰⁶ Phenomenology is a philosophical discipline, which studies the structures of conscious experience.

²⁰⁷ See Rothbard 1960: 12.

²⁰⁸ Rockwell 1995a: 76.

²⁰⁹ Methodological individualism holds that all social phenomena originate, at least in principle, from the motivations and actions of individual people. It is opposed to methodological holism, which holds the opposite, that is, the choices and actions of individuals are determined by the external influence of social phenomena. Methodological individualism is generally the primary approach in economic science.

²¹⁰ Libertarian free will refers to an indeterminist and incompatibilist stance in the philosophical discourse relating to the question of the freedom of the will. In effect, libertarian free will holds that people make free and autonomous

employing the praxeological method can only ever be as accurate a description of human action as these approaches are accurate descriptions of the human reality.

Rothbard gives a demonstration of his absolutist variation of methodological individualism in a discussion about the emergence of ideas in the society: “It is true that many men may uncritically adopt the ideas of others: yet this process cannot regress infinitely. At some point in time, the idea originated, that is, the idea was not taken from others, but was arrived at by some mind independently and creatively. This is logically necessary for any given idea. ‘Society,’ therefore, cannot dictate ideas.”²¹¹ Here, Rothbard concludes that ideas originate ‘independently and creatively’ in the minds of individuals, because it is only individuals, who can possess ideas.

Due to it being unlikely that this is intended as a careful argument,²¹² perhaps it should be understood as a kind of battle cry against ‘social determinism’²¹³ and an intentionally combative appeal for an individualist position. But then, in this case, the approach seems already *normative* (assumed because it is true) and not *prudential* (assumed because it is useful). Elsewhere, Rothbard makes similarly one-sided affirmations for absolute methodological individualism. He insists that modern social science is violating the principle of Occam’s Razor in its use of the term ‘society.’²¹⁴ Rothbard states: “Such concepts as ‘public good,’ ‘general welfare,’ and so on, should, therefore, be discarded as grossly unscientific...”²¹⁵ Here, he gives the notion that the society is never more than the aggregate of its individuals, the form of the *reducibility thesis*: since ‘society’ cannot be shown to be “an actually existing entity,” the term cannot be used to explain human action.²¹⁶

The idea of libertarian free will is almost seamlessly attached to the individualist stance in Rothbard’s praxeology. In defense of this position, Rothbard attacks what he appears to deem its only viable alternative – rigid determinism. He contends that determinism is an untenable position, since “the man who employs it relies implicitly on the existence of the free will.”²¹⁷ Rothbard holds

choices that cannot be reduced to some prior causes in the human mind. This is not to be confused with libertarianism as a political philosophy, although libertarian free will can, in some sense, be deemed a prior requirement for consistent political libertarianism.

²¹¹ Rothbard 1960: 5.

²¹² This is because it seems unclear, how would anyone, after being confronted with the age-old paradox of the chicken and the egg, be interpreted charitably, if they were to then assert that the chicken obviously came first, since all eggs come from chickens.

²¹³ Rothbard uses the term ‘social determinism’ as a pejorative term for a position much like methodological holism (see above page 40, footnote 209). See Rothbard 1960: 5.

²¹⁴ The principle of Occam’s Razor is, ‘avoid unnecessary multiplication of entities.’ See Rothbard 1997a: 61.

²¹⁵ Rothbard 1960: 9.

²¹⁶ Rothbard 2006b: 45–47. The term ‘reducibility thesis’ is from Alan Haworth; Haworth 1994: 12–14.

²¹⁷ Rothbard 1960: 3.

that it would not make sense for anyone to proclaim for determinism, since “the determinist must rely, for the spread of his ideas, on the non-determined, free-willed choices of others.”²¹⁸

However, the alleged contradiction in the attempts of the determinist to convert other people into his view does not prove determinism itself false – at most, it suggests that the determinist is not behaving coherently.²¹⁹ Moreover, even if the determinist position would be rejected, this would not be sufficient, in itself, to yield libertarian free will – this would merely yield *indeterminism*. If ideas and choices were really to emerge in consciousness without a cause or prior reason, that is, ‘independently,’ *viz, randomly*, this would hardly yield libertarian freedom to decide and choose for oneself any more than determinism. Therefore, it would seem more consistent for Rothbard to think that individuals, as allegedly autonomously choosing and *rational* beings, ought to have causes, *viz, reasons*, for their choices.²²⁰ In the end, merely asserting indeterminism does little to advance his argument. Nevertheless, Rothbard seems to make a direct link between indeterminism and absolute governance of the sovereign *ego* over the self.²²¹ After arguing against the consistency of a determinist stance, he sees himself in a position to conclude “that true science decrees determinism for physical objects and free will for man.”²²²

It is worth to further observe the nature of the problems of both interpreting and conveying the actual human reality that this *atomistic* position (the combination of methodological individualism and libertarian free will) is inclined to create within the Grand System. For one demonstration of this, the purported categorical difference between ‘purposive’ and ‘reflexive’ behavior is helpful. In all praxeology, only ‘purposive’ actions, that is, those which are performed in pursuit of a chosen end, are held to be valid actions. The ‘knee-jerk,’ ‘reflexive’ actions, or *reactions*, with no chosen ends entailed, cannot be used to derive axiomatic deductions, and are therefore irrelevant to praxeology.²²³

However, there seems to be no tenable method to make a categorical distinction between reactive and proactive behavior. To have such a distinction, we would need to know how to delineate where

²¹⁸ Rothbard 1960: 3.

²¹⁹ Even this seems not to follow. If the determinist is determined to convert other people, and they are then determined to either convert or not, and everybody involved is determined to believe what they believe at any given time, the incoherence is, in the end, hard to detect.

²²⁰ Indeed, it seems that Rothbard would be better off adopting the compatibilist position of ‘self-determinism,’ as discussed by libertarian philosopher Tibor Machan. See Machan 1989: 14–18.

²²¹ In fact, Rothbard takes the latter to be one of the self-evident, primary axioms in his ‘theory of liberty’ (see below chapter 4.3.1, page 55–56). Rothbard 1998: 31–32. The ownership of the *ego* over the self is explicitly mentioned in Rothbard 1998: 41.

²²² Rothbard 1960: 5.

²²³ Rothbard 1997a: 58–59. Again, this distinction is basically entailed in the action axiom.

physical causation ends and goal-oriented intention begins: Surely, an epileptic convulsion would be a clear case of reflexive action. Plausibly, then, a violent fit due to a comparable neurological illness should also qualify as such. If so, how would we determine actions caused by other mental disorders, directly caused by mere neurobiological dysfunction, like schizophrenia? And what, after that, can we consequently conclude of a woman, who does not eat due to a diagnosed disorder; of a man spying on his wife because of pathological jealousy; of a nicotine addict going outside for a smoke; or of a teenager buying brand clothes, because he has been convinced to do so by the marketing industry? There seems to be little that could categorically define, who of these people are acting purposively and not reflexively, that is, according to their freely chosen ends.

The same ambiguity applies to any psychological condition or state, which we have not individually chosen, and for which we subsequently cannot be held individually accountable – which is, according to any materialist, holist or determinist account, *all* of them. Therefore, there should be substantial grounds to suspect that a social science committed to an atomistic account of human beings will depict the reality of ‘human action’ rather imperfectly. Von Mises is aware of the immanent limitations of methodological individualism, and therefore thinks praxeology should only be used for outlining hypothetical economic models, while remaining strictly committed to *wertfrei* utilitarianism.²²⁴ He, as most economists, embraces the idea that the strictures of economic science should be reflected against another background of independent ethical considerations, since a crude simplification of the social reality cannot give veritable guidance to what *ought* to be done. Hence, he sees economists as a kind of technicians, with an intentionally limited intellectual scope.

This, however, could not be further from the position of his optimist disciple. Rothbard insists it is the responsibility of all scientists to make their individual value judgments.²²⁵ He sees the essential character of human beings as fundamentally rational and coherent, and is committed to both methodological individualism and libertarian free will in such a way that these positions comprise a unified idea of a fully independent, libertarian individual, completely responsible for herself and her actions in every meaningful way. As we have seen, a definite normative assessment can be discerned from this commitment; Rothbard is inclined to assume this atomistic individualism not because he deems it pragmatically *useful*, but because he deems it normatively *true*. Moreover, Rothbard proceeds to employ this concept of the libertarian, atomic individual to the full scope of his Grand System, using praxeology to infer not only the laws of economy, but also the requirements of justice and the ‘ethics of liberty’.

²²⁴ See Rothbard 1998: 207.

²²⁵ See Rothbard 1960: 13–15.

4.2. Rationalistic Natural Law

The second key component in Rothbard's Grand System is the employment of "natural law founded on reason and rational inquiry."²²⁶ Although many allusions to this doctrine can be found from his earlier works, it is only in "Ethics of Liberty," where Rothbard gives an extensive account of this idea. Rothbard describes his work a project of setting forth a "systematic ethical theory of liberty," grounded in the ethics of natural law.²²⁷ The first part of the book is dedicated to an introductory investigation into Rothbard's position on different aspects of the natural law tradition, and provides most of what we can know about the role that natural law theory is supposed to play in the entirety of his system.

On the most general level, the idea of natural law, as opposed to positive law, is the idea that law, in the final analysis, depends not on human authorities, but instead on the inherent, abstract concepts of 'good' and 'justice' as such. Thus, law is a matter of discovery, and not that of convention. In the ancient Greece and Rome, the origins of the natural law tradition existed as an idea of natural constraints upon lawmakers.²²⁸ In this sense, the original idea of natural law is similar to the idea of common law, as it is understood as both the formative and the regulative tradition behind any and all positive law.

This is already evidently compatible with Rothbard's anarchism: if law can be founded outside the positive legislation by a centralized authority, the idea of an orderly, stateless society of free individuals becomes feasible. Indeed, when explaining how private courts supplied by the free market would be more reliable in following the rule of the law than any arbitrary state monopoly, Rothbard invokes the history of Anglo-Saxon common law and, even more emphatically, the judiciary system of ancient Celtic Ireland. Among the Celts, according to Rothbard, "the law itself was based on a body of ancient and immemorial custom, passed down as oral and then written tradition through a class of professional jurists," who were "completely private, national in scope, and were used by disputants throughout Ireland."²²⁹

This definitely looks like the rough blueprint of what Rothbard has in mind for the judicial market of his free society. However, mere *ad hoc* traditionalism certainly does not establish the 'natural law founded on reason.' Although Rothbard insists that natural law is indeed radical by its nature,

²²⁶ Rothbard 1998: 3.

²²⁷ Rothbard 1998: xlviii.

²²⁸ See Tebbit 2005: 11–12.

²²⁹ Rothbard 2006b: 288–289.

presenting man with a set of norms critical to the positive law imposed by the State,²³⁰ this alleged anti-authoritarian quality of the doctrine is not the most decisive factor that makes the doctrine so formative to the Grand System. Most important is its appeal to human rationality. Only correctly applied reason is supposed to eventually yield the ‘systematic ethical theory of liberty.’

In “Ethics of Liberty,” Rothbard’s application of the natural law doctrine is uniquely ambitious. In effect, the combination of the praxeological method with the Aristotelian-Thomist natural law doctrine is the apex of Rothbard’s optimistic rationalism. Rothbard maintains that the “basic inclinations of the human nature...absolute, immutable, and of universal validity for all times and places”²³¹ can be discovered by reason and then employed for deduction of a true ethical code. Thus, an objective, universal morality can be founded on the factual basis of the natural tendencies of man.²³² Quite remarkably, Rothbard refers to this practice as a “science of happiness.”²³³

4.2.1. Reason as the Foundation of Human Nature

As one demonstration of the different possibilities for this scientific prescription of an objective ethical code, psychologist Leonard Carmichael, discussing the possibility of an objective morality based on evolutionary biology, is quoted at length.²³⁴ Of course, as we have seen, the method Rothbard himself intends to employ is not that of any empirical science, but instead the praxeological *a priori* reasoning from self-evident premises. Indeed, Rothbard admits that praxeology is not the only proper science to study the natural law ethics, and for this reason he aims to set out “only an outline, a prolegomenon to what I hope will be fully developed libertarian law code of the future.”²³⁵

Supposedly, however, the pre-established truths entailed in Rothbard’s axioms can only be complemented, and not refuted, by an empirical natural law doctrine of the kind discussed by Carmichael (and approvingly invoked by Rothbard) – after all, the rationale of Rothbard’s praxeology requires the basic assumptions to be unquestionable by reason and unfalsifiable by empiricism.²³⁶ Moreover, the derived propositions can only be as true as the prior axioms, and

²³⁰ Rothbard 1998: 17; Rothbard 2006b: 36.

²³¹ Rothbard 1998: 17.

²³² See Rothbard 1998: 9–13.

²³³ Rothbard 1998: 12.

²³⁴ Rothbard 1998: 13.

²³⁵ Rothbard 1998: xlviii.

²³⁶ We have seen this in chapter 4.1.1, page 38–40.

should they be shown incorrect, the whole superstructure of propositions would collapse.²³⁷ The question becomes, then, which truths about human nature are so self-evident they cannot be refuted, yet simultaneously instructive enough to enable a ‘libertarian law code’ be built upon them?

Along the course of the book, Rothbard finds many answers to this question,²³⁸ but the key to all of them is entailed in his Aristotelian view of human exceptionality. ‘Man is a rational animal’; this is the fundamental attribute of the specific nature of man, and “everything must act in accordance with its specific nature.”²³⁹ Thus, to know reason is to know the basis of the nature of man. This includes the assumption that human reason is *objective*,²⁴⁰ meaning that the correct employment of reason yields the same answers for everybody: “To ask *what* is man’s nature is to invite the answer. Go thou and study and find out!”²⁴¹ In an undeniable way, the assertion of man’s fundamental rationalism as the basis of his nature appropriates the status of a self-evident, foundational master principle (like the action axiom in Misesian praxeology), and serves as the starting point for the entire ‘theory of liberty.’²⁴²

The inconvenient underpinning here is basically the same as in any naturalistic fallacy;²⁴³ even if we accept rationality as the basis of human nature (i.e. define human nature as some natural faculty of reason), this does not mean that we are simultaneously accepting it as the basis of moral correctness. So far, Rothbard has implied that ‘acting in accordance with man’s specific nature’ can be determined as acting in accordance with what is *rational*. However, to argue that natural law can be an objective ethical code, it would need to be shown that ‘acting in accordance with man’s specific nature’ can also be determined as acting in accordance with what is *right*.

4.2.2. Inexorable Religious Undertone: Side-stepping Hume’s Guillotine

The tradition Rothbard invokes in support of the argument about the interconnectivity of reason and morality is the scholastic tradition of Thomas Aquinas, stemming from the teleological system of Aristotle. Rothbard emphasizes that “in the Thomistic tradition, natural law is ethical as well as

²³⁷ With inaccurate verbal analysis, of course, one can derive untrue propositions even from true axioms.

²³⁸ Including the ones asserted above in the chapter 4.1.2.: a human being is a separate, conscious individual, with libertarian free will and ends she chooses to act upon.

²³⁹ Rothbard 1960: 5.

²⁴⁰ See Rothbard 1998: 10.

²⁴¹ Rothbard 1998: 10. Italics in the original text.

²⁴² See Rothbard 1998: 30–31. The ‘theory of liberty’ is the second of the four parts of “Ethics of Liberty”; Rothbard 1998: 29–157.

²⁴³ The term ‘naturalistic fallacy’ was coined by philosopher G.E. Moore to describe moral claims that (allegedly falsely) assume ‘good’ as being reducible to some natural properties. For example, an implicit claim that ‘what is pleasant is good’ might be a naturalistic fallacy. Here, Rothbard seems to make an implicit claim that ‘what is rational is good.’

physical law; and the instrument by which man apprehends such law is reason – not faith, or intuition, or grace, revelation, or anything else.”²⁴⁴ Although Rothbard is correct about the centrality of reason in Aquinas’s natural law,²⁴⁵ he does not elaborate how the comparison between natural physical law and natural ethical law supports his own argument. The rationale appears to be that if natural physical laws are objective facts, then true knowledge about them is objective and immutable – and if the essence of natural ethical laws is similar to that of physical laws, then true knowledge about morality must be of similar kind. Therefore, the same faculty of reason that enables us to find truths about physical laws should also be applicable to finding truths about ethical laws. What Rothbard leaves unexplained, however, is how we can know ethical laws to be in this sense similar to physical laws. Here, a discernible logical connection between rational deduction and knowledge of ethics remains as absent as ever. Also Norman Barry – a libertarian intellectual historian writing favorably about Rothbard – admits, “Rothbard’s claim that reason can inform us of an objective morality consists of little more than an assertion that this must be so.”²⁴⁶

For Aquinas, the claim *does* consist of more than mere arbitrary assertion. For him – as for the vast majority of natural law theorists in the history – the ultimate reason why we can trust our rationality to inform us correctly of ethics is the underlying existence of God. More specifically, the assumption relies on the consistency of a benevolent creator of both the material reality and the human rationality embedded in it. In the hands of Christian theologians, the natural law doctrine of the ancients is indeed more powerful and compelling, since they are able to ground the authority of human rationality in the will of the one true God.²⁴⁷

Rothbard, however, laments the fact that natural law tradition is, in the contemporary context, so widely seen as with a religious undertone, and that when confronted with natural law doctrine, it is often suspected that “God and mysticism are being slipped in by the back door”.²⁴⁸ For him, “the assertion of an order...discoverable by reason is...neither pro- or anti-religious.”²⁴⁹ Taking up the challenge of showing that secular natural law without any pre-existing faith in revealed morality can be consistent, he identifies David Hume as “the philosopher supposed by modern philosophers to have effectively demolished the theory of natural law.”²⁵⁰ Rothbard claims that the main current of

²⁴⁴ Rothbard 1998: 6.

²⁴⁵ See Tebbit: 13.

²⁴⁶ Barry 1986: 176.

²⁴⁷ Tebbit 2005: 13.

²⁴⁸ Rothbard 1998: 3–4.

²⁴⁹ Rothbard 1998: 4.

²⁵⁰ Rothbard 1998: 14. This view is indirectly confirmed by Knud Haakonssen; Haakonssen 1999: xiii.

the natural law tradition was mistaken in giving in so widely to Hume's Guillotine, which posits that there can be no values from facts, *viz*, no 'ought' from 'is.'

In an attempt to refute this famous law, Rothbard reintroduces the Aristotelian concept of good, i.e. that things are good to the degree to which they can do the things for which they are equipped by their nature.²⁵¹ In the case of man, according to Rothbard, "the natural-law [sic.] ethic states that goodness or badness can be determined by what fulfills or thwarts what is best for man's nature."²⁵² This allows Rothbard to define ethics as a way of "investigating verifiable existing tendencies," and determining value as fulfillment of those tendencies.²⁵³ Eventually, this reassessment of the idea of 'good' amounts to a reformulation of the original problem of the fact-value dependency. Now, it is not 'ought' from 'is', but 'ought' from 'tendency and its fulfillment.'

Side-stepping Hume's Guillotine in this manner, however, will eventually yield only circular reasoning. From the natural human tendencies, the ones that are 'best' for human nature are supposed to be seen fulfilled. But how do we know, what is 'best' for human nature? It seems we inevitably need some prior conception of good in order to be able to determine which human tendencies to fulfill. Surely, there are also tendencies for violence and other evil in human nature, and since we do not want to see these tendencies fulfilled, they appear to be not 'best' for human nature. Perhaps, Rothbard wants us to conclude that, when fulfilled, these tendencies become somehow self-defeating – but self-defeating in relation to what end, and of which 'self'? In some point or another, an external value assessment must be added, or else we have a mere logical circle, where 'good' refers to 'what is *best* for human nature' and what is 'best' for human nature presupposes some idea of *good*.²⁵⁴

4.2.3. Value Monism

Rothbard does not deem his rationalist project a specific version of the more general natural law theory. His explicit intention is to merely outline the ethical theory animating his work, "without attempting a full-scale defense of that theory."²⁵⁵ The employment of the natural law theory in Rothbard's system is rather a referential philosophical grounding, as if only a directional approach,

²⁵¹ See Rothbard 1998: 11. A classic example of this would be to say that a 'good' knife is one that cuts well, because cutting is what a knife is 'equipped to do' by its nature.

²⁵² Rothbard 1998: 11.

²⁵³ Rothbard 1998: 13–14.

²⁵⁴ The problem of circular reasoning in secular natural law tradition has been also pointed out by Mark Timmons; Timmons 2002: 94–95.

²⁵⁵ Rothbard 1998: xlvi.

with the definitive, positive content – the superstructure – being his praxeological ‘theory of liberty.’²⁵⁶ Nevertheless, the foundational idea of natural law based on reason has the very important function of providing veritable *justification* for the implementation of the praxeological method on normative grounds. If Rothbard can anchor his first principles into the essence of humanity itself, and thus verify that the foundational values of his system are the same as those of human nature, he has a very solid basis for his ‘prolegomenon’ of an axiomatic law code.

In this attempt, the Rothbardian project nevertheless makes a rather problematic presumption of determined human essence. Apart from having ‘reason’ as its basis, the very idea that human nature entails “inclinations...absolute, immutable, and of universal validity for all times and places”²⁵⁷ seems to suggest that the general essence of this nature must, to a considerable extent, be both universal and permanent. This idea seems difficult to reconcile with the modern, scientific worldview, and has, again, rather mystic or religious undertones.

More importantly, it is not evident why this should not be potentially destructive to the very liberty this theory is allegedly set out to establish. Once it is decreed that reason can determine objective value, and thus also the ends a human being is ought to pursue, it is not only that there is no room for value pluralism in the society, but that any disagreement over the content of ‘good’ becomes a mere misunderstanding. Just as Isaiah Berlin’s concept of positive liberty has the potential of reducing unenlightened individuals into fictional instances of some abstract rationality in need of emancipation,²⁵⁸ Rothbard’s idea of objective morality has the potential of reducing sovereign individuals into subordinate attendees of some higher moral order in need of fulfillment.²⁵⁹

In this sense, Rothbard’s perfectionist idea of natural law grounds his system on the very value monism against which Berlin so emphatically warned. In this light, the authenticity of liberty as a central value in Rothbard’s system becomes endangered. Even if the libertarian law code would be set out in a manner that prevents all forms of totalitarianism as such, the pursuit of the perfect moral order is ultimately an attempt to achieve a utopia and the end of history itself – a final state of human existence where the ends of man are discovered. “Where ends are agreed, the only questions left are those of means, and these are not political but technical, that is to say, capable of being

²⁵⁶ The second of the four parts of “Ethics of Liberty”; Rothbard 1998: 29–157.

²⁵⁷ Rothbard 1998: 17.

²⁵⁸ This refers to Isaiah Berlin’s argument of value monism in the tradition of positive liberty; see above page 17–18.

²⁵⁹ The notion of value monism is present also in Alan Haworth’s critique, which includes a mention that with Rothbard’s philosophy, “we are confronted with something rather old-fashioned; a grandiose metaphysical system according to which the All is the One – The Realm of Rights, The Ultimate Moral Order, and the Realm of True Freedom being all three equivalent” (Haworth 1994: 97).

settled by experts or machines,”²⁶⁰ remarks Isaiah Berlin. It seems difficult to reconcile things such as freedom of opinion, plurality of ways of life, or individual liberty in general with a vision of this kind. In other words, by implying that there is a discoverable, perfect arrangement for man, Rothbard’s monistic ethics seem to be depriving the value of individual freedom *per se*.

4.2.4. Negative Natural Law and Personal Morality

The illiberal implications of an absolutist, teleological value system seem strikingly similar to the problem of ‘rationalistic egalitarianism,’ of which Justin Raimondo, quoting Rothbard himself, criticizes Ayn Rand. According to Raimondo, Rothbard observes that the implications of positing an exclusive, single form of rationality eventually fly in the face of the alleged individualism entailed in Rand’s objectivism: “For if all men, with no inherent differences due to genes or some other factor, are equally endowed with the capacity to reason, and ‘are only bundles of premises,’ then everyone would have the same bundle if they chose to be rational.”²⁶¹ Thus, “Ayn is driven to a position that is monomaniacal in its monolithic quality.”²⁶²

Seeing that Rothbard is observant to such a problem in Rand’s philosophy, it becomes impossible to assume that he would not have been aware of a problem of the very same nature in his own system. After all, Rothbard explicitly acknowledged the fact that he adopted the natural law doctrine originally from Rand, writing to her in his ‘fan letter’: “When I first met you, many years ago, I was a follower of Mises, but unhappy about his antipathy to natural rights, which I ‘felt’ was true but could not demonstrate. You introduced me to the whole field of natural rights and natural law philosophy, which I did not know existed...”²⁶³ After becoming disillusioned with her objectivist doctrine and breaking away from her circle of devotees, however, Rothbard must have taken a second, more critical look into the doctrine. Having been aware of the problem of ‘monomania’ in Rand’s system, Rothbard evidently thinks he has solved the problem of value monism in a manner that enables him to retain the rationalistic natural law as the grounding of the Grand System.

The *prima facie* difference between the two doctrines is that Rothbard’s philosophy is more attuned to the natural, inherent differences between individuals than that of Rand. However, this eventually offers only partial redemption to the problem of value monism: an objective morality, founded on the tendencies of universal human nature, necessarily entails a similarly objective concept of

²⁶⁰ Berlin 1968: 1.

²⁶¹ Raimondo 2000: 113. The words ‘are only bundles of premises’ are a direct quote from Rothbard.

²⁶² This is a direct quote from Rothbard; Raimondo 2000: 113.

²⁶³ Raimondo 2000: 132–133.

‘Good,’ which consequently must be completely neutral to individual preferences. Norman Barry, who indeed admits that Rothbard’s philosophy “sounds suspiciously like that monistic approach to the philosophy of freedom which Sir Isaiah Berlin condemns as implicitly totalitarian,” however explains that anarcho-capitalism is, in the end, not vulnerable to the charge of absolutism, since the natural law “does in principle permit a variety of life-styles to emerge precisely because the only limitation on what people may do is that contained in the natural law prohibition against the use of force.”²⁶⁴ In other words, the natural law founded on objective morality cannot yield absolutist moral doctrines, because it is limited to exclusively *negative* strictures; it will not inform us what to do, but only about what *not* to do. This seems to be the crucial difference between Rothbard’s anarcho-capitalism and Rand’s objectivism.

Rothbard, who does not address the issue of value monism in any way, seems indeed to rely on the consistency of a distinction between negative natural law and positive *personal morality*. He asserts, for example, that the *legality* of an action is not dependent on the benevolent or malicious intentions of the actor, “though [they] may well be relevant to the *morality* of the action.”²⁶⁵ This enables Rothbard to maintain that, despite the monistic ethics underlying his system, his ideal society “would be one in which every individual would at last be free to seek and pursue his own ends.”²⁶⁶ This is a clear affirmation of pluralism. Rothbard’s idea of the exclusive negative role of the natural law is further defined in his remark that “political philosophy is that subset of philosophy that deals specifically with politics, that is, the proper role of *violence* in human life.”²⁶⁷

The separation between law and morality is, of course, central to the whole tradition of classical liberalism; perhaps most explicitly and famously, this distinction is made by John Stuart Mill. However, in Mill’s system – as in political philosophy in general – the common supposition is that the two are still necessarily part of the same root, that is, merely separate manifestations or expressions of the same ethics (with mutually immanent conceptions of ‘good’), while simultaneously inevitably interacting and influencing each other. In Rothbard’s system, on the other hand, it is left unclear how we are supposed to reconcile the realm of a singular, universal conception of ‘good’ (inferred from universal rationality and establishing the natural law) with the realm of a plurality of individually held conceptions of ‘good,’ if these realms coexist as independent value systems, that is, overlap, but are not supposed to interact or influence each other.

²⁶⁴ Barry 1986: 181. The ‘prohibition against the use of force’ refers to the ‘nonaggression axiom’: see below chapter 4.3.3, page 59. For Rothbard belonging to the implicitly totalitarian monistic tradition, see chapter 5.1.1, page 69–70.

²⁶⁵ Rothbard 1998: 121. Italics in the original text.

²⁶⁶ Rothbard 1998: 258.

²⁶⁷ *ibid.* Italics in the original text.

Although there is no answer to this question, it seems plausible that Rothbard would agree with his disciple Walter Block, who claims that ‘libertarianism’ (by which he refers to Rothbardian, natural law-based anarcho-capitalism) is a ‘political philosophy’, while ‘liberalism’ is a ‘philosophy of life.’ According to Block, “the two of them are, properly, concerned with very different issues” – libertarianism is solely concerned with the proper role of violence in the society, while liberalism is concerned with diversity of life-styles. In this sense, liberalism and libertarianism are, according to Block, as different as “fish and bicycles.”²⁶⁸

To put Block’s point differently, liberalism, as a philosophy of life, is preoccupied with ‘good’ in general, while anarcho-capitalism, as a political philosophy, is preoccupied with ‘justice’ in particular – and justice, properly understood, is preoccupied with only the questions of legitimate violence. It is unlikely that even Block would deny, however, that both ‘good’ and ‘justice’ are ultimately questions of morality. The challenge still remains, then, to establish the difference between these two categories of morality: first, the universal (‘libertarian’) morality by which everyone must abide, and, second, the personal (‘liberal’) morality which concerns matters of individual preference.

Obviously, this unique feature of the Grand System that seems to eventually amount to ‘violence-specific monism’ seems less problematic in regard to individual liberty, if compared to the problem of monism within only one value system, which requires a very challenging reconciliation between the value of individual freedom and an objective, universal concept of ‘Good.’ Instead, it is now basically suggested that the two moral realms (or, the two separate value systems), universal and personal, are respectively monist and pluralist. This gives rise to a new question of meta-ethical consistency, but seems not to immediately compromise individual liberty.²⁶⁹

Above, we have seen that attempts to establish the first moral realm (which is, indeed, the only moral realm which anarcho-capitalism attempts to establish) consist of appeals to the basic inclinations of human nature and the universal faculty of human rationality, yielding circular reasoning or falling suspect to being a version of the naturalistic fallacy. Therefore, the ultimate assessment of ‘proper role of violence’ – which indeed must include the normative definition of ‘violence’ itself – is, it seems, not an axiom derived by reason, but a normative assertion from a seemingly intuitivist basis. Next, we will nevertheless move on to examine what that proper role should be, according to Rothbard.

²⁶⁸ Block 2011: 538–539.

²⁶⁹ See Rothbard 1998: 258.

4.3. Quasi-Lockean Theory of Property

We have so far seen that the moral agents in Rothbard's Grand System are strictly separate, atomic individuals, who partake in a determined essence of rational humanity common enough for an objective ethical code to be structured upon it. The next major component in the system introduces the actual propositions for the legal strictures under which the social relations among these individuals should be arranged. These propositions are the theory of property rights, which draws most of its essential elements from John Locke's political philosophy. However, as we will see below, the property rights theory formed by Rothbard has some such essential aberrations from Locke's original account that it can properly be considered only a *quasi-Lockean* theory.

In presenting the Rothbardian property rights theory, it is also necessary to introduce 'Crusoe economics,' the demonstrative analytic construction Rothbard applies to elucidate both his economics and his political philosophy. This narrative, classic in economic science, starts with lonely Robinson Crusoe shipwrecked on a desert island, where goods (coconuts, fish, wood, other raw material) are abundant in their natural state, but labor and time (Crusoe by himself, with only his bare hands, getting frequently hungry and tired) are scarce. Utilizing this simple scenario, the model is usually applied to elucidate some basic economic concepts, like 'consumer goods' (coconuts he gathers, fish he catches), 'capital goods' (a ladder with which he climbs the coconut tree, a fishing net), 'opportunity costs' (the time in which Crusoe builds himself a new fishing net can alternatively be used to gather ten coconuts; the opportunity cost of a new fishing net is ten coconuts) and 'time preferences' (before Crusoe can start to build himself a cabin, he needs to have some food in reserve; Crusoe has a higher time preference for fish and coconuts than for a cabin). As Rothbard puts it, the Crusoe economics is an apt analytic tool, depicting "an isolated man face-to-face with nature," and thus allowing some "highly important and even indispensable uses" for economic analysis.²⁷⁰ But indeed, Rothbard does not limit the use of this analytic tool to mere economics;²⁷¹ the starting point of his 'theory of liberty' is 'a Crusoe social philosophy.'²⁷²

There could hardly be a more revealing way to demonstrate the atomistic conceptions underlying Rothbard's system, than his application of the Crusoe analytics as the starting point of his political

²⁷⁰ Rothbard 1998: 29.

²⁷¹ Rothbard states: "If Crusoe economics can and does supply the indispensable groundwork for the entire structure of economics and praxeology...a similar procedure should be able to do the same thing for social philosophy..." Rothbard 1998: 29.

²⁷² Rothbard 1998: 29–34.

philosophy. The relevant feature in this initial arrangement is that Crusoe is *alone*,²⁷³ separated from society “and, to simplify matters, has contracted amnesia.”²⁷⁴ Therefore, in the initial analysis, his actions, wants and responsibilities cannot even remotely concern, or be determined by, anyone else than himself as a singular, isolated unit. This “Robinsonian isolation”²⁷⁵ is the default human existence, from which Rothbard infers a social ethic; this is the *prima facie* human state providing the rationale for the primary, self-evident axioms of libertarian jurisprudence. Moreover, Crusoe is the archetype of an independent, capable, exemplarily rational and determined ‘self-made man,’ thus ensuring some positive outcome for the analysis, and simultaneously embodying the evidently essential virtues of Rothbard’s anarcho-capitalist human.

4.3.1. Principle of Self-ownership

The sense of Robinsonian isolation is discernible also from the principle of ‘self-ownership,’ which is the foundational principle of Rothbard’s theory of property, and thus the key axiom of his whole political theory. In general, the principle of self-ownership, not uncommon in libertarian philosophy, asserts that each individual is a sovereign owner of their own person and body. The notion of self-ownership originates from Locke, who, in his account of rightful appropriation of property, asserts that “the earth and all inferior creatures be common to all men, yet every man has a property in his own person; this nobody has any right to but himself.”²⁷⁶ Locke then applies this assessment to the explanation of how people come to own things. The notion of ‘property in person’ is meant to justify little else, and, unlike with Rothbard, it does not serve as the key principle to the rest of the political theory.

Rothbard gives slightly differing accounts on how the principle of self-ownership is discovered or grounded in his system. In the first account of self-ownership, in “For a New Liberty,” Rothbard talks about a *right* to self-ownership, which means that each individual, as the owner of her body, is entitled to “control that body free of coercive interference.”²⁷⁷ Rothbard attempts to ground this on a simple rationalistic, eliminative argument. According to him, self-ownership must be a right that everyone has fully and individually, because the “only two alternatives” are both untenable. First alternative is any version of the idea that some people should have more rights to the bodies of people than others, be it an individual leviathan, an oligarchic elite, democratically elected

²⁷³ In the classic economic narrative, Friday is usually brought into the picture in order to analyze a more complex economy. Rothbard’s ‘Crusoe social philosophy’ draws all of its foundational axioms from Crusoe’s isolated state.

²⁷⁴ Rothbard 1998: 29.

²⁷⁵ Rothbard 1998: 29.

²⁷⁶ Locke 2002: 12 (section 27).

²⁷⁷ Rothbard 2006b: 34.

representatives or something comparable. This alternative is rejected, since it is by its definition inapplicable to serve as a foundation for an ethic for man as a *universal* being, having the same nature, and thus the same basic moral strictures, regardless of circumstances.²⁷⁸ The second alternative is “participatory communalism,” which holds that every individual should have the right “to own his equal quotal share of everyone else.” It is however concluded that this is also impossible, since then no one could take any action “without prior approval or indeed command by everyone else in society.” Here, Rothbard concludes that the third alternative, a universal right to self-ownership, is the only viable choice.²⁷⁹

Perhaps self-ownership is indeed the only reasonable alternative in a scenario where such a thing as ownership over persons is pre-established. Prior to any concept of property, however, there seem to be no grounds or means to establish this. Surely, then, there ought to be another alternative, one that holds that no one should own anyone, because persons simply *are* themselves, and not subject to their own or anyone else’s ownership.²⁸⁰ It should also be evident enough that in this case all action would not be rendered somehow illegitimate, as is allegedly the case in “participatory communalism” – if persons are not property, they do not need ‘prior approval or indeed command’ for using themselves to take action in the first place. Rothbard’s argument only works, if it is somehow already established that there are property rights, and that these rights concern also human bodies. However, the right to self-ownership is supposed to serve as a foundation for the theory of property, which founds the idea of property rights. Therefore, the argument about the ‘third alternative’ cannot yield the principle of self-ownership, since it cannot yield something that is implicitly established prior to itself; it cannot stand on its own shoulders.

In the second account of self-ownership, in “Ethics of Liberty,” with emphasis on natural law, the notion of self-ownership is instead presented as a natural, self-evident fact of human existence. Crusoe, in his post-amnesia *tabula rasa* condition, “discovers the natural fact of his mind’s command over his body and its actions: that is, of his natural *ownership* over his self.”²⁸¹ Here, the ‘natural ownership’ refers to a notion of having control over the body by some primordial, proprietary bond between the immaterial *ego* and its corporeal manifestation. Thus, the idea of self-

²⁷⁸ Rothbard 2006b: 34; see also Rothbard 1998: 42–43.

²⁷⁹ Rothbard 2006b: 34.

²⁸⁰ This seems to be the position of also some of the most sophisticated libertarian philosophers. Nozick famously grounds his theory of libertarianism on a post-Rawlsian normative assertion, “individuals have rights” (Nozick 1974: ix), and the concept of self-ownership is not at all mentioned in the index of his “Anarchy, State and Utopia.” Those sympathetic to Nozick’s version of libertarianism have been neutral to the concept of self-ownership in similar fashion.

²⁸¹ Rothbard 1998: 31. Italics in the original text.

ownership is grounded in a ‘broadly empirical’ fact, inferred from introspective apprehension, and thus allegedly entails no normative or socially conventional presuppositions.

Although the nature of the bond between mind and body has been an unsolved mystery in science and philosophy ever since René Descartes, few would try to deny that this connection exists. Thus, Rothbard seems to be on a firm ground here; it is indeed an inevitable, broadly empirical fact of human existence that we feel like we are comprised of a mind controlling a body.²⁸² However, more challenging than this implicit assertion of Cartesian dualism,²⁸³ is the claim that this primordial, allegedly proprietary bond between the mind and the body would be analogous to the bond between the person and the external, material objects he comes to call his ‘property.’ This naturalistic and descriptive (*viz.*, non-normative) version of the foundational principle of self-ownership thus presents that Crusoe would somehow intuit that the attachment between him and the coconuts he gathers is in some fundamental sense similar to the mind-body bond, which establishes his whole human existence; that due to the fundamentally similar natures of the coconut-Crusoe bond and the mind-body bond, both of these should be referred to with the same term, ‘ownership.’

It seems clear that Rothbard does not sincerely want to ground his theory of property on such an unlikely intuition. Instead, the principle of self-ownership implicitly and inevitably alleges some pre-existing, normative and conventional idea of ownership, as a subject having a *right* to an object. It therefore cannot be a sound foundational axiom for Rothbard’s theory of property without some pre-existing concept of *justice*. Indeed, the biggest challenge in the idea of self-ownership in Rothbard’s system is that it is ought to logically precede – and indeed serve as the foundation for – concepts that seem both necessarily and intuitively prior to it (justice, property). Therefore, the principle of self-ownership seems to be an attractive idea primarily to someone who is already sympathetic to some classical liberal or libertarian idea of property rights; it is a coherent principle only as a fundamentally normative assessment from an intuitivist, not rationalist basis.²⁸⁴

4.3.2. Labor Theory and Principle of Homesteading

The most distinctively Lockean application in Rothbard’s theory of property is the ‘labor theory,’ which gives an account of how individuals come to own property external to their bodies, after self-ownership over the body is established. Locke’s original account explains: “The labour of [a man’s]

²⁸² Modern-day neuroscientists or philosophers of the mind would perhaps suggest that the ‘control’ (*viz.*, ‘ownership’) might actually work the other way around; that despite our intuitive feeling of having our mind in control of our body, it is actually the body, which has more the control over both the mind and itself.

²⁸³ Cartesian dualism holds that there are basically two metaphysical planes: that of mind, and that of matter.

²⁸⁴ I believe Barry has the same notion; see Barry 1986: 182.

body and the work of his hands we may say are properly his. Whatsoever, then, he removes out of the state that nature hath provided and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property.”²⁸⁵ Locke gives an example of acorns picked up under an oak, maintaining that “labour put a distinction between them and the common...added something to them more than nature...and so they became his private right.”²⁸⁶ The idea here is that since people have ‘property in their persons,’ the labor that is being ‘mixed’ is also privately owned, thus transforming the commonly owned things into privately owned goods in the process. Hence, acorns under the oak are in a state of nature, and common to all, but the action of picking them up mixes one’s labor into them, and thus they become one’s private property.

Rothbard embeds this theory into his own system as such, connecting it to the principle of self-ownership in the same way as Locke. This enables Rothbard to decree that “Crusoe, in natural fact, owns his own self and the extension of his self into the material world, neither more or less.”²⁸⁷ Here, the distinction between Locke’s idea of more socially emergent ‘property in person’ and Rothbard’s idea of more metaphysically present natural self-ownership can be discerned; whereas Locke deems it conventionally *just* that the acorns should belong to him who picked them up, Rothbard insists that Crusoe’s ownership over his property is an extension of his *self* into the material world and thus a ‘natural fact,’ regardless of what anyone, indeed including Crusoe himself,²⁸⁸ should think of it. Indeed, Rothbard describes Crusoe’s acquisition and improvement of virgin land as an act of “stamping the imprint of his personality and his energy on the land,”²⁸⁹ calling material production a ‘fusion of spirit and matter’²⁹⁰ and produced goods ‘manifestations of man’s spirit.’²⁹¹ In this way, there truly is no clear boundary between the person and his property in Rothbard’s Grand System; they comprise a unified entity against which any aggression is a violation of property rights by the same rationale, be it a punch on the nose or an income tax.

The principle of ‘homesteading’ complements the Lockean labor theory. It is a simple rule of ‘first come-first served’ for any goods in their natural state (i.e. thus far appropriated by no one). There is, however, a certain limitation to initial acquisition in Rothbard’s system. Since Crusoe becomes the owner of his property by a natural process of extending his self into the material world through

²⁸⁵ Locke 2002: 12–13 (section 27).

²⁸⁶ Locke 2002: 13 (section 28).

²⁸⁷ Rothbard 1998: 34.

²⁸⁸ Rothbard states that even if Crusoe “happens to be a romantic opponent of the property concept,” he is helplessly, by virtue of control, use and transformation, the true owner of his property (Rothbard 1998: 34).

²⁸⁹ Rothbard 1998: 34.

²⁹⁰ Rothbard 1998: 31.

²⁹¹ Rothbard 1998: 31.

his labor, any *unnatural* claim to property is by the same rationale ineffectual. This means that the whole desert island does not become Crusoe's property, even if it is otherwise completely uninhabited, by virtue of his mere declaration; only labor (i.e. extension of one's self) counts as a legitimate acquisition of land or resources in the natural state.²⁹²

But this is the only notable limitation to the principle of homesteading. Unlike Locke, Rothbard does not decree that land or resources can be acquired only to the limit that "there is enough and as good left in common for others."²⁹³ This specification to the principle of justice in Locke's theory of acquisition is discussed at length by Robert Nozick, and has thereof become widely known as the 'Lockean proviso.' Nozick, who takes the proviso seriously, eventually interprets it as a prohibition against all such acquisition (not only homesteading), which would leave other individuals objectively worse off.²⁹⁴ In Nozick's view, the proviso functions as a safeguard against blatant injustice, such as someone purchasing the only water hole in a desert with the intention of charging excessively high prices.²⁹⁵ However, in Rothbard's individualistic natural law, only actual aggression against someone's property can count as a law violation; appeals to 'common interest' are invalid.²⁹⁶

4.3.3. Property Rights as Human Rights

In fact, it is not only the methodological individualism, which makes the purchase of the only water hole in the desert by a hypothetical, unscrupulous capitalist legitimate. All consequentialist reasoning is also excluded from Rothbard's axiomatic, *viz*, deontological,²⁹⁷ natural law. This means that an action is not considered just or unjust according to its consequences, but according to its actual ethical status in itself. In his attack against utilitarianism (which, for all Rothbard's intents and purposes, is interchangeable with consequentialism), Rothbard asks rhetorically: "But if it is legitimate to apply such judgments to the *consequences* of X, why is it not equally legitimate to

²⁹² To understand how people in a more developed capitalist system come to legitimately own more than that with what they have mixed their personal labor, yet keeping in accordance with Rothbard's theory of property, we would need to examine Rothbard's theories of contract and exchange. However, these theories, including fewer exceptional features and being ultimately reducible to these basic principles of the theory of property, are less relevant to our interests in this thesis.

²⁹³ Locke 2002: 13 (section 27).

²⁹⁴ Here, the situation after the acquisition is compared to the situation immediately before the acquisition, not to any hypothetical situation of what could have been.

²⁹⁵ See Nozick 1974: 174–182.

²⁹⁶ What is also potentially important to this point is that Rothbard, unlike Locke, does not start with a world that is initially *commonly owned*. In Rothbard's system, the world, in its natural state, is *unowned*. Therefore, no need to compensate those who are deprived the liberty to use the property arises.

²⁹⁷ Deontologists hold that actions have moral worth not according to their consequences, but in regard to our moral duties as human beings.

apply such judgments to X *itself*? May there not be something about an act itself which, in its very nature, can be considered good or evil?”²⁹⁸ The verdict is that if the acquisition of the water hole does not violate anyone’s property rights in itself, it should be allowed.

Therefore, Rothbard’s best solution to a situation where the poorest desert dwellers would now be dying of thirst due to overpriced water seems to be to categorize this type of situation as an ‘emergency situation,’ which means it is irresolvable by “a theory of normal situations.” Rothbard insists that the libertarian law code is meant “for the way life usually is, and not for rare and abnormal situations.” An extreme situation is “hardly a valid test of a theory of rights, or of any moral theory whatsoever.”²⁹⁹ Here, Rothbard surely agrees with Nozick’s conclusion to the discussion about the problem with the water hole: “I believe that the free operation of a market system will not actually run afoul of the Lockean proviso.”³⁰⁰ Indeed, the fact that the anarcho-capitalist theory breaks down in the case of the desert water hole is compensated by Rothbard’s argument that these kind of harmful monopolies are rare and temporary anomalies.³⁰¹

By now, it should be evident that the only possible violations of law in the Rothbardian system are those of property rights. Rothbard gives the definition of such infringement in simple terms: “direct physical interference with another man’s person or property,³⁰² or the threat of such interference.”³⁰³ The prohibition of this kind of infringement is called the ‘nonaggression axiom,’³⁰⁴ which only disallows the initiation of violent force (hence, using necessary violence in *defense* of one’s property is, of course, perfectly legitimate). This definition obviously presents the system with a myriad of problems, questions and difficult borderline cases: immediately, there is a vast variety of complications related to the correct interpretation of the words ‘direct,’ ‘physical,’ ‘interference’ and ‘threat.’ Rothbard dedicates a major part of his political works to providing answers to these questions, but these answers are not a matter of immediate concern for us.

What is a matter of immediate concern to us, instead, is the subsequent implication that in Rothbard’s system, *all* rights that individuals have are exclusively those of ownership; directly

²⁹⁸ Rothbard 2006b: 31. Italics in the original text.

²⁹⁹ Rothbard 1998: 149.

³⁰⁰ Nozick 1974: 182.

³⁰¹ See Rothbard 2009: 659–704.

³⁰² Here the words “or property” are actually unnecessary. This definition is given in “Power and Market,” which does not explicitly establish the principle of self-ownership.

³⁰³ Rothbard 2009: 1344.

³⁰⁴ Rothbard 2006b: 27. Elsewhere, the nonaggression axiom is often called ‘the principle of nonaggression.’ However, Rothbard insists that the right of self-ownership and the right to homestead “establish the complete set of principles in the libertarian system” (Rothbard 2006b: 47–48).

derived from the principle of self-ownership, *only property rights* are needed to sustain the anarcho-capitalist natural law. Rothbard is explicit about this: “The concept of ‘rights’ only makes sense as property rights.”³⁰⁵ Rothbard insists that “not only are there no human rights which are not also property rights, but the former rights lose their absoluteness and clarity and become fuzzy and vulnerable when property rights are not used as the standard.”³⁰⁶ Other commonly held rights, such as the right to free speech or the right to free assembly, are mere subordinate manifestations of property rights; if people stay within their property rights, they can say whatever they want, or assemble with each other in any way they choose. Then, expressing unpopular political opinions in a newspaper column or organizing a demonstration on a street concern exclusively the property rights of the owner of said newspaper, or of said street.³⁰⁷

Another inevitable implication is that there are no *positive rights*;³⁰⁸ all the property rights are strictly negative – that is, they posit a duty for the non-owners of the property only not to interfere. For example, one of the most basic positive rights in the mainstream of contemporary liberal thought, the right to life, is as nonexistent as any other positive right. Again, Rothbard concedes this with clarity: “The ‘right to life’ is fallacious phraseology, since it could imply that A’s ‘right to life’ can justly involve an infringement on the life and property of someone else, i.e., on B’s ‘right to life’ and its logical extensions. A ‘right to self-ownership’ of both A and B avoids such confusions.”³⁰⁹

Here, we are in a better position to understand the controversial conclusions at which Rothbard arrives in relation to the rights of children. According to Rothbard, parents are within their just rights if they allow their infants, unable to take care of themselves, to die (of starvation, for example).³¹⁰ Indeed, this can be very condemnable according to someone’s *personal morality*,³¹¹ yet, according to the anarcho-capitalist jurisprudence, there is nothing unlawful about this. Naturally, then, the same legal stance applies to helping (or not helping) anyone too sick, old, disabled, injured, poor or for some other reason comparably incapable of taking care of oneself.

³⁰⁵ Rothbard 1998: 113. See also Rothbard 2009: 1337.

³⁰⁶ Rothbard 1998: 113.

³⁰⁷ See Rothbard 1998: 117–118.

³⁰⁸ Positive rights are rights that posit positive duties on other people; see above chapter 2.1.3, page 13.

³⁰⁹ Rothbard 1998: 149.

³¹⁰ See Rothbard 1998: 97–112. This particular attitude had its definite predecessors in the individualist anarchist tradition. For example, Benjamin Tucker thought it would not be wrong for a mother to throw her baby on a fire, since infants belong as property to their parents (Barry 1986: 172).

³¹¹ As we have seen above, in chapter 4.2.4, page 50–52, there is a supposedly fundamental distinction between law and morality in Rothbard’s system.

4.4. Individualist Anarchist Radicalism

In addition to the praxeological method adopted from the Austrian school of economics, the doctrine of rationalistic natural law adopted from Thomist scholastic tradition, and the theory of property drawn from Lockean classical liberalism, the Grand System is complemented with radical elements adopted from the North American tradition of individualist anarchism. These radical elements comprise the least definite and systematically aligned component out of the four in the Grand System. Instead of providing any cohesive theory or methodology, the tradition of individualist anarchism rather manifests as a set of anti-establishment analyses, approaches and attitudes, adopted from a diverse selection of radical thinkers. This body of thought enables Rothbard to supplement his *a priori* free market tenets with a historically revisionist outlook, and, as Barry notes, “informs Rothbard’s writing with a peculiar kind of moral fervor.”³¹²

There is a long tradition of hostility against central government in North America, which has grown out of the American sense of independence and individuality, forged by the self-reliant settlers of the 17th and 18th centuries.³¹³ This anti-establishment sentiment has culminated in a special and characteristically American version of anarchism, which, apart from the influences of the French anarchist Pierre-Joseph Proudhon (1809–1865) and the German egoist anarchist Max Stirner (1806–1856), has been a distinctly domestic affair. To a large degree, the tradition of individualist anarchism is intertwined with the more mainstream current of traditional American liberalism, represented by Thomas Paine (1736–1809) and Thomas Jefferson (1743–1826). While Jefferson believed that the best government is that which governs the least, anarchists such as Benjamin Tucker approvingly concluded that “and that which governs the least is no government at all.” This led Tucker to insist that anarchists are simply “unterrified Jeffersonian Democrats.”³¹⁴

Individualist anarchism reaches the conclusion of moral necessity of the dissolution of the State from different premises than the wider tradition of collectivist anarchism.³¹⁵ Instead of rejecting the oppressive power structures that the State establishes within the otherwise purportedly peaceful and harmonious *society*, the starting point for individualist anarchism is the sovereign *individual*, whose freedom and autonomy is unjustly violated by state compulsion. Individualist anarchism, then, is not incompatible with private property and economic competition between individuals. However,

³¹² Barry 1986: 173.

³¹³ Marshall 2008: 384.

³¹⁴ Marshall 2008: 390. The influence of the 18th century American revolutionaries in the radical individualist tradition is also emphasized by Rothbard (see Rothbard 2006b: 2–7).

³¹⁵ Or ‘social anarchism.’ Right-wing anarchists also use the term ‘left-anarchism.’

most of the eminent individualist anarchists in history still maintain that the economic system in a truly free society would bear little or no resemblance to capitalism as we know it.

From one perspective, the system of Tucker and Lysander Spooner can be considered a proto-version of Rothbard's fully developed anarcho-capitalism. Barry asserts that "Rothbard's anarchism is really the Spooner-Tucker tradition corrected with Austrian insights."³¹⁶ However, influenced by Proudhon, Stirner, the transcendentalist movement³¹⁷ and the former 'Owenite'³¹⁸ anarchist Josiah Warren (1798–1874),³¹⁹ the Spooner-Tucker anarchism still had its definite collectivist elements, at least in comparison to Rothbard's system. Indeed, historian of anarchism Peter Marshall clearly disagrees with Barry's assertion, pointing out that Tucker did not, for example, recognize any inherent right to property.³²⁰ In the end, Marshall refuses to place Rothbard's anarcho-capitalism, which "overlooks the egalitarian implications of traditional individualist anarchists like Spooner and Tucker," even in the same camp with what he evidently deems true anarchism: "Anarcho-capitalists, even if they do reject the State, might therefore best be called right-wing libertarians rather than anarchists."³²¹

Rothbard's system, with its disregard to both the demands of socio-economic equality and the pursuit to overthrow the hierarchical structures of society,³²² indeed seems to place itself outside the anarchistic tradition. Therefore, the radical analyses, approaches and attitudes, although pervasive in all of Rothbard's thought, are best seen as merely appropriated from the anarchistic tradition, and comprising a component of their own within the Grand System. Furthermore, not all of the thinkers contributing to this radical outlook can be considered anarchists. In addition to Tucker, Spooner, Albert Jay Nock and Frank Chodorov, notable contributors are also essayist Randolph Bourne (1886–1918) and German sociologist Franz Oppenheimer (1864–1943).³²³ The aggregate effect of these radical social theorists to Rothbard's view is a certain historical revisionism, invigorated by

³¹⁶ Barry 1986: 174.

³¹⁷ The most notable transcendentalists are Ralph Waldo Emerson and his disciple Henry David Thoreau.

³¹⁸ Josiah Warren was a member of an anarchist commune "New Harmony" in Indiana, led by utopian socialist Robert Owen. Eventually Warren became disillusioned with Owen's 'communism' and left New Harmony to found his own, more individualist anarchist communities, most successful of them being the "Modern Times" community on Long Island, approximately 1850–1860 (Marshall 2008: 385–387).

³¹⁹ See Marshall 2008: 387–391; See Barry 1986: 169.

³²⁰ Marshall 2008: 561–562.

³²¹ Marshall 2008: 565.

³²² Rothbard was an explicit proponent of the idea of 'natural aristocracies,' explaining that "natural inequality of ability and of interest among men must make elites inevitable," and one must "accept the universal necessity of leaders and followers" (Raimondo 2000: 189).

³²³ With a broader outlook, the list of contributors could be continued with the additions of economists Joseph Schumpeter and Gustave de Molinari with their radical laissez-faire theories, revisionist historian Gabriel Kolko and staunch anti-federalist politician of the antebellum South, John C. Calhoun.

keen hostility toward the State and culminating in a radical and exceptionally grim philosophy of history.

4.4.1. Radical Analysis of the State

In Rothbard's analysis, the State, by its very definition, can never be a Lockean social contract, that is, a mutually beneficial covenant among well-meaning individuals. Instead, it is always an inherently immoral and oppressive, self-interested organism. Whereas Ludwig von Mises deems the government intervention on the free market simply irrational and mistaken due to the consequent loss in absolute utility, Rothbard disagrees and considers it perfectly rational and appropriate from the part of the self-interested, 'predatory' representatives of the State.³²⁴ In his essentialist view, it does not matter in which manner the State is formed, what its constitution decrees or how its operation is limited by a separation of powers;³²⁵ not only is the State always illegitimate, but it always submits to the same, fundamental, 'parasitic nature,' with an inevitable inclination to perpetually grow and exceed its former constitutional limits.³²⁶ Thus, Rothbard urges to "simply think of the State as a criminal band, and all of the libertarian attitudes will fall into place."³²⁷

Naturally, there is a host of anarchist thinkers anticipating this kind of view, any of which could be plausibly assumed as an influence on Rothbard's account. However, there are a smaller number of radical thinkers who have significantly greater influence on this position than others. Rothbard's radical analysis relies heavily on the sharp distinction between state and society drawn by Randolph Bourne, whose catchphrase 'war is the health of the State' is often approvingly quoted by Rothbard.³²⁸ Similar, stark contrasts and dichotomies are made by Franz Oppenheimer, who argues that all means of obtaining wealth can be divided into two mutually exclusive categories: the 'economic means' of production and voluntary exchange, and the 'political means' of robbery by the use of violence. It follows that all politics, by definition, is criminal activity in Rothbard's radical account.³²⁹ In effect, the only legitimate form of social cooperation is the free market.

³²⁴ See Rothbard 2006b: 61–62; Raimondo 2000: 224.

³²⁵ "For libertarians regard the State as the supreme, the eternal, the best organized aggressor against the persons and property of the mass of the public. *All States everywhere, whether democratic, dictatorial, or monarchical, whether red, white, blue or brown.*" Rothbard 2006b: 56. Italics in the original text. See also Rothbard 2009: 1065–1067.

³²⁶ See Rothbard 2006b: 58–61.

³²⁷ Rothbard 2006b: 57. The notion of the parasitic nature of the State originates from the utopian socialist Henri de Saint-Simon, who prophesized that the government of people will be replaced by 'the administration of things' (Berlin 1968: 1).

³²⁸ See Rothbard 2006b: 347–349. The idea of war being the 'health of the State' connects to the conspiracy theory of history, discussed below in chapter 4.4.2, page 66.

³²⁹ See Rothbard 2006b: 61–62; Rothbard 1998: 166; Rothbard 2009: 1057. The 'crime' here is, of course, not against the positive law imposed by the State, but against the anarcho-capitalist natural law.

This analysis divides the society into two classes: the tax-payers (producers) and the tax-consumers (parasites).³³⁰ Instead of the Marxist view of the historical class struggle between the bourgeoisie and the proletariat, Rothbard sees the real class division between the ‘traders’ and the ‘warriors.’³³¹ In this sense the Marxist philosophy of history is, from the perspective of Rothbard’s system, confused more about the solution to the problem, than its premises. The struggle is indeed over the control of the means of production, but not over *who* controls them, but over *whether* they are controlled.³³² Here, Rothbard’s philosophy of history echoes the more general libertarian and classical liberal grand historical narrative, that the history is an incessant battle between *power* and *liberty*.³³³ This is put in no unclear terms by minarchist³³⁴ libertarian David Boaz: “In a sense there have always been but two political philosophies: liberty and power.”³³⁵

In the chapter on atomistic individualism, we have already seen the application of the ‘reducibility thesis’ of methodological individualism in Rothbard’s Grand System.³³⁶ The reducibility thesis is the simple idea that such entities as ‘society’ or ‘market’ can only have the attributes of their components; they are no more than the sum of their parts, and can always be reduced down to the singular instances, like individual people or bilateral exchanges. Since a society is no more than an aggregate of the individuals, it never causes the actions of an individual as such, and ‘common interest’ must be understood as no more than the aggregate of the interests of the individuals.

Rothbard’s analysis of the State seems to make the only exception to the reducibility thesis in his system. If the State is only an aggregate of its representatives (individuals with libertarian free will), how can it have its own ‘parasitic’ nature? Rothbard simply asserts that it is in the interest of the ‘parasite class’ to exploit those who take part in productive activity. However, in Rothbard’s methodological individualism, there should be no such thing as a *class interest*. This implicit Marxism seems to betray Rothbard’s methodological individualism;³³⁷ the assertion seems to be that the State is definitively and essentially coercive against its subjects in a predatory manner. However, it should not be possible that the actions of the state officials are dictated by the fact that they belong to a social entity; there should be no way to determine their subjective self-interest.

³³⁰ Rothbard 1998: 176–177; Rothbard 2009: 1062–1064, 1256.

³³¹ See Rothbard 2006b: 64–65. Dividing the society into ‘traders’ and ‘warriors’ is also the rhetoric of Ayn Rand.

³³² Of course, being ardently against economic and social determinism, Rothbard would not express his view in these terms. Nevertheless, this is the basic idea of Rothbard’s philosophy of history translated into the language of Marxists.

³³³ This distinction has been discussed in chapter 2.1.2, page 12.

³³⁴ This is the version of libertarianism that sees a minimal government, a ‘night watchman-state,’ as a necessary evil.

³³⁵ Boaz 1997: 27.

³³⁶ See above chapter 4.1.2, page 41. For a further discussion of the reducibility thesis, see Haworth 1994: 12–14.

³³⁷ The common ground between the Marxist and anarcho-capitalist conception of the State is noted also by Norman Barry, although from another perspective; see Barry 1986: 165.

Even if the alleged inclination of the warriors to exploit the traders should be understood only as a historical, empirical notion, it does not remove the contradiction between the essentialist idea of the parasitic nature of the State and the individualist principles of the rest of Rothbard's social theory. To be consistent, Rothbard should hold that any instance of exploitation takes place only among individuals, and is an outcome of solely individual choices – in short, 'parasitism' should also be reducible. This inconsistency might not eventually be an insurmountable problem for the Grand System, but it does reveal the fact that Rothbard has adopted his radical conception of the State from a tradition ultimately antithetical to his strictly atomistic methodological individualism.

According to Rothbard, the parasitism entailed in the essence of the State is against man's nature; among the first things Crusoe learns about his existence is that he "must produce before he can consume, and so that he may consume."³³⁸ After all, it would be *irrational* to expect being able to do otherwise – to only benefit without contributing; to only reap without sowing. This notion ultimately enables Rothbard to proclaim his system of anarcho-capitalism to be "the only theory that is really consistent with the nature of man and the world."³³⁹

4.4.2. Conspiracy Theory of History

If participating in a predatory State is against man's nature, whereas anarcho-capitalism is the only philosophy compatible with said nature, the question arises: Why, then, are all societies statist (*viz.*, run by governments), and none of them anarcho-capitalist? Not only have there been no anarcho-capitalist societies in the known history, the contentment in state rule in the contemporary world is undeniably substantial.³⁴⁰ On an empirical level, this simple observation threatens the plausibility of Rothbard's radical analysis of the state, especially with the allegation of its fundamental conflict with the human nature included. Rothbard does not address this paradox directly, but his quasi-sociological argument about the rule of intellectual elites over societies offers an explanation. It combines Oppenheimer's social theory with the revisionist notion of 'court historians' by Harry Elmer Barnes.³⁴¹ In apparent anticipation of predictable criticism against the argument, Rothbard admits that it has the sense of a 'conspiracy theory of history.'³⁴²

³³⁸ Rothbard 1998: 30.

³³⁹ Rothbard 2006b: 381. Later, Rothbard repeats this point: "In the broadest and longest run sense, libertarianism will win eventually because it and only it is compatible with the nature of man and the world." Rothbard 2006b: 394.

³⁴⁰ Admittedly, there might be a lot of disagreement over *who* should run the State, but there is remarkably little disagreement over whether the State should be run by *someone*.

³⁴¹ See Raimondo 2000: 15. Barnes's successful career as a revisionist historian took an extremely controversial turn toward the end: he eventually became a major figure in the Holocaust denial movement.

³⁴² See Rothbard 2006b: 70.

The first part of this argument is the theory of state-through-conquest, adopted from Oppenheimer. It asserts that no state ever truly arose in the ‘social contract’ manner described by Hobbes, Locke or Rousseau; people never came together in some point of prehistorical time to forge a common code of conduct for everyone’s mutual benefit.³⁴³ Instead, according to Rothbard, the original formation of the State must have been a process of sporadic raiding and pillaging by a powerful warrior tribe gradually becoming more regular, predictable and systematized (perhaps for the benefit of all parties involved), until the conquering chieftains settled among their victims and started ruling over them as primitive feudal lords. Even if some states emerged in a less violent process, they inevitably either had to eventually become militarized and thus coercive, or be destroyed or enslaved in a confrontation with a neighboring warrior tribe or a militarized state.³⁴⁴

The second part of the argument acknowledges that all State power, in the long run, must nevertheless depend on the consent of the majority.³⁴⁵ Here, Rothbard presents his idea of ‘court intellectuals,’ an intelligentsia favorable to the State, coexisting in a *quid pro quo* symbiosis with the “oligarchic group of predators.”³⁴⁶ “Many and subtle are the ideological weapons the State and its intellectuals have used over the centuries to induce their subjects to accept their rule,”³⁴⁷ Rothbard claims, and gives the examples of appealing to the tradition of the community, making state rule seem an inevitable necessity, or creating a sense of nationalist unity with the government as its culmination.³⁴⁸

The argument is not implausible as such. However, instead of deeming the formation of these alleged class dynamics an organic or a spontaneous process, Rothbard denounces the modern “opinion moulding” and “consent engineering” as a “gigantic con job on the deluded public, a con job that continues to this day.”³⁴⁹ Allegedly, an example of the harmful myths that the court intellectuals have engineered in their service of the State (with special importance to Rothbard’s own intellectual project) is one “implanted by antiliberal German historians of the nineteenth century” – that the growth of the State was necessary for the development of capitalism.³⁵⁰

³⁴³ Of course, Hobbes, Locke and Rousseau did not intend the agreement on a social contract to be some actual historical event. However, they saw value in stipulating the concept as an idealization of how states are formed; this value is emphatically denied by Rothbard.

³⁴⁴ See Rothbard 2006b: 78.

³⁴⁵ In support of this, David Hume is invoked; see Rothbard 2006b: 66.

³⁴⁶ Rothbard 2006b: 66–67. Perhaps most famously, Rothbard accused Milton Friedman, the alleged libertarian economist, of being an “establishment’s court intellectual” (Rothbard 2002: 37, 53).

³⁴⁷ Rothbard 2006b: 68.

³⁴⁸ Rothbard 2006b: 68–72.

³⁴⁹ Rothbard 2006b: 13.

³⁵⁰ Rothbard 2000: 22–23.

5. Freedom as a Condition of Property Rights

We are now in a position to see the total function of the Grand System. Inheriting its methodology from the Austrian School and establishing itself on the foundation of rationalistic natural law, the superstructure of simple, axiomatic laws – and the entire spontaneous societal order of the free market – emanate from a few key Lockean principles. The coherency and consistency of the system ensures that its verdicts are always reducible to the basic principles. The historical narratives of individualist anarchism then explain the asymmetry between the true moral superiority of this *a priori* configuration and our dismal *a posteriori* empirical evidence for it in the actual world.

In this chapter, I will examine how the concept of liberty is involved in this unique, uniform composition. However, the attempt in this chapter is not to speculate over the social arrangements that will most likely emerge, and then proceed to examine how these arrangements provide the conditions for individual liberty. As we have seen, the Rothbardian ethics do not derive their justification from consequentialism. This means that mere end-state arguments about the nature of liberty in an anarcho-capitalist society will fail to address the deontological rationale of the system itself.³⁵¹ Moreover, as we will see below, Rothbard defines liberty in terms of property rights, what makes the concept challenging to reconcile with more general arguments about individual liberty.

After Rothbard's monistic definition for liberty and its symmetry with the concept of justice have been examined (5.1.), I will investigate the nature of Rothbard's liberty account directly within the Berlinian framework. I will argue that due to its underlying atomistic conceptions, Rothbardian liberty is completely void of the positive aspect of freedom (5.2.1.), although it is eventually incompatible with the concept of negative liberty, as well (5.2.2.). However, Rothbard's comprehensive rejection of the Berlinian model inadvertently reveals a logical contradiction in Rothbard's own account (5.2.3.).

Nevertheless, there are some more straightforward problems in Rothbard's definition for liberty. These are due to its very counterintuitive preclusion of freedom of action (5.3.). After these have been examined, I present a case example of political liberty in anarcho-capitalism, contrasting perhaps the best-known argument for freedom of speech, by John Stuart Mill, with Rothbard's account on the same subject (5.4.). I contend that by virtue of this comparison, we can eventually affirm that Rothbard's system of anarcho-capitalism is irredeemably incompatible with the tradition of classical liberalism and libertarianism, in the sense in which they are discussed in chapter two.

³⁵¹ We have already witnessed the deontology of Rothbard's ethics; see above chapter 4.3.3, page 58–59.

5.1. Monistic Definition for Freedom

The anarcho-capitalist definition for freedom is given in no uncertain terms in all of Rothbard's central political works. In "Power and Market," Rothbard asserts: "liberty is defined as freedom to control *what one owns* without molestation by others."³⁵² In "For a New Liberty," the definition is given according to the same rationale: "Freedom is a condition in which a person's ownership rights in his own body and his legitimate material property are *not* invaded, are not aggressed against."³⁵³ This is indeed Rothbard's complete definition for freedom, to which he is consistently and fully committed also in his more detailed and philosophically ambitious 'theory of liberty,' in "Ethics of Liberty." There, Rothbard defines the concept of liberty in similar terms, insisting that "every man enjoys absolute freedom – pure liberty – if, like Crusoe, his 'naturally' owned property (in his person and in tangibles) is free from invasion or molestation by other men."³⁵⁴

As we have seen, the jurisprudence of the Grand System is completely reducible to property rights. The concept of freedom, as an integral part of this jurisprudence, makes no exception to this. An individual is deemed free if and only if her property rights are not violated. This is the only necessary and, simultaneously, the only sufficient condition for being free in the anarcho-capitalist society. Thus, we see that the concept of freedom is determined as completely and unequivocally subordinate to (and dependent on) property rights.

The disproportionate one-sidedness of this definition seems, at first glance, peculiar and inadvertent. However, the rigidity of the definition is deliberately set for the purpose of logical coherence and uniformity within the Grand System. As perfectly consistent ethics founded on universal reason, the Rothbardian system cannot allow for any contingency or 'second guessing' in moral and political issues; if the libertarian law code is based on natural strictures of rationality and deduced axiomatically from self-evident principles, it cannot yield contradictory or contingent interpretations of the universal natural law. As we have seen in the case of praxeology, logically reducible axioms require one, absolute set of basic normative judgments at their basis. Hence, mutually competing values cannot, and indeed *ought* not, emerge within Grand System. This is what Rothbard has in mind, when he talks about the 'science' of "consistent liberty":³⁵⁵ the condition of anyone's political freedom can be objectively determined in the same way as Crusoe's ownership over his possessions – by inspecting the natural facts of the objective world.

³⁵² Rothbard 2009: 1342. Italics in the original text.

³⁵³ Rothbard 2006b: 50. Italics in the original text.

³⁵⁴ Rothbard 1998: 41.

³⁵⁵ Rothbard 1998: 257.

Thus, we see that the underlying *value monism* entailed in Rothbard's optimistic pursuit of a rationalistic natural law is by no means a coincidental byproduct. Instead, it is an inevitable and integral feature of the system, enabling the anarcho-capitalist law code to achieve its objective status as universal ethics, which everyone can access through their natural faculty of reason, embedded in the human nature regardless of time and place. This monism allows for the verdicts of the Rothbardian law to be definite, indisputable and uniform.

5.1.1. Symmetry between Justice and Liberty

A notable implication here is that the concept of liberty becomes indistinguishable from the concept of *justice*. Since both of these concepts are by definition subordinate to property rights, they become merely slightly different approaches to the one true, supreme moral order of things. Because both exclusively concern acting in accordance with the nonaggression axiom and respecting the property rights of every individual, it becomes impossible to do injustice without violating against someone's liberty, and, *vice versa*, it is then not possible to encroach on someone's freedom without simultaneously acting unjustly. In fact, even though he does not address the symmetry between justice and liberty directly, Rothbard confirms, in the end of "Ethics of Liberty," that liberty is basically a "principle of justice."³⁵⁶ This symmetry is, then, deliberate, consistent and indeed a rather necessary trait in the system. However, it seems to weaken the status of liberty as an intrinsic value in Rothbard's system: it is difficult to see, how freedom is the pivotal formative value of anarcho-capitalism, if it is, by its given definition, indistinguishable from other values.

The symmetry of liberty and justice is an undeniable demonstration of value monism, and indeed seems to place Rothbard's liberty concept into the monistic tradition of philosophies of freedom that Berlin deems implicitly totalitarian.³⁵⁷ For a noticeable example of this, we can take the ideas of Jean-Jacques Rousseau, a central exponent of the positive liberty tradition, and see that they entail the symmetry between justice and liberty in much the same way as Rothbard's system: by making the social contract, the people 'convert' their independence to "political and moral freedom" by submitting to the law.³⁵⁸ For Rousseau, freedom is always symmetrical with the General Will; for Rothbard, it is always symmetrical with acting in accordance with man's universal nature.³⁵⁹ Both Rousseau and Rothbard assert: a man is not made less free by being denied that which is unjust.

³⁵⁶ Rothbard 1998: 258.

³⁵⁷ See above chapter 2.2.2, page 17–19; see above chapter 4.2.4, page 51.

³⁵⁸ Rousseau 1967: 34.

³⁵⁹ See above chapter 4.2.1, page 46.

This is exactly the assertion which the classical liberals of the ‘negative’ tradition, like Mill, Constant and Berlin, want to deny.³⁶⁰ Emphasizing this distinction, Berlin also invokes Hobbes, who, of course, is not usually considered a liberal, since he argues for the necessity of submitting to an absolute sovereign. Hobbes, nevertheless, “did not pretend that a sovereign does not enslave; he justified this slavery, but at least did not have the effrontery to call it freedom.”³⁶¹ In this respect, we find Rothbard siding with Rousseau against the ‘negative’ tradition of classical liberalism and libertarianism. Rothbard’s ‘sovereign,’ the anarcho-capitalist law, is perhaps essentially negative, and thus categorically non-coercive,³⁶² but its strictures are, like those of Rousseau’s General Will, in inherent, definitive harmony with liberty, independently from their *a posteriori* implications.³⁶³

The monistic symmetry of liberty and justice furthermore affirms the status of the anarcho-capitalist law as an indisputable statute. This indisputability becomes ever more crucial, when we consider the legal system Rothbard proposes. In a competitive system of private courts and private arbitrators, all reacting to the incentives of the free market, the actual practice of the law is bound to be determined by the law of supply and demand. It is not difficult to imagine, then, that there would be a higher demand for a law that reflects people’s moral intuitions, *viz*, *personal morality*, better than the rigorous commitment to negative property rights – for example, a higher demand for a law that protects infants from possible neglect of their parents. Enforcing this kind of positive law would, however, contradict and undermine the purely negative anarcho-capitalist law, opening the door to all positive rights and other deviations.

Thus, by making the basic strictures of the anarcho-capitalist law solid, strict and accessible by everyone’s reason, Rothbard indirectly responds to the kind of criticism presented by conservative intellectual Walter Berns: “Truth might *lose* in the marketplace,” but radical libertarians seem to believe in “the operation of the opposite of Gresham’s law.”³⁶⁴ By pointing this out, Berns addresses the wider issue in anarcho-capitalism: we do not know, what the emergent morality will be, when shaped by both the spontaneous order of the free market and the anarcho-capitalist law. In other words, we do not know, whether reducing the justice of the universal law to mere property rights will eventually similarly reduce and conform that ‘justice’ of the personal morality.

³⁶⁰ Berlin 1968: 27.

³⁶¹ *ibid*.

³⁶² See above chapter 4.2.4, page 51.

³⁶³ Being in implicit agreement with Rousseau in this respect does not mean that Rothbard’s concept of liberty would, as such, belong to the ‘positive’ camp. On the contrary, Rothbard’s liberty concept is strictly negative. This is shown below in chapter 5.2.1, page 73.

³⁶⁴ Nash 1976: 221–222. Italics in the original text. Gresham’s law is a monetary principle, which states that in the market, ‘bad money’ will drive out the ‘good money’ from circulation.

5.2. Challenging the Berlinian Model

There is a distinct similarity between Rothbard's idea of property-bound freedom and Isaiah Berlin's idea of negative freedom. As we have seen, Berlin's negative freedom concept, correctly understood, entails the idea of basic human rights, which, as "walls against the oppressor," outline some baseline sphere of negative liberty supposedly inviolable by any authority.³⁶⁵ This seems undeniably compatible with Rothbard's concept of freedom; there, the walls against the oppressor are the legitimate property rights of an individual, and the sphere of liberty is her justly owned property. Rothbard himself concedes this: "Superficially, Berlin's concept of negative liberty seems similar to the thesis of the present volume: that liberty is the absence of physically coercive interference or invasion of an individual's person and property."³⁶⁶

Perhaps it is the notion that Berlin's model comes so close to that of Rothbard's theory of liberty that makes Rothbard attack Berlin's theory with such dismissive hostility.³⁶⁷ Rothbard insists that there are "several grave and basic problems with Berlin's fulminations," namely lack of "even a slight acquaintance with economic science," and, more importantly, confusion between the concepts of 'liberty' and 'opportunity.' The result, according to Rothbard, is that Berlin ends up "scuttling the very concept of 'negative' liberty on behalf of concepts of positive power or wealth" and is consequently determined to "fall, willy-nilly, into the 'positive liberty' camp."³⁶⁸

Naturally, Rothbard dislikes Berlin's claims about 'evils of laissez-faire' leading to 'brutal violations' of negative liberty. Regarding the hardline capitalist position Rothbard is committed to, it is hardly surprising that he emphatically rejects Berlin's idea that socialism, with as much validity as capitalism, could be constructed from considerations of the claims of correctly understood liberty.³⁶⁹ This is what Rothbard refers to, when he accuses Berlin of scuttling his own concepts and abandoning the idea of negative liberty he originally set out to defend. This, however, only reaffirms the suspicion that the liberty concepts of both Rothbard and Berlin are, by their basic structure, similar and compatible. Berlin's mistake, according to Rothbard, is that he is giving up his strictly negative concept of liberty, but this seems very incompatible with his simultaneous claim to want to reject that concept.

³⁶⁵ See above chapter 2.2.1, page 15–16.

³⁶⁶ Rothbard 1998: 215. Peter Marshall, on the other hand, states bluntly: "The anarcho-capitalist definition for freedom is entirely negative." Marshall 2008: 564.

³⁶⁷ This refers to Rothbard's 'ideological combativeness,' see above chapter 3.3, page 31–32.

³⁶⁸ Rothbard 1998: 215–218.

³⁶⁹ See above chapter 2.2.1, page 15–17.

5.2.1. Positive Liberty as Power

Besides the offence by Berlin's "frenetic and self-contradictory assaults on laissez-faire,"³⁷⁰ there are three critical, key observations Rothbard makes about Berlin's liberty account, upon which he constructs his argument of Berlin's concept of liberty being confused in comparison to the anarcho-capitalist property-bound liberty. The first of these observations is the claim that positive liberty "refers not to liberty at all but to an individual's effective power or mastery over himself or his environment."³⁷¹

The curious aspect of this charge is that it is not completely clear that Berlin would even disagree with the claim. In the discourse that has followed "Two Concepts of Liberty," it has been quite unambiguously established that positive liberty is an authentic sense of *liberty* (and not *power*), but in the original essay, Berlin makes some remarks that seem rather sympathetic to Rothbard's position. "If I say that I am unable to jump more than ten feet in the air, or cannot read because I am blind...it would be eccentric to say that I am to that degree enslaved or coerced," states Berlin in his essay.³⁷² With similar reasoning, Rothbard asserts, "when we say that 'man is not "free" to leap the ocean,' we are really discussing not his lack of freedom but his lack of *power* to cross the ocean, given the laws of his nature and of the nature of the world."³⁷³

Only two things can be said with certainty about Berlin's position on this matter. First, as we have clearly seen, he considers positive liberty a dangerous idea, if it has the potential to become the primary sense of the concept of liberty in any dominant ideology. Second, he however deems positive liberty "a valid universal goal" in itself and therefore a justified requirement to be met in any society.³⁷⁴ It is nevertheless more ambiguous, if he would accept positive liberty, to perhaps some secondary degree, as an aspect of correctly understood freedom. As we have seen, his comments on this seem somewhat contradictory.³⁷⁵ It is not certain, then, under which category Berlin would rather place positive liberty: the category of freedom or the category of power.

To Rothbard, however, the idea of positive freedom is merely another clear instance of the "age-old confusion of freedom with power or abundance."³⁷⁶ This does not mean, however, that the demands

³⁷⁰ Rothbard 1998: 216.

³⁷¹ Rothbard 1998: 215.

³⁷² Berlin 1968: 3.

³⁷³ Rothbard 1998: 33. Italics in the original text.

³⁷⁴ Berlin 1969: xvii.

³⁷⁵ See above chapter 2.2.1, page 16.

³⁷⁶ Rothbard 2009: 1347.

of positive liberty would be completely ignored in all of the Grand System. The emphasis on the minimum but absolute requirements of autonomy (*viz.*, self-mastery, self-governance; positive liberty), is quite distinct in the foundational elements of Rothbard's theory of liberty. Primarily, as we have seen, it is simply asserted that individuals have, in all cases of purposive action, free will.³⁷⁷ This meets the psychological condition of autonomy. Secondly, there is the 'natural fact' of self-ownership, which satisfies the material condition of autonomy.³⁷⁸ Here, the crucial feature of these minimum requirements of autonomy is that they are universally valid and applicable regardless of the circumstances. This is essential to the timeless and rationality-reducible nature of Rothbard's system.

It follows that the concept of political freedom in Rothbard's system is completely void of Berlin's positive liberty. The minimum requirements of autonomy are already met by virtue of basic human existence in Rothbard's system; free will and self-ownership are self-evident, natural facts, and thus in no way dependent on (and cannot be influenced by) political, *i.e.* *interpersonal* relations. In this sense, even the most poverty-stricken, underprivileged individual in Rothbard's ideal society has the same degree of autonomy as a wealthy and powerful man; they both have full ownership over their own persons and are equally free to employ their reason to make choices that they believe best fulfill their ends. The difference between them is allegedly similar to that between Crusoe just recently shipwrecked and Crusoe after years of 'extending himself' into the material world,³⁷⁹ whatever the changes in Crusoe's material conditions, his natural autonomy (the state of his free will and self-ownership) is always absolute. Barry asserts that Rothbard's freedom concept cannot be deemed positive, since property-bound freedom is not a content of one's actions, and little psychological conditions are set for autonomy.³⁸⁰ Although this is surely true, it seems to understate the issue: political freedom is defined in purely negative terms in Rothbard's system.

5.2.2. Negative Liberty and Negative Property Rights

The second critical, key observation Rothbard makes about Berlin's liberty account is that the definition for negative liberty lacks the supposedly crucial aspect of property rights: "Berlin's fundamental flaw was his failure to define negative liberty as the absence of physical interference with an individual's person and property, with his *just property rights* broadly defined."³⁸¹

³⁷⁷ See above chapter 4.1.2, page 42.

³⁷⁸ See above chapter 4.3.1, page 55–56.

³⁷⁹ This refers to Rothbard's version of Locke's theory of labor, see above chapter 4.3.2, page 57.

³⁸⁰ Barry 1986: 180–181.

³⁸¹ Rothbard 1998: 216.

However, Rothbard does not explain how we are able to tell that the concept of negative freedom fails to fit this definition. Apart from invoking ‘basic human rights,’ Berlin has no positive account of where the boundaries of negative freedom should exactly be drawn.³⁸² His only actual claim is that the area outlined by these boundaries is what deserves to be called ‘freedom,’ unlike the authority to define (or participate in the process of defining) these boundaries. As such, this claim is clearly compatible with the idea of freedom as a condition of property rights.

On this particular point, an insightful point is made by Barry, who insists that “it would be misleading to say that [Rothbard’s concept of freedom] is even a variety of ‘negative’ liberty.”³⁸³ This is because freedom is not defined as absence of constraint, but as absence of aggression. In Rothbard’s system, a person is not ‘free’ to do that which he does not have the *right* to do. In other words, since there are no mutually competing values, the true rights and liberties of all the individuals are in mutual harmony. Here, the symmetry between freedom and justice becomes, again, conspicuous: an individual is *free* to do exactly what she is *entitled* to do.

This is indeed a decisive difference to the Berlinian notion of negative liberty, which deems it apparent that one’s liberty ends where another’s rights begin; there, liberty and justice are, in a definite way, mutually exclusive, and thus competing. Rothbard’s concept of property-bound liberty, by virtue of being a condition of property rights and thus symmetrical with justice, avoids this competition, and thus distinguishes itself from the general concept of negative liberty. Ending an invasion on property does not reduce the liberty of the invader, since he was not entitled to the invaded property in the first place.³⁸⁴ Obviously, however, it does indeed increase the liberty of the invaded party. Therefore, in this case, we can see a *net growth* in the degree of overall liberty.³⁸⁵ Indeed, if all aggression against all property would end, as the demands of justice would require, all individuals would, in theory, achieve the state of perfect liberty.

Nevertheless, this should, by no means, be understood as contradicting that already established notion of Rothbard’s freedom concept being purely ‘negative’ in the *general* sense of the word. As we have seen, property-bound freedom is indeed *absence* of aggression, invasion and infringement. This explains why Rothbard condemns Berlin’s alleged shift away from the negative definition of liberty; Rothbard indeed does think that liberty should be defined in strictly negative terms.

³⁸² As we have seen, there is no reason, according to Rothbard, why the idea of basic human rights should be incompatible with his system; see above chapter 4.3.3, page 58–60.

³⁸³ Barry 1986: 180.

³⁸⁴ See Rothbard 1998: 42.

³⁸⁵ See Barry 1986: 180–181. Of course, measuring ‘overall liberty’ sounds inadvertently utilitarian; Rothbard does not put the case in these terms.

5.2.3. Giving Up Wants and Giving Up Property

In addition to criticizing the inclusion of positive liberty and the exclusion of property rights, one more of “Berlin’s fallacies and confusions”³⁸⁶ concerning his liberty account is brought forth by Rothbard: a mistake in Berlin’s original essay that is admitted and corrected in a later publication of the essay by Berlin himself. The original version of “Two Concepts of Liberty” contained a definition of negative liberty that Berlin later calls a “genuine error:”³⁸⁷ that political liberty is the area within which a man can *do what he wants*. As Berlin points out, it would here follow that “I could increase freedom as effectively by eliminating desires as by satisfying them; I could render men (including myself) free by conditioning them into losing the original desires which I have decided not to satisfy.”³⁸⁸ In the later versions of the essay, this definition is corrected to state that political liberty is the area within which a man can *act unobstructed by others*.³⁸⁹

Berlin’s mistake was due to his choice of words, and not due to his actual account of liberty; it is rather clear from the rest of the essay that the later formulation represents better that what Berlin really intended to indicate in the first place. It is quite extraordinary, then, that Rothbard should choose to stress this error, since his own account is plagued by a similar problem, and not merely because of one erroneous literal formulation. To witness this, we return to Rothbard’s analytic narrative of Robinson Crusoe.

On his lonely desert island, Crusoe remains in a state of perfect freedom, since there is no one to violate his property rights. He homesteads some wood and some land by mixing his labor with them; he builds himself a hut, which, as an extension of himself into the material (and previously unowned) world, is now his natural property. Soon after this, however, Friday arrives on the island. Lacking a hut of his own (perhaps he as well has been washed up on the shore and owns nothing), he finds Crusoe’s shelter and, seeing that there is no one around, enters it. Now, Crusoe’s property has been invaded and his property rights violated: clearly, Crusoe has lost his (Rothbardian) freedom, and subsists now in a somewhat coerced state. Returning to his hut-under-invasion from gathering firewood, he is however struck by pity for poor Friday, who is unable to build his own shelter. Therefore, Crusoe decides to *gift* the shelter to Friday. Hence, Crusoe loses his shelter – but in return he acquires a good conscience, the gratitude of Friday and, more unexpectedly, a

³⁸⁶ Rothbard 1998: 215.

³⁸⁷ Berlin 1969: xxxviii.

³⁸⁸ Ibid.

³⁸⁹ Berlin 1968: 3.

recovered state of perfect freedom. His property rights are now again completely intact, since he has given up the property under invasion. Thus, Crusoe has *liberated* himself by *giving up* property.

If Rothbard emphatically agrees with Berlin that it should not be possible to gain freedom by giving up wants (by some Stoicist exercise of extinguishing those desires which cannot be satisfied), he should also think that it ought to be impossible to gain freedom by giving up property (by some altruistic, ascetic exercise of giving up those possessions which are pursued by others). This problem of ‘liberation by losing property’ is a genuine, inevitable problem for Rothbard’s definition for freedom, although it goes unaddressed by both Rothbard and his commentators.

It might still be suggested that the problem of liberation by losing property is not so serious: should Robinson find that he actually prefers to gift the hut to Friday, the aggression indeed ends, rendering Robinson free – perhaps in a curiously retroactive, but nevertheless sufficiently coherent way. However, to underscore the inescapable inconveniency of the repercussion, we can alter the story a little. This time, Crusoe is not struck by *pity*, but by *fear*. Perhaps, entering his hut with the intent of evicting the intruder, he sees that Friday is big and intimidating, or that he has a big knife hanging from his belt – or perhaps it is something subtler that makes Crusoe hesitate and choose to avoid conflict. Upon offering his hand and agreeing to the endowment, however, he becomes bound by the praxeological principle of demonstrated preference.³⁹⁰ Using his free will and his rationality, he has chosen his ends and the means to pursue them, giving an undeniable signal that the option most valuable to him is gifting the hut to Friday.³⁹¹ As much as Crusoe would need a place to sleep, he is now without a hut, and, subsequently, although reluctantly, perfectly free.

Surely, the inadvertent repercussions of Rothbard’s definition for freedom do not end here. We can imagine Crusoe finding it difficult to sleep outside after losing his hut, so he comes up with an idea for a new arrangement: whenever Friday goes out fishing, he sneaks back to his old hut to get a few hours of sleep before Friday returns. Now, not only is Crusoe still in a perfect state of liberty, but has made Friday the aggrieved party of property rights violations, in fact rendering him the *less free*, if not even the coerced side of their two-person micro-society. Moreover, if Friday chooses to act according to a similar procedure with Crusoe’s fishing net, we quickly see that Barry’s point of a net growth in overall liberty on ceding aggression has an undeniable flip side:³⁹² the more Crusoe

³⁹⁰ As we have seen, the principle of demonstrated preference is part of the Austrian School subjective value theory. The principle holds that actions demonstrate the truly preferred choice (see above chapter 4.1, page 37–38).

³⁹¹ Rothbard discusses the case of Crusoe gifting some of his property to Friday, asserting that it must then be the “psychic satisfaction,” which is more valuable to Crusoe than the property given up. See Rothbard 1998: 37–38.

³⁹² See above chapter 5.2.2, page 74.

and Friday become involved with each other and each other's property (even if it ultimately benefits both), the more they experience a *net loss* of liberty.³⁹³ Indeed, by Rothbard's definition, the *more property* Crusoe amasses, and the *more powerful* he gets, the *less free* he almost inevitably becomes, since the size of his property surely correlates negatively with its integrity. Hence, we can see that there is a highly counterintuitive negative correlation between power and liberty.

It then becomes problematic to claim that such freedom should be the "highest political end" in Rothbard's ideal society.³⁹⁴ Although it is important to remember that Rothbard defines 'politics' as only the use of violence,³⁹⁵ it is nevertheless a problem if the "*most efficacious means*"³⁹⁶ to ensure liberty for oneself is to indeed have no property and subsist, in fact, as (in Rothbard's own terms) a 'parasite.' While this already entails the potential of turning the Rothbardian moral order on its flipside, the further implication that the most effective way to ensure liberty for *others* is to persuade them to give up *their* property creates serious issues. This notion could indeed enable a new, aspiring (non-violent) state-like organization to confiscate all the property while claiming to commit to the cause of liberty.³⁹⁷

This rapidly unfolding *reductio ad absurdum* of the property-bound liberty definition suggests that the liberty account we have so far witnessed is not consistent. We can at least say that if 'absence of invasion' is indeed the complete description of liberty in Rothbard's ideal society, it then cannot be its highest political *end* – otherwise there would be a supposedly high incentive for everybody to avoid having property, or interaction with other people, or both.³⁹⁸ *Vice versa*, if liberty is indeed the highest political end in Rothbard's ideal society, 'absence of invasion' cannot truly be the full description of it, or the sufficient condition for it. Either way, there seems to be an aspect to the Rothbardian *a posteriori* concept of liberty that inevitably goes beyond the explicit *a priori* account of the monistic ethics of the Grand System.

³⁹³ It could be argued, however, that Locke's theory has basically the same feature. There, "all men" are initially "in a state of perfect freedom," (Locke 2002: 2) and the move out of the state of nature means a move to a less perfect state of freedom.

³⁹⁴ See Rothbard 1998: 258.

³⁹⁵ We have witnessed this point above in chapter 4.2.4, page 51, and chapter 4.4.1, page 63.

³⁹⁶ Rothbard holds that liberty must be pursued by the speediest and most efficacious means; Rothbard 1998: 259.

³⁹⁷ Of course, this aspiring new State would have to persuade people to allow it to confiscate their property. However, if liberty is indeed the highest political end, there should be a strong political incentive to agree to this.

³⁹⁸ There is an important difference between saying 'highest end in a *system*' and 'highest end in a *society*.' It is perfectly consistent to imply – as indeed Rothbard does – that such freedom would be the highest end for his judicial system: that the main (or, in fact, only) purpose of the anarcho-capitalist law is to protect property rights. However, it is hardly likely that such freedom would be that with which the anarcho-capitalist *society* (its people) would be most preoccupied. Therefore, positing freedom as the central value and the highest end of the anarcho-capitalist society, and subsequently calling it the 'free society,' seems misleading; again, if the freedom is the highest end in the society, it must entail something more.

5.3. Freedom of Action as Opportunity

Perhaps the most counterintuitive feature of Rothbard's definition for freedom is that it precludes the entire notion of *freedom of action*. This preclusion can already be discerned from the fact that liberty and justice are symmetrical in the Grand System, with the range of 'freedom' extending only as far as the range of 'entitlement' – however, freedom of action, clearly entailing much more than mere political (i.e. interpersonal) freedom, still requires its separate discussion. On this particular point, Rothbard makes only scattered remarks, which do not amount to any complete, cohesive account. Nevertheless, it is apparent enough that he holds 'freedom of action' as equal to 'opportunity of action,'³⁹⁹ which, in Rothbard's ethics, is rather related to man's *power* than his (political) *freedom*.⁴⁰⁰

To elaborate on this, we can compare Rothbard's account to that of Berlin (allegedly representing a general classical liberal account). We can posit that in a Berlinian sense, Crusoe has a sphere of *rights*, on which Friday is *not free* to encroach: Friday's *liberty* ends where Crusoe's rights begin, and *vice versa*. The coconut tree is outside the spheres of rights of both Crusoe and Friday, since it belongs to neither one. Both Friday and Crusoe are then *free* to gather the coconuts. Thus, we can see that Crusoe has, in a way, two spheres: the sphere of rights, which precludes the free actions of Friday and within which he is *entitled* to things, and the sphere of liberty, that of free action, which overlaps Friday's similar sphere and is again limited only by Friday's sphere of rights (and also, very probably, by laws of nature⁴⁰¹). We can also further posit that the tradition of classical liberalism is generally interested in the size of both of these spheres.

In Rothbardian sense, nevertheless, Crusoe has only one sphere. That is, as we have seen, the sphere of *property rights*. This means that Crusoe has a right to a coconut inside this sphere (legitimately acquired either by homesteading or by exchange, and thus belonging to Crusoe), and, if the coconut

³⁹⁹ As we have seen, Rothbard thinks Berlin confuses 'opportunity' with 'freedom'; see above chapter 5.2, page 71.

⁴⁰⁰ The paragraph discussing this most crucially is worth to quote here in full: "If a man's free will to adopt ideas and values is inalienable, his *freedom of action* – his freedom to put these ideas into effect in the world, is not in such a fortunate condition. Again, we are not talking about the limitations on man's power inherent in the laws of his own nature and of the natures of other entities. What we are talking about now is interference with his sphere of action by other people – but here we are getting a bit ahead of Robinson Crusoe and our discussion. Suffice it to say now that, in the sense of *social freedom* – of freedom as *absence of molestation by other persons* – Crusoe is *absolutely free*, but that a world of more than one person requires our further investigation" (Rothbard 1998: 33, italics in the original text). Although Rothbard, with exceptional ambiguity, uses the expression "sphere of action" when talking about freedom, his point is to emphasize that freedom concerns only the (direct) interference by other people. It is apparent that he means to equate freedom of action with power and opportunity – the words 'we are not talking about' are supposed to mean '*when we are talking about freedom, we are not talking about.*'

⁴⁰¹ 'Laws of nature' refer to the morally neutral *physical* laws, not to the natural (ethical) law.

is not invaded (stolen) by Friday, Crusoe also has a *liberty* to it. The coconut tree, not homesteaded and hence still in its natural state, is outside all spheres of property rights. Therefore, neither one has a right *or liberty* to it. Both Friday and Crusoe merely have an *opportunity*, that is, legitimate *power*, to go and homestead the coconuts, to which they then would gain the right – and, as long as that right is not violated, also the liberty. It might be suggested that here, then, as well, Crusoe has another, larger sphere: a sphere of opportunity and power, of legitimate action, which again is limited by Friday’s sphere of property rights (and, probably again, by laws of nature). This, however, would be misleading, since in anarcho-capitalism, such ‘sphere’ of opportunity has no political significance whatsoever.

The counterintuitive implications of this are quite straightforward to demonstrate. We can imagine that upon returning from gathering firewood to his hut-under-invasion, Crusoe – instead of gifting the hut to Friday out of pity or fear – simply locks the door of the hut behind Friday, trapping him inside. Friday’s property rights have not been violated; Crusoe, the aggrieved party, has locked the door of his own hut. Or, we can imagine, for another example, that perhaps only after gifting the hut to Friday out of fear, Crusoe finds his courage and decides to relieve himself of the alleged threat: he homesteads the land around a coconut tree that Friday has climbed and – being an exceptionally fast and skillful builder – builds a wall around the tree while Friday is busy homesteading coconuts for himself. Again, Friday’s property rights remain intact. Here, the relevant issue is not whether the type of conduct that Crusoe has thus displayed would be common or acceptable in an anarcho-capitalist society; what is relevant here is that according to the Rothbardian definition for freedom, Friday, whether he is locked inside the hut or trapped in a tree due to having been walled up, is *free*.

This exceptional implication does not escape Alan Haworth, who remarks that a prisoner in a prison cell, if convicted justly, has not had his property rights violated. Haworth points out that then, according to Rothbard, the prisoner is free.⁴⁰² Here, a philosopher of freedom should resort to some crude form empiricism and invoke the *endoxa*;⁴⁰³ if the concept of freedom is meant to refer to any universal abstractions of real, objectively existing conditions, phenomena or states of affairs, the state of being confined in a prison cell simply must not be among these. By virtue of such empiricist appeal, any description that allows for inclusion of such state (possibly even calling it ‘absolute freedom’), should be deemed not describing freedom as such, but perhaps some other, at best for large parts similar, political concept.

⁴⁰² Haworth 1994: 96.

⁴⁰³ See above chapter 2.1.1, page 9.

5.4. Application: Freedom of Speech

So far, it has been shown that the anarcho-capitalist concept of freedom is, due to both its philosophical grounding and its descriptive definition, greatly different from the general concept of freedom within the wider tradition of classical liberalism and libertarianism. However, we have thus far only superficially examined the more specific, actual consequences of Rothbard's theory of liberty. To investigate the actual application of Rothbardian liberty in the anarcho-capitalist society founded on the principles of the Grand System, it is worth to focus on one important instance of what are commonly deemed 'basic liberties' in general classical liberal tradition, namely *freedom of speech* (entailing freedom of expression, thought and discussion).⁴⁰⁴

Freedom of speech is generally considered as one of the most relevant aspects of individual liberty in the classical liberal tradition, and has been most famously and eloquently championed by John Stuart Mill. Furthermore, freedom of speech is also very central to Rothbard's theory of basic liberties being reducible to property rights, and his account of this theory mostly focuses on examples concerning this particular basic liberty. Therefore, it should be illuminating to contrast Mill's account of freedom of speech to that of Rothbard and see, how the dissimilar conceptions of liberty differ from each other in respect to their actual applications.

5.4.1. Mill's Positive Doctrine

In his famous book "On Liberty," Mill argues for freedom of speech primarily from *prudential* grounds. This means that according to him, freedom of speech is, above all else, *useful* for societal progress. He holds that the liberty of expression, thought and discussion is the best means to achieve *truth*. By this rationale, he deems silencing dissenting opinions greatly adverse to people in general, arguing, "if the opinion is right, they are deprived the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error."⁴⁰⁵ In this sense, Mill's freedom of speech assumes the status of an *instrumental* value, rather than that of an *intrinsic* value.⁴⁰⁶ Moreover, the rationale of the argument for freedom of speech being roughly applicable to assessing the value of all forms of political liberty in Mill's system, liberty in general seems to be less valuable in itself and rather more relevant to maximizing some other, more profound utility.

⁴⁰⁴ For a concise discussion of basic liberties in liberal tradition, see Freeman 2001: 108–112.

⁴⁰⁵ Mill 2002: 14.

⁴⁰⁶ To see why this might be problematic, we can try to imagine a situation where it would be discovered that free discussion is, after all, *not* the best way to achieve truth. Should we then give up the ideal of freedom of speech?

This point is stressed also by Berlin, who deems Mill's conception of liberty as one of the epitomes of the negative liberty concept, but criticizes him for confusing two distinct notions: first, that coercion and frustration of the personal desires of human beings is bad in itself (and non-interference is, by the same rationale, good in itself), and second, that truth should be sought by allowing people to adopt different ideas and experiment different ways of life. This confusion results in the mistaken – although subtle and implicit – connection between democratic rule and liberal constitution, and is ultimately reducible to the confusion between the negative and positive senses of the freedom concept and the mistaken assumption that one necessarily implies the other – although, as Berlin remarks, the connection is “at best, empirical.” Berlin points out that Mill's idea of liberty (and of freedom of speech in particular) as a kind of error-correcting mechanism for the advancement of the society “is not incompatible with some kinds of autocracy, or at any rate with the absence of self-government.”⁴⁰⁷

Nevertheless, we see that Mill's commitment to liberty as a central value of his system is ultimately only a little weakened by the fact that his definition for liberty does not entail the full scope of the alleged implications of his liberty concept (in the sense that it allows for such political arrangements which Mill would reject as illiberal). Mill's argument for free discussion as a common virtue for the society is indeed dependent on the idea of individuals as autonomous, self-oriented prospectors of truth and varying ideals of the good life. In other words, the underlying value pluralism and diversity of the conceptions of 'good' are consistently immanent in his argument for free speech. Therefore, even if Mill's idea of a liberal constitution is not, as such, logically connected to any positive description of political individual autonomy, the rationale and the justification of this constitution clearly entails the idea of individualistic self-orientation and self-governance.

Here, the pluralistic idea of freedom is embedded in the human nature by virtue of not holding the fulfillment of that nature subordinate to any fixed state of affairs or a teleological process. In this respect, the concept of liberty is indeed central to Mill's system, although, in theory, it still may not necessarily require liberty being valuable as such. In this light, Mill's concept of freedom – of which his argument for freedom of speech forms an integral part – seems authentic and coherent, since it is linked to the idea of individual autonomy and self-determination, despite the negative definition of it. This is the positive doctrine of Mill's account of freedom of speech: the idea that individuality, diversity and experimentation of different ways of life is both an inherent part of human essence and an instrument for 'truth-tracking' and the advancement of humankind.

⁴⁰⁷ Berlin 1968: 7–8.

5.4.2. Mill's Negative Doctrine

Mill's idea of freedom of speech does not gain its status as an inviolable, central liberty for solely consequentialist reasons. There is a non-consequentialist doctrine for freedom of speech in Mill's system, to which Berlin refers with his remark about the first notion: that coercion is bad, and non-interference good, *per se*. This basically deontological position deviates greatly from the alleged utilitarian rationale underlying Mill's system: "If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind."⁴⁰⁸

The centerpiece of this negative doctrine is the 'harm principle.' This principle decrees that "the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others."⁴⁰⁹ Mill makes a crucial distinction between actual harm and mere *offense*, claiming that only the former is a justified cause to limit a person's liberty – of, for instance, expression: "An opinion that corndealers [sic.] are starvers of the poor, or that private property is robbery, ought to be unmolested when simply circulated through the press, but may justly incur punishment when delivered orally to an excited mob assembled before the house of a corn-dealer, or when handed about among the same mob in the form of a placard."⁴¹⁰

There is evident similarity between Mill's harm principle and Rothbard's nonaggression axiom – indeed, they undeniably share the same philosophical root in that essentially individualistic liberal ideology which Berlin simply calls 'libertarianism.'⁴¹¹ However, they are still different to a substantial degree. Whereas the nonaggression axiom is a supposedly self-explanatory prohibition of all initiations of direct aggression, the harm principle is less rigorously determined; it allows for limiting of all actions that have veritably harmful consequences to others, or (further weakening the principle in comparison with the nonaggression axiom) some veritable *risk* of producing harmful consequences to others. Indeed, the harm principle treats the things it *allows* with much less ambiguity than the things it *prohibits*. That is, after all, Mill's emphasis: 'moralism,' paternalism and mere offense are illegitimate reasons for limiting the personal freedom of others – only actual harm is a valid reason for restricting anyone's freedom of action. Thus, the main motive is to ensure a public sphere of free discussion, and as non-discriminatory marketplace of ideas as possible; in Mill's system, the emphasis is on the positive doctrine of freedom of speech.

⁴⁰⁸ Mill 2002: 14.

⁴⁰⁹ Mill 2002: 8.

⁴¹⁰ Mill 2002: 46.

⁴¹¹ See Berlin 1968: 4. In the more modern time, the term 'libertarianism' has indeed more specific connotations.

5.4.3. Freedom of Speech as a Property Right

Rothbard, on the other hand, views the issue from another perspective. As we have seen, he insists that all human rights are in fact property rights, and this applies to the ‘right to freedom of speech,’⁴¹² as well. Therefore, Rothbard’s account of the freedom of speech is characteristically straightforward: “There is no such thing as a separate ‘right to free speech’; there is only a man’s property right: the right to do as he wills with his own or to make voluntary agreements with other property owners.”⁴¹³ In other words, Rothbard explains: “The human right of free speech is simply the property right to hire an assembly hall from the owners, or own one oneself; the human right of a free press is the property right to buy materials and then print leaflets or books and to sell them to those who are willing to buy.”⁴¹⁴

The example Rothbard gives in support of this in all of his major political works is the ‘Justice Holmes famous dictum’; the right to free speech is limited in the sense that no one has the right to shout “fire” falsely in a crowded theatre.⁴¹⁵ Rothbard points out that the ‘correct’ notion about this issue is not to invoke some idea of ‘common good,’ which, in these circumstances, supposedly trumps the individual’s right to freedom of speech. Instead, to achieve the correct verdict, Rothbard insists that one must appeal to the property rights of both the owner of the theatre and the patrons who have paid for the ticket to see the play – it is their property rights that enable them to limit the freedom of speech of any person who is inclined to disturb the play.

This also demonstrates the only limitation to freedom of speech in Rothbard’s system: the speech acts that equate to direct aggression, theft, fraud or some other breach of contract.⁴¹⁶ However, Mill’s agitator in front of the corn-dealer’s house (provided that he is not invading anyone’s property by his physical presence) is not, according to Rothbard, doing anything unlawful. Rothbard argues the following: “Suppose that Green exhorts a crowd: ‘Go! Burn! Loot! Kill!’ and the mob proceeds to do just that, with Green having nothing further to do with these criminal activities. Since every man is free to adopt or not adopt any course of action he wishes, we cannot say that in some way Green *determined* the member of the mob to their criminal activities; we cannot make him, because of his exhortation, at all responsible for *their* crimes.”⁴¹⁷ Similarly, all forms of libel, slander, blackmail and disseminating false information are permissible in Rothbard’s system, as

⁴¹² For the formulation ‘right to freedom,’ see above chapter 2.1.3, page 13.

⁴¹³ Rothbard 2009: 1338; Rothbard 1998: 113.

⁴¹⁴ Rothbard 2006b: 52.

⁴¹⁵ Rothbard 2006b: 52–53; Rothbard 1998: 114–115; Rothbard 2009: 1339.

⁴¹⁶ See Rothbard 1998: 123–124.

⁴¹⁷ Rothbard 1998: 81. Italics in the original text.

long as they do not entail direct aggression, theft, fraud or some other breach of contract – in other words, as long as they do not entail violations of property rights.⁴¹⁸

Here, we can see that Rothbard's negative doctrine of freedom of speech is much more permissive than that of Mill. Besides limiting the freedom of speech of the mob agitator by virtue of the harm principle, Mill would plausibly also accept that the person shouting "fire" falsely in the crowded theatre is guilty of a definite wrong. For Mill, the shouting risks clear *harm*, even if the owner of the theatre does not disallow shouting "fire" and the audience is watching the play without charge (perhaps, as invited guests). Rothbard holds that freedom of speech as a property right is but a more consistent way to establish that sphere of free speech already immanent in the liberal tradition, and that the solution satisfies our intuitive expectations for the limits of that sphere, as well.⁴¹⁹ However, we might be able to conclude that Mill's account, containing definite cases of *harm* that do not qualify as property rights violations in any evident way, seems more plausible in this regard.

5.4.4. Freedom of Discussion in the Anarcho-Capitalist Society

Rothbard's more permissive negative doctrine of freedom of speech does not, however, necessarily amount to a wider actual area – a greater positive degree – of freedom of discussion in anarcho-capitalist society. In fact, the Grand System is completely lacking a positive doctrine for freedom of speech. That is to say, it has no use for it and does not recognize its positive value. In order to witness this, it is enough that we merely examine the implications of the already established principles of the system.

First and foremost, it needs to be asserted that in the anarcho-capitalist society, the possibility for free discussion and expression is simply not considered a criterion for assessing the liberty of a person; as we have seen, freedom of action is precluded from the anarcho-capitalist, property-bound liberty concept. This means that free expression and freedom of opinion in a community might be abolished by a regulation imposed by the proprietor (e.g. a landlord), and its members would still be deemed perfectly free, as long as they would be part of the community by their own consent, and free to leave, should they so want. Moreover, any children born to a community abiding by some such rigid dogma would have no positive rights to learn about their other options; having them conform to rules prohibiting free discussion (provided the alternative of leaving the community, *viz*, leaving the property of the community) would not qualify as a violation against their freedom. In

⁴¹⁸ See Rothbard 1998: 121–128.

⁴¹⁹ See Rothbard 2009: 1338–1339.

his essay, “Kid Lib,” Rothbard explicitly concurs, “there is no freedom except freedom for the property owner...rules for the use of property are not infringements on the rights of the child.”⁴²⁰

Therefore, freedom of speech is a non-issue for the anarcho-capitalist jurisprudence. An individual’s liberty to express her opinions is bound by the same limitations of property as all of her other actions; it extends only as far as her *entitlements*. Therefore, a ‘freedom’ to express one’s opinion would simply be the contingent status of ownership arrangements in one’s circumstances, and not in any way relevant to the question of law and political liberty – and much less to the question of basic liberties. Any individual or a group with an inconvenient message, consequently deprived of all platforms and ostracized from all forums by the powerful,⁴²¹ would still not be seen as in any way coerced or oppressed. Here, it is worth to restate the conclusions of Rothbard’s protégé Hans-Hermann Hoppe, who has further developed the theory of anarcho-capitalism in the same, Rothbardian framework. As we have seen, he recommends that dissenters, such as ‘democrats’ and ‘socialists,’ ought to be removed from the anarcho-capitalist communities.⁴²²

Indeed, there seems to be no reason why anarcho-capitalism should be interested in the question of free speech in the first place. The discovery, justification and establishment of Rothbard’s Grand System are in no way dependent on any of Mill’s truth-tracking and error-correcting mechanisms provided by a free discussion. The basic truths underlying the anarcho-capitalist system are *natural facts*, founded on pure reason and the universal tendencies of human nature, and therefore in no way dependent on convention, common recognition or mutual agreement. Furthermore, these strictures are essentially *final*; the rationalistic natural law is axiomatically deducted from self-evident truths, and any attempt to question, change or improve it would be, by definition, irrational.⁴²³ Therefore, freedom of discussion does not have any inherent, instrumental value for anarcho-capitalism.

In other words, the nature of anarcho-capitalist constitution is essentially absolutist, and thus essentially illiberal. Anyone rebelling against the sovereign edicts of property owners would, in practice, disagree with the objective strictures of the natural law, and thus be merely a mistaken reactionary, possibly deserving the expulsion that Hoppe recommends. The underlying illiberal attitude can already be discerned from Rothbard’s admiration for Marxist political strategy, but becomes apparent in the application of freedom of speech in the anarcho-capitalist society.

⁴²⁰ Rothbard 2000: 147.

⁴²¹ For the sake of the argument, we can imagine that such collusion would be possible.

⁴²² See above chapter 3.3, page 35.

⁴²³ This is not to say, of course, that the rationalistic law code could not be further developed by way of elaboration, deeper analysis and investigation into the details; after all, Rothbard’s doctrine is merely a ‘prolegomenon.’ However, the law not having anything to do with convention, there is little use for freedom of discussion in this process.

6. Conclusions: A Priori and A Posteriori Liberty

I have opened this thesis with two visionary statements from Murray Rothbard that depict the nature of libertarianism and liberty. Although both statements emphasize the value and central importance of liberty, the precise meaning of ‘liberty’ is not identical in these statements. In the first statement, liberty is a ‘science’ and a ‘discipline,’ which Rothbard hopes to be included in the academic curriculum in the future. This is the nature of liberty as we have mostly seen it in Rothbard’s philosophy: an *a priori* definition of an objectively verifiable state of affairs; an analytic description of a condition of property rights. This principle of justice has a purely instrumental function, through which some other value is pursued.

The second statement perhaps concerns the same fundamental idea of liberty, but stresses an ultimately different sense of the concept. In this statement, liberty is an end, a political value that will eventually ‘win out,’ because it is true. This is the normative sense of liberty, as it is desirable for its immanent utility: an *a posteriori* concept for an intrinsically valuable state of affairs. Here, the concept of liberty is meant rather as an end-state that should be pursued for its own sake.

Strictly speaking, of course, the same distinction between the strictly descriptive account and the normative sense can be made with any concept of liberty. Isaiah Berlin’s description of negative liberty does not guarantee that any state of affairs which meets its criteria will be desirable, nor is there anything intrinsically valuable in abiding by John Stuart Mill’s harm principle. However, as we have seen, the emphatic value pluralism in Berlin’s philosophy requires that liberty is essentially understood as a part of the broader interplay between different political ends, and Mill’s argument for individual liberty logically necessitates its authentic realization and inherent value.

I have shown that a reconciliation between Rothbard’s *a priori* and *a posteriori* freedom, that is, a connection between ‘liberty’ as it is understood by objective reason and liberty as it is subjectively experienced, seems more implausible. This connection seems to require motivation that is contradictory to the implications of the given moral theory. I will collate the evidence for this in the first part (6.1.), and conclude that without some utopian change in the human nature, authentic realization of individual liberty seems not to follow from the premises of ‘science of liberty,’ since those premises are not truly adjusted for free individuals, but for the free market. In the second part (6.2.), I proceed to Rothbard’s concept of liberty in the framework of Berlinian classical liberalism. Discussing the final notions of value monism, I conclude that Rothbard has developed a concept of *justice* for economic science, and not a concept of liberty for political philosophy.

6.1. 'Science of Liberty' and the Moral Realms of Capitalism

In this thesis, I have asked the question “what does ‘liberty’ *mean* in the anarcho-capitalist philosophy,” and looked for the answers from the uniform system that Murray Rothbard gradually constructed along the course of his career. This system represents his attempt to fulfill the vision of creating a systematic theory of liberty, in which the interrelated ‘libertarian sciences’ would come together as a unified whole. I have called this system the ‘Grand System’ and investigated its most essential components, making the argument that they ultimately provide all of the relevant features of that which eventually presents itself as the anarcho-capitalist concept of freedom.

The argument has indeed been shown correct, in the very unique and undeniable sense that in Rothbard’s philosophy, all things are *one*: the *natural world*, the *laws of human action* and the *ultimate moral order*. Everything we need to know in order to correctly solve all political issues and achieve ‘consistent liberty’ is fully reducible down to the first, self-evident axioms: liberty can be fully explained in terms of justice, justice can be fully explained in terms of property, and property can be fully explained in terms of natural facts. Nature and its laws can be understood by reason, and reason, at the ultimate bottom, directly apprehends the ‘laws of reality’ by ‘investigating and collating the facts of the real world.’

In this way, the ethical facts are as one with the material facts, and the only verifiably true ethical theory, the theory of liberty, emanates naturally and necessarily from the very basis of the objective world. The moral realism⁴²⁴ of this view is exceptionally ambitious: not only do the moral claims of the system purport to report facts, but they purport to report ultimately verifiable, natural facts of the physical world. However, this highly optimistic stance can be epitomized in a rather sensible assertion: ‘if the questions of ethics are fundamental questions, there must be fundamental answers to them.’ There is no doubt about the appeal and the reassuring lucidity of this assertion; it is, after all, a religious sentiment made into an appearance of a rational principle. Indeed, as we have seen, the foundational assumption animating Rothbard’s philosophy is the same that motivated Thomas Aquinas: our reason must be capable of informing us correctly of ethics. This assumption is essentially the religious undertone in Rothbard’s system. However, we can see that Rothbard, in effect, defends it on rational grounds. Implicitly, the truth of this assumption is deduced by deeming its negation untenable: If reason cannot give us definite answers to ethical questions, then *what* can? If there is no ‘ought’ from ‘is,’ then from *where* do we get the ‘ought’?

⁴²⁴ Moral realism holds that moral claims purport to report facts. It is typically contrasted with moral relativism, which holds that moral claims purport to report sentiments or opinions.

Here, we see that the fact that it appears to be difficult for us to even imagine having satisfactory answers to these two seemingly sensible questions is enough for Rothbard to conclude that their premises must be incorrect. I hold that this is the fundamental justification for his system, although there is a sense that he deems it sufficient to simply invoke the philosophical tradition of natural law. However, the rationale of ‘the negation of an apparent contradiction is true’ is endemic in Rothbard’s axiomatic ethics. For example, as we have seen, it is ultimately *self-contradictory* to claim that ideas do not originate by being arrived at by individual minds, or that human beings do not have free will, or that individuals do not own their bodies. Hence, the negations of these claims assume a position of a true axiom, and every nuance that this praxeological *verbal analysis* fails to address is left out from the subsequent propositions once and for all.

By observing this in chapter four, we have seen that although the complete theoretical structure is indeed impressive in its consistency and coherency, it nevertheless is not constructed solely by pure, unerring reason, nor does it even always follow a perfectly consistent inner logic. As I have shown, there are multiple normative assertions instilled and merged into the components of this system. Many of them are perhaps plausible, but they are not rationally deduced, nor ‘directly apprehended’ – in other words, not certain enough to yield axiomatic truths. In fact, it should be clear that such axiomatic reasoning in moral philosophy can only produce tautological stipulations of those normative assumptions that are already entailed in the first axioms. Reflected against the ‘broadly empirical’ background of the pragmatic reality, the ethical propositions vary in content and form, but always necessarily preserve the normative ‘truth’ of their antecedents. Every claim in Rothbardian ethics that allegedly informs us of correct morality is therefore a mere reflection – or an amplification – of the original value assessments that have been instilled into the premises.

In this thesis, I have used the term ‘optimistic rationalism’ to describe the tendency to assume that such ethically solipsistic logical exercise would in fact yield pragmatic truths about the actual moral nature of the world. This Rothbardian optimism is furthermore a dominant feature in these initial value assessments entailed in the Grand System. As mentioned, three central initial assumptions in Rothbard’s system are: ‘individuals reason correctly about their circumstances,’ ‘individuals have libertarian free will’ and ‘individuals have fundamental ownership in their person.’ It is worth to notice how all of these assumptions affirm the autonomy – the natural baseline high degree of positive liberty – of the individual. I believe to have given enough evidence to contend that these optimistic assumptions have originally emerged as the basic, background morality of the Grand System for the ultimate reason that they affirm the moral correctness of *capitalism*.

In order to witness this inherent bias in the claims about the autonomy of individuals, we do not have to try to account all of the normative assumptions entailed in the system. It should be demonstrative enough to observe that the starting point of Rothbard's social ethics, the default human being, is Robinson Crusoe: the embodiment of naturally assumed positive liberty. Robinson, as a man isolated from the society and deprived of all social interaction, still does not need normative guidance or practical help in conducting himself. He 'collates and inspects' the natural facts of his experience of reality, and, reasoning correctly from them, begins to pursue the ends he naturally discovers to be relevant in ensuring his survival and well-being. Furthermore, his environment enables him to do this: In their natural state, there are unowned consumer goods nearby, and unowned land and raw material that can be turned into capital goods.

The story of Crusoe would indeed look different if its preconditions were less optimistic. If he did not know that there is fish in the sea, or coconuts in the trees, or lacked the ability to obtain these; or if he fell ill, or, perhaps, simply shipwrecked on an island that was already the property of someone else, the moral axioms presenting themselves would unlikely be inclined toward an idea of natural capitalism. In other words, the first, allegedly self-evident notions in Crusoe's mind would not be affirmations of the impunity and indisputability of private ownership, if he was not the perfectly capable, rational individual in the perfectly suitable free-for-all scenario.

The optimistic preconditions of the Robinsonian isolation indeed enable the eventual juxtaposition between political liberty and sanctity of private property. It is perhaps possible that Robinson – the independent, natural capitalist, the initial acquirer of virgin land, who sees the 'imprint of his personality' all around him in the material world – would conclude that the condition of inviolable control over oneself and one's own property is, in fact, the measure of his liberty. Indeed, it seems that only a society of individuals possessing this considerable degree of 'Robinsonian autonomy' (both internal and external) could agree on political freedom being a condition of their property rights, and, furthermore, come into common understanding that this property-bound liberty should be the formative principle of their social arrangements, *viz.*, the highest political end.

However, it is rather improbable that Robinson could make Friday, washing up on the shore with nothing left to homestead, also agree to this. It seems that in this point, the 'science of liberty,' that is, the inference of anarcho-capitalism from the laws of nature, offers few convincing solutions: Friday can either try to trade with Crusoe (perhaps, his labor for food and shelter), or throw himself back into the sea. If Friday deems these choices unacceptable, Crusoe can try to persuade him to *reason correctly*, or start employing violence in rightful defense of his liberty.

With this result, it becomes impossible to accept anarcho-capitalism as the only, universally correct *ethical* system. Indeed, Rothbard himself seems to agree that this is untenable, since he is inclined to posit that there is another realm of morality, although it is not a part of his system. Then, it is this (presumably conventionally emergent) realm of Crusoe's *personal morality*, which can advise him to be charitable to poor Friday. Rothbard does not, however, explain *how* Crusoe is able to choose between the recommendations of these two value systems, if they contradict. This means that we do not know, for example, whether Crusoe should go steal his neighbor's boat and save Friday, if he has not washed up all the way to the shore, but is still in the water and acutely drowning.

If he indeed *should*, he may then violate his neighbor's property rights with moral impunity, and it seems that anarcho-capitalists have an ethically *incorrect* law, which can apparently – and, again, *correctly* – be *overruled* by their personal morality, whenever they deem it morally necessary. Obviously, this renders the anarcho-capitalist law effectively redundant. If he however *should not*, but let Friday drown instead, the anarcho-capitalists are then hostages to a cruel law, and need to reconcile their personal morality with a law that effectively deprives them of responsibilities and trust. It seems that a society founded upon such a law would become, inevitably and incrementally, hardened, cold and hateful, until the anarcho-capitalist law would indeed *be* the only morality.

Evidently, Rothbard does not believe in such dismal progression. Although his ethical system is, as such, rigidly *deontological*, it is ultimately imperative that the reasons for deeming this particular deontology desirable are fundamentally *consequential* – the alleged ethical correctness of the system necessarily implies belief in its good consequences. It seems that Rothbard has to believe that giving up the immoral operation of the State and becoming free from its corrupting effect will somehow benefit the moral character of the people, and the selfishness that seems entailed in the operation of the free market will not corrupt people's sense of moral duty.

Rothbard's later turn to 'paleo-libertarianism' and its cultural conservatism seems to confirm what is otherwise only implicitly present in his Thomist system: the anarcho-capitalist law is meant to be complemented with traditional, religious morality. After all, Roman Catholicism is, according to Rothbard, 'the context in which the ideals of freedom, natural rights and market economy have developed.' Hence, the 'science of liberty,' although it claims to be a purely rational system, seems to be founded on an ideology interconnecting two beliefs: the belief in the realm of facts and the ruthless order of private ownership, and the belief in the moral realm of religious traditionalism combined with *laissez-faire* consequentialism. The interplay of these value systems supposedly creates the conditions for authentic individual liberty, but there seems to be little evidence for this.

6.2. Illiberal Concept of Liberty

In chapter five, I have shown that anarcho-capitalism places itself outside the framework to which I have referred as ‘classical liberalism and libertarianism.’ Rothbard’s philosophy is clearly not part of the philosophical tradition to which the ideas of Isaiah Berlin and John Stuart Mill are central. It is different from its moral foundations, by its applications on the level of actual social arrangements and by its ultimate conception of the nature of political liberty. Even though Rothbard holds his political philosophy as the logical conclusion of that classical liberal tradition originating from John Locke, he would undoubtedly concede the distinction in the same particular sense as it is conceded by his disciple, Walter Block: if ‘liberalism’ is essentially pluralistic, and consequently allows for violating the nonaggression axiom in certain situations (for example, to protect the basic liberties, or the ‘positive’ right to life), then “libertarianism, properly understood,” cannot be part of liberalism.

We can conclude the discussion about the ambiguity of the term ‘libertarianism’ by asserting that if anarcho-capitalism is indeed essentially a libertarian doctrine, then the correct way to define libertarianism is not, after all, a strand of classical liberalism in the postwar United States, as it was suggested in chapter two. If ‘libertarianism’ supposedly refers to both the classical liberal doctrine of Friedrich Hayek and the anarcho-capitalist doctrine of Murray Rothbard, then the term is weak indeed: it seems very difficult to find a common denominator between these two doctrines that would consistently preclude the classical liberal philosophies on one side and the anarchist philosophies on the other. In the light of the findings of this thesis, libertarianism, in this vague sense, presents itself less as a philosophical doctrine, and more as a broad, ideological outlook.

This conclusion gains strong support from the idiosyncratic way in which the anarcho-capitalist concept of liberty presents itself in the Berlinian framework and terminology. We have seen that anarcho-capitalist freedom is defined in rigidly negative terms, but cannot be deemed an instance of ‘negative liberty’ as such, because of its absolute dependence on property rights that completely precludes, most crucially, all concern for freedom of action. Furthermore, anarcho-capitalism holds that ‘positive liberty’ is a principle of power or opportunity, and not that of liberty. The rejection of positive liberty as political liberty is compensated by the implicit assumption that all individuals have some baseline degree of ‘Robinsonian autonomy,’ as discussed in the previous chapter.

Strictly speaking, however, the theoretical minimum baseline degree of freedom that Rothbard’s system guarantees is identical for the both positive and negative (Berlinian) aspects of freedom. That baseline degree is the individual’s ownership over her own body, that is, the inalienable fact of

self-ownership. Indeed, the theoretical minimum sphere of negative liberty, and the theoretical minimum degree of control over one's governance, are both realized simultaneously in the same principle: absolute ownership over one's own person and body (the nonaggression principle provides the minimum degree of negative freedom, and the definitive freedom of the will provides the minimum degree of positive liberty). Although this uniformity strikingly demonstrates the total rejection of the demands of the Berlinian model,⁴²⁵ this should not be too surprising: after all, the timeless and absolute character of the theory of liberty, consistently applicable to all imaginable material circumstances (those that enable some kind of human subsistence), requires precisely this.

6.2.1. Value Monism and Moral Absolutism

The one-dimensional minimum baseline degree of both negative and positive freedom again highlights the value monism of Rothbard's concept of freedom. As we have seen, this monism is conceptually necessary for the indisputable, definite character of the anarcho-capitalist law. As we have discussed in chapter four, value monism nevertheless creates a problem for liberty as an intrinsic value. If the concept of good for all people is indeed objective and uniform, and the truly correct value judgments are subsequently the same for everybody, it seems that the proper role for the theory of liberty is merely to be the midwife of the coming supreme moral order. Adding the natural individual differences (indeed emphasized by Rothbard) into the equation perhaps adds diversity of ways and means to pursue this objective Good, but ultimately does not remove the redundancy of individual liberty – the freedom to pursue the ends one has chosen for oneself – as such. Even if the goal of the supreme moral order is entirely hypothetical, pursuing it is the definitive moral obligation for any such monistic ethical system, personal or political. This makes the value of liberty conditional to the advancement of this goal; liberty is not, then, an intrinsic value, but purely instrumental, and can be, if necessary, given up for a greater realization of the supreme moral order and the ultimate Good.⁴²⁶

The reason to restate the problem in detail is that it is unclear, whether narrowing the function of the anarcho-capitalist law to the sole negative role of determining the 'proper role of violence' really does remove the illiberal inclination. This depends on the underlying nature of Rothbardian ethics. This nature was deemed a combination of monism and pluralism in the previous chapter – however,

⁴²⁵ One could also say this is a striking demonstration of just how little freedom the Rothbardian system ultimately guarantees, but this is not a sufficiently charitable way to interpret the Rothbardian idea of freedom.

⁴²⁶ As we have seen, Mill's doctrine is ultimately not susceptible to the same problem, although his argument for liberty holds individual freedom largely as an instrumental value, since value pluralism is necessarily entailed in the logic and the function of that argument and liberty is considered an integral part of the human essence.

as we have seen, this solution seems meta-ethically inconsistent. Thus, if the rationally inferred natural law is, after all, considered to actually inform us of the *only* true moral realm – with the objective concept of Good as indeed the *only* concept of good – then the limitation of the law to its exclusively negative role seems merely practical and ultimately irrelevant to the ethical implications. A moral philosophy assuming such monistic ethical view is definitively totalitarian.

In this case, the negative anarcho-capitalist law prohibits the pursuit of injustice, but permits the pursuit of sub-optimal, i.e. mistaken ends. However, *both* of these pursuits still are, from the perspective of the true, objective ethics, *mistaken*. In principle, then, there would be the liberty to make (non-violent) mistakes – but given a choice, that is, given enough information to deduce the optimal way of pursuing the true Good, making deliberate mistakes would obviously not be the choice of rational people. Hence, the correct reasoning according to such monistic ethics is necessarily: the *more* information, the *more* determined actions, the *less* free choices – the *better*.

The need to consider such scenario is that Rothbard makes contradictory comments in this regard. Although his distinction between objective law and subjective morality seems to generally be that between the monistic good and the pluralistic good, the chapters concerning natural law are indeed different. As we have seen, the notion of ‘science of happiness’ is depicted as an investigation into the factual basis of the natural tendencies of man, and the basic inclinations of human nature are considered ‘absolute’ and ‘immutable.’ In addition, biology is mentioned as one of the ‘libertarian sciences’ and a psychologist discussing a possibility of an objective account of morality founded on evolutionary biology is quoted in support of the idea of a rational natural law.

Nevertheless, Rothbard proceeds to assert that anarchy with natural property rights is the only social order that is ultimately consistent with the nature of man. But if this is an established fact, the ambition to further investigate the moral nature of man in Rothbard’s account of natural law seems curious. It is hard to see, what the utility of biological research on human ‘verifiable existing tendencies’ and their ‘fulfillment’ can possibly be, if the supposed purpose of the natural law is to establish a mere negative theory of property rights around the principle of nonaggression. Hence, despite the emphasis on the proper role of violence, Rothbard’s account of natural law seems to include an additional underpinning of teleological value perfectionism and moral absolutism that is both illiberal and fundamentally discordant to the allegedly indispensable tenets animating Rothbard’s system: the freedom of the will and the personal moral sovereignty of the individual.

Since the main rationale that Rothbard follows seems to be that of two moral realms – one objective, universal and monistic, the other subjective, personal and pluralistic – this underpinning of moral absolutism is not dominant. The plausible explanation for the apparent inconsistency between the position of individual moral sovereignty and the idea of teleological ethics is the fact that Rothbard has appropriated the natural law doctrine from another philosophical tradition, without fully assimilating it to the political conclusions of his own philosophy; he is, after all, explicit about his decision not to attempt a ‘full-scale defense’ of the natural law theory. However, the mentions of scientific research on fulfillment of human tendencies are increment to the evidence that Rothbard’s philosophy is not really attuned to yield authentic individual liberty, but to establish an order according to a principle of a different political goal instead.

6.2.2. Liberty as Justice

The deliberate function of value monism gives us further evidence of authentic liberty not being the ultimate motivating principle of anarcho-capitalism: the demands of liberty are identical to the demands of justice. This connects Rothbard’s concept of freedom even more firmly to the allegedly implicitly totalitarian, monistic tradition of the positive liberty concept. Although the distinction between the two moral realms and the limitation on the role of the law seems to distinguish Rothbard’s system from the philosophies of the German idealists,⁴²⁷ the similarity between the positions of Rothbard and Rousseau is evident.⁴²⁸ Furthermore, this symmetry of justice and liberty distinctly separates Rothbard’s system from the classical liberalism of the negative liberty tradition.

In the monistic moral realm of anarcho-capitalist law it is indifferent whether we call the objective ethical strictures the demands of ‘liberty,’ the demands of ‘justice,’ the demands of ‘the ultimate Good’ or the demands of ‘the sanctity of private property.’ Since the only intent of this law is to protect property rights, the content of the demands does not change according to the name this principle is given. Therefore, calling this monist value ‘liberty’ seems arbitrary and, as we have seen, misleading. In fact, I believe to have given substantial evidence for ‘justice’ being a more suitable term to describe the lawful condition of property rights.

If we replace the word ‘liberty’ with the word ‘justice,’ we see that the counterintuitive implications largely disappear. ‘Liberation’ by giving up violated property can therefore be correctly called *rectification*. The negative correlation between being *powerful* and being ‘free’ becomes that

⁴²⁷ As mentioned, Immanuel Kant, Johann Fichte and Friedrich Hegel are all exponents of positive liberty.

⁴²⁸ There should be no ambiguity about this: according to the strictly liberalist, Berlinian preconditions for a philosophy of freedom set out in this thesis, Rousseau’s account of liberty is also mistaken and totalitarian by its nature.

between being powerful and being treated *justly*. The guilty prisoner is also no longer given his ‘liberty’; now he is given his *justice*. However, Friday is still being treated *justly*, when he is being walled up and trapped in the coconut tree. Therefore, this ‘justice’ is still not justice in any ordinary sense, but the concept of justice in Rothbardian property rights absolutism. The strictures of this absolutism, as we have seen, have not been inferred by moral philosophy; they have been inferred by praxeology, which is an economic science. With ‘freedom’ as justice, and ‘ethics’ as property rights absolutism in economic science, the terms of the Rothbardian system seem to no longer contradict the *endoxa*, and we are in a much better position to interpret the theory correctly.

The biased use of words is also apparent when we consider the alleged distinction between the governance of a State over its citizens and the governance of a private proprietor over its tenants. The normative distinction between the State and the society is made purely definitively: the political power of the State is, by definition, coercive, while the political power of the private proprietor is, by definition, rightful. The actual functions and the empirical moral consequences of these centralized political powers are irrelevant to these *a priori* terms. As we have seen, the reducibility thesis (ultimately, the alleged free will of the individuals who form the government) is also violated by the language of the radical analysis, in which Rothbard asserts that the necessary *nature* of the State is to perpetuate violence and increase its power. Thus, the argument that capitalism essentially encourages cooperation and mutual benefit, while state rule encourages coercion and violence, becomes a *tautology*; Rothbard seems to *define* capitalism as ‘cooperation and mutual benefit,’ and state rule as ‘coercion and violence.’ Making the expressions ‘just state’ or ‘capitalist exploitation’ simple contradictions in terms, of course, proves nothing about the actual injustice of the State or the actual freedom of the capitalist order.

And yet, there should be no reason to suspect Rothbard’s sincerity or good faith concerning these categorizations. To him, the individual anarchist, the State *is* the ultimate aggressor and the originator of violence. In his radical, teleological philosophy of history – the battle between Liberty and Power – the State represents the Old Order and the ‘dark night of tyranny.’⁴²⁹ The only means for the State to exist and provide itself is to aggress against the private property of the individuals. To deny the means, and thus deny the State, is to help Liberty to win over Power. This is, of course, exactly what Rothbard is trying to do. Anarcho-capitalism is aimed to defeat the State with consistent ethics that categorically prohibits the State’s means to exist: violence. To Rothbard, then, it is only appropriate to give the name “liberty” to that which gives us our Liberty.

⁴²⁹ Here, it becomes evident that denouncing such evil in clear, unequivocal terms cannot be bothered by the technicalities of the reducibility thesis.

Here, we see that the best reconciliation between Rothbard's *a priori* and *a posteriori* concepts of liberty with which we have been left is the logical connection between them in the revolutionary battle against the State. The term 'liberty,' in its *a priori* use, is indeed a *nom de guerre*. It is instrumental and prudential: its main purpose is to establish a consistent, anti-establishment philosophy. The *a posteriori* form of the term, then, indeed refers to the highest political end, and to the end of history itself: it refers to the realization of the stateless utopia, the anarcho-capitalist society – and whatever comes out of it. The conceptual link between the *a priori* and the *a posteriori* term is therefore evident, although, we might want to argue, neither of them really is what we ordinarily mean by the word 'liberty'.

This is not to say that Rothbard's intention is to write intentionally misleading propaganda. It is, however, worth to notice that he was primarily a populist political activist and a revolutionary ideologue, and only secondarily a systematic philosopher of ethics. Considering the very combative and dismissive refutation of Berlin's theory in "Ethics of Liberty", it seems very plausible that Rothbard never made a systematic distinction between his political pamphleteering and his work on moral philosophy. It is, then, possible that he could have also agreed on his concept of liberty being an inaccurate term in its *a priori* use, and was conscious about his choice to assume it for ideological reasons. There is no doubt to assume, however, that this would not have been done in good faith in the authenticity of the *a posteriori* sense of liberty. Rothbard undoubtedly believes that the anarcho-capitalist society would be both feasible and morally superior – the *laissez-faire* theories of Ludwig von Mises and the Austrian School, and the optimistic belief in human rationality, encouraged by the influence of both the early individualist anarchists and Ayn Rand, gave strong support to this belief.

This shows that the ideological normativity of the premises of the Grand System is fundamental, and at least partially willful. It also gives the final answers to our question about the meaning of the concept of liberty in Murray Rothbard's anarcho-capitalism, and thus concludes our investigation. The concept of liberty in Murray Rothbard's philosophy is the concept of justice in an order of property rights absolutism, derived by praxeological methods of economic science. However, the concept seems to refer, in its most authentic, reliable and consistent sense, to the revolutionary and millenarian idea of utopian liberty. The ethical inconsistency and normative bias entailed in this idea are most apparently conceded for fundamentally ideological reasons. In this sense, anarcho-capitalism does not seem to be a serious theory of liberty, nor a serious moral philosophy.

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