

Libertarianism is unique; it belongs neither to the right nor the left: a critique of the views of Long, Holcombe, and Baden on the left, Hoppe, Feser and Paul on the right

By

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Abstract:

The present paper defends the claim that the libertarian political economic philosophy is unique. It belongs neither to the right or left hand part of the political economic spectrum. This thesis is in sharp contrast to the views of left libertarians Long, Konkin and Holcombe, who maintain that libertarianism is really part of the left-feminist movement, and equally so with the perspective of conservative libertarians Hoppe and Feser, in whose view libertarianism is a constituent element of the right wing conservative movement.

Key Words:

Socialist, capitalist, conservative, liberal, libertarian, Marxist, feminist, left, right, Democratic, Republican, political spectrum, Long, Holcombe, Baden, Hoppe, Feser, Paul

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I. Introduction

The present paper defends the position of libertarian centrism, or plumb line libertarianism¹ vis a vis its two competitors for the libertarian mantle: left wing libertarianism and right wing libertarianism. Appearing in the present Journal there is no need even to carefully define terms such as “libertarian,” as would otherwise be the case. For, amazingly, all parties to this debate are staunch libertarians. There are no differences between us as to the primacy of the non-aggression axiom, coupled with private property rights based on homesteading. All principals to this debate agree with these basic premises. Where we differ is in terms of the logical implications of these founding axioms. In section II we take to task Long, Holcombe, Baden and other New Age, feminist, hippie libertarians. Section III is devoted to an equally sharp evisceration of the right wing, conservative, traditionalist position of libertarians such as Hoppe, Feser and Paul.² The burden of section IV is to explore the issue of which cultural patterns, left or right, are more conducive to libertarianism? We conclude in section V with an attempt to woo back into the libertarian mainstream³ these outliers, *both* sets of them.

II. Contra left wing libertarianism

A. Roderick Long

a. The wage gap

Here is an indicative view of Long (Long and Johnson, unpublished):

“When radical feminists say that male supremacy rests in large part on the fact of rape—as when Susan Brownmiller characterizes rape as ‘a conscious process of intimidation by which *all* men keep *all* women in a state of fear’ (*Against Our Will*, p. 15)—libertarians often dismiss this on the grounds that not all men are literal rapists and not all women are literally raped. But when their own Ludwig von Mises says that ‘government interference always means either violent action or the threat of such action,’ that it rests ‘in the last resort’ on ‘the employment of armed men, of policemen,

¹ It is a source of great pride and, even, amazement to me that there should now be different wings of the libertarian movement. When I first joined, in 1962, there were so few libertarians that the idea of different variants of this philosophy would have seemed outrageous. However mistaken are both right and left wing libertarians, and they are both very much in error in my view, it cannot be denied that this phenomenon is testimony to our overall success.

² The case of Feser is somewhat complicated. At one point in his career (e.g., Feser, 2003, 2004), he was indeed a libertarian, albeit a right wing or conservative one. But then he migrated out of libertarianism altogether, and fully embraced religiously oriented conservatism. See on this Gordon, 2006A; see also Gordon, 2006B.

³ I am inordinately fond of this phrase.

gendarmes, soldiers, prison guards, and hangmen,' and that its 'essential feature' is 'the enforcement of its decrees by beating, killing, and imprisoning' [HA VI.27.2], libertarians applaud this as a welcome demystification of the state. Libertarians rightly recognize that legally enacted violence is the means by which *all* rulers keep *all* citizens in a state of fear, even though not all government functionaries personally beat, kill, or imprison anybody, and even though not all citizens are beaten, killed, or imprisoned; the same interpretive charity towards the radical feminist analysis of rape is not too much to ask."

Although Feser (2004B) did not write with this specific quote in mind, he might well have:

"... it is of the essence of modern intellectual life that such claims, and many that are even more bizarre -- e.g. that marriage is comparable to rape and sexual intercourse an expression of contempt for women (Andrea Dworkin), that Soviet communism would have been worth the murder of 20 million people had it worked out (Eric Hobsbawm), that Greek civilization was stolen from Africa (Martin Bernal) -- are regarded as at least worthy of discussion. The rankest claptrap is given the most serious consideration, while common sense and tradition are dismissed without a hearing."⁴

I am of course too scholarly by disposition to characterize the views of Long and Johnson in this regard as "the rankest claptrap." Instead, I content myself by noting that there is a strong disanalogy between males vis a vis females on the one hand, and the state with respect to the rest of us, on the other. To wit, every government without exception is a rights violator⁵ but not every man is a rapist⁶ or woman beater. It is entirely *justified* for all members of the polity to go in fear of the government. The state is the greatest rights violator known to man. It is entirely a different matter to think it reasonable that *all* women are kept by *all* men in a continuous state of fear. Brownmiller and Dworkin, themselves, furnish a counter example: they went about their ordinary

⁴ Below I criticize Feser as a right wing libertarian. At present, however, I am in total agreement with his criticism of left wing libertarianism.

⁵ Long (2004A) knows this full well. As well, he certainly acquiesces in the notion that not all men are rapists. How, then, can he see an analogy between males of the species and the per se evil state? It literally boggles the imagination.

⁶ A relevant joke goes as follows: A man and his wife go on a fishing trip; one day, while the husband is resting in their tent, the wife, who abhors fishing, takes his place in the boat, whiling away the hours by reading a book. Along comes the sheriff and says, "Ma'am, I'm going to have to arrest you." "Why?" she asks. His reply: "Because you are fishing in a no fishing zone." To which she says, "But, as you can plainly see, I'm reading a book, I am not fishing." His response, "But you have all the fishing equipment in that boat." Her reply: "Well, if you arrest me for fishing in an illegal part of the lake, I will charge you with rape." "Rape?" replies the astounded officer of the law; "Why, I've not come within ten feet of you." Her definitive and final response: "But you have all the equipment." Precisely. All men have the necessary equipment for a rape; not all of them use it. The state, in sharp and dramatic contrast, not only has the equipment, but uses it every day of the year, every minute of every day. Even if during one second of one day there is no actual statist invasion taking place (think very small relatively free country), there is the ever present *threat* of same. This, Long and Johnson to the contrary notwithstanding, cannot be said of all men, despite the fact that they all possess the necessary equipment.

lives, shopping, working, teaching, lecturing, writing; they could hardly done this were they in a perpetual state of fear. Their “fear,” rather, was merely theoretical, political, or poetic. Of course ordinary citizens, too, go about their daily concerns, without exhibiting undue fear of government, or, indeed, any fear at all; they are taught from the earliest age that “the (statist) policeman is our friend.” The difference is that the minions of the state rule over them whether their victims realize it or not. This simply is not the case regarding all men and all women regarding rape. This is not such a difference in degree that it ultimately amounts to a difference in kind; it is a difference in kind at the outset. For proof, all we need do is reflect upon the fact that there *never* has been a government that has not violated rights. Surely, most men have never, ever, raped anyone, or even come close.

Long and Johnson (unpublished) are exercised about “the reality and pervasiveness of ... discrimination against women ...” According to Long (2004B):

“Women on the job market make, on average, 75 cents for every dollar men make for the equivalent jobs.

“What explains this wage gap? Various possibilities have been suggested. But some Austrians have argued that there is only *one* possible explanation: women are less productive than men.

“The argument goes like this: If employers pay an employee *more* than the value of that worker’s marginal revenue product, the company will lose money and so will be penalised (sic) by the market. If employers pay an employee *less* than the value of his or her marginal revenue product, then other companies can profit by offering more competitive wages and so luring the employee away. Hence wage rates that are set either above or below the employee’s marginal revenue product will tend to get whittled away via competition. (See [Mises](http://www.mises.org/humanaction/chap21sec3.asp) [http://www.mises.org/humanaction/chap21sec3.asp] and [Rothbard](http://www.mises.org/rothbard/mes/chap9b.asp) [http://www.mises.org/rothbard/mes/chap9b.asp] for this argument.) The result is that any persistent disparity between men’s and women’s wages must be due to a corresponding disparity between their marginal productivities.

“As Walter Block [puts it](http://www.mises.org/fullstory.aspx?control=1466) [http://www.mises.org/fullstory.aspx?control=1466]: Consider a man and a woman each with a productivity of \$10 per hour, and suppose, because of discrimination or whatever, that the man is paid \$10 per hour and the woman is paid \$8 per hour. It is as if the woman had a little sign on her forehead saying, ‘Hire me and earn an extra \$2 an hour.’ This makes her a desirable employee even for a sexist boss.

“The fact that the wage gap does not get whittled away by competition in this fashion shows that the gap must be based, so the argument runs, on a real difference in productivity between the sexes. This does not necessarily point to any *inherent* difference in capacities, but might instead be due to the disproportionate burden of household work shouldered by women – which would also explain why the wage gap is greater for married women than for single women. (Walter Block [makes this argument](#)

[<http://www.loyolamaroon.com/media/storage/paper542/news/2003/04/11/Editorial/Letter.wage.Gap.Due.To.Differentiation.Among.Sexes.Roles-414971.shtml?noreferrer=200605022053&sourcedomain=www.loyolamaroon.com>] also.) Hence feminist worries about the wage gap are groundless.

“I’m not sure why this argument, if successful, would show that worrying about the wage gap is a *mistake*, rather than showing that efforts to redress the gap should pay less attention to influencing employers and more attention to influencing marital norms. (Perhaps the response would be that since wives freely choose to abide by such norms, outsiders have no basis for condemning the norms. But since when can’t freely chosen arrangements be *criticised* (sic) – on moral grounds, prudential grounds, or both?)

“But anyway, I’m not persuaded by the argument, which strikes me as [ominous pause for effect] more *neoclassical* ... than Austrian, in that it ignores imperfect information, the passage of time, etc. I certainly agree with Mises and Rothbard that there is a *tendency* for workers to be paid in accordance with their marginal revenue product, but the tendency doesn’t realise (sic) itself instantaneously or without facing countervailing tendencies, and so, as I see it, does not license the inference that workers’ wages are likely to approximate the value of their marginal revenue product – just as the existence of equilibrating tendencies doesn’t mean the economy is going to be at or near equilibrium. I would apply to this case the observation [Mises makes](#) about the final state of rest – that although ‘the market at every instant is moving toward a final state of rest,’ nevertheless this state ‘will never be attained’ because ‘new disturbing factors will emerge before it will be realized.’

“First of all, most employers do not know with any great precision their workers’ marginal revenue product. Firms are, after all, islands of central planning – on a small enough scale that the gains from central coordination generally outweigh the losses, but still they are epistemically (sic) hampered by the absence of internal markets... A firm confronts the test of profitability as a unit, not employee by employee, and so there is a fair bit of guesswork involved in paying workers according to their profitability. Precisely [this point is made, in another context, by Block](#) [http://www.mises.org/journals/qjae/pdf/qjae4_2_5.pdf] himself: ‘estimating the marginal-revenue product of actual and potential employees ... is difficult to do: there are joint products; productivity depends upon how the worker ‘fits in’ with others; it is impossible to keep one’s eye on a given person all day long; etc.’ But Block thinks this doesn’t much matter, because ‘those entrepreneurs who can carry out such tasks prosper; those who cannot, do not.’ Well, true enough, but an entrepreneur doesn’t have to solve those problems *perfectly* in order to prosper – as anyone who has spent any time in the frequently insane, *Dilbert*-like world of actual industry can testify...

“Even if women are not generally less productive than men, then, there might still be a widespread *presumption* on the part of employers that they are, and in light of the difficulty of determining the productivity of specific individuals, this presumption would not be easily falsified, thus making any wage gap based on such a presumption more

difficult for market forces to whittle away. (Similar presumptions could explain the wage gap between married and single women likewise.)

“Hence a wage gap might persist even if employers are focused solely on profitability, have no interest in discrimination, and are doing the level best to pay salary on marginal productivity alone. But there is no reason to rule out the possibility of deliberate, profit-disregarding discrimination either. Discrimination can be a consumption good for managers, and this good can be treated as part of the manager’s salary-and-benefits package; any costs to the company arising from the manager’s discriminatory practices can thus be viewed as sheer payroll costs. Maybe some managers order fancy wood paneling for their offices, and other managers pay women less for reasons of sexism; if the former sort of behaviour can survive the market test, why not the latter?

“I should add that I don’t think my skepticism about the productivity theory of wages is any sort of criticism of the market. The tendency to which Austrians point is real, and it means that markets are likely to get us *closer* to wages-according-to-productivity than could any rival system. (Since neoclassical perfect competition is incoherent and impossible, it does not count as a relevant rival.) If employers have a hard time estimating their workers’ productivity (the knowledge problem), or sometimes cannot be trusted to try (the incentive problem), that’s no reason to suppose that *government* would do any better. Employers are certainly in a *better* (however imperfect) position to evaluate their employees’ productivity than is some distant legislator or bureaucrat, and they likewise have *more* reason to care about their company’s profitability (even if it’s not all they care about) than would the government. So there’s no reason to think that transferring decision-making authority from employers to the State would bring wages into any better alignment with productivity. People in government are crooked timber too, and (given [economic democracy’s superior efficiency](#) in comparison with political democracy) they’re even *less* constrained by any sort of accountability than private firms are.

“Nothing I’ve said shows that men and women *are* equally productive; it’s only meant to show that, given prevailing cultural norms and power relations, we might well expect to see a gap between men’s and women’s earnings even if they *were* equally productive (which is at least reason for skepticism about claims that they are not equally productive).

“I would also add that even if there are persistent problems – non-governmental but nonetheless harmful power relations and the like – that market processes do not eliminate *automatically*, it does not follow that there is nothing to be done about these problems short of a resort to governmental force. That’s one reason I’m more sympathetic to the labour movement and the feminist movement than many libertarians nowadays tend to be. In the 19th century, libertarians saw political oppression as one component in an interlocking system of political, economic, and cultural factors; they made *neither* the mistake of thinking that political power was the only problem *nor* the mistake of thinking that political power could be safely and effectively used to combat the other problems....

“We know – *independently* of the existence of the wage gap – that there is plenty of sexism in the business world. (Those who don’t know this can verify it for themselves by spending time in that world or talking with those who have done so.) Once we see why the productivity theory of wages, though correct as far as it goes, goes less far than its proponents often suppose, it does not seem implausible to suppose that this sexism plays some role in explaining the wage gap, and such sexism needs to be combated. (And even if the wage gap were based on a genuine productivity gap deriving from women’s greater responsibility for household work, the cultural expectations that lead women to assume such responsibility would then be the sexism to combat.) But that’s no reason to gripe about ‘market failure.’ Such failure is merely *our* failure. Instead, we need to fight the power – peacefully, but not quietly.”

There are several problems with the foregoing.

1. Perhaps most important, we must hark back to the biblical story where people are paid different amounts of money for doing precisely the same job; or what is the same thing, the same compensation for doing very different amounts of work. Why is this unjust from a libertarian perspective? It is not. These disparities can be interpreted as a differential gift giving. That is, the employer⁷ pays everyone equally for equal productivity, but then makes a freely given donation to some but not to others. As long as all these acts are voluntary, there is nothing to which the libertarian, qua libertarian, can object. Based only on this consideration, Long is going to have to decide whether his primary allegiance lies with feminism or libertarianism. This author does indeed touch on one aspect of this when he discusses the possibility that the wage gap between males and females might be due to in effect employer consumption: paying males more than females just for the sheer joy of doing so. If so, is this not the employer’s right? And if so, from whence springs any possible *libertarian* objection to the wage gap?

2. Let us move from normative to positive economics, and consider Long’s objections to the thesis that in the free market, wages tend to be based upon marginal productivities. Here, we note that this author posits that there is a “tendency” for employers to pay workers at the level of their marginal revenue product (MRP),⁸ but, fully in the Austrian tradition, notes the fact that this is not instantaneous. However, he seems to think that always and ever females are paid less than their MRP, and that the market is in effect “lazy” in bringing the two amounts into equality. If the market process were instantaneous, which of course it is not and cannot be, then female wages would instantly *rise* to their proper MRP levels, and there would be no injustice, at least in this one case. But why would there be a bias in the market, such that entrepreneurship necessarily results in *lower* female wages in disequilibrium? Why not wages *higher* than

⁷ There are two sources of discrimination apart from that of the employer. There is also consumer discrimination, and fellow worker discrimination. Following Long, we ignore the latter two sources.

⁸ Actually, it is at the level of their next best option discounted marginal revenue product (Block, 1990), but why quibble?

MRP when the market is not in its equilibrium or evenly rotating state? Long, let alone not furnishing us with an answer to this absolutely crucial implicit claim of his, does not even seem to recognize that there is a need to do so.

3. Perhaps the fact that lesbians earn more than straight women (http://www.findarticles.com/p/articles/mi_m1589/is_2000_July_4/ai_63059683) will convince Long that the market wages tend not to be determined by sexist men who are biased against women, on the basis of this taste. For, if the male chauvinist pigs⁹ were indeed in charge of pay decisions, and were indeed biased in this direction, and not stopped by profit considerations from indulging in these tastes, surely they would reserve their extreme ire for lesbians, who, presumably, violate traditional values far more than heterosexual females.

4. Long is on a slippery slope. If he doubts that marginal productivity theory applies to the male female wage gap, logic compels him to articulate the same difficulties as far as the usual free market economic analysis of minimum wages is concerned. That is, he must say something along the following lines: yes, the minimum wage leads to unemployment for low skill workers; but this is true only in equilibrium, and we are never in equilibrium. To bitterly oppose minimum wage legislation, as do many right wing libertarians, is to base one's analysis on, horrors, dramatic pause for effect, neoclassical economics. In contrast we sophisticated left wing Austro libertarians are more sympathetic to minimum wage legislation since it takes time, time that the poor simply do not have, for wages of the unskilled to *rise* to their equilibrium MRP levels. In the interim, the minimum wage law can play a positive role.

His support for unions in this regard is more than just a little disquieting,¹⁰ in that they are, and for good reason, the staunchest supporters of minimum wage legislation in society, apart from the fully economically illiterate. It may well be that while Long is a staunch libertarian when it comes to personal liberties, he is less so, far less so, when it comes to economic freedom, due to his misunderstanding of economics.

5. What is this business of criticizing the freely made decisions of women to stay home and take care of babies? It matters not one whit that this is done "on moral grounds (or) prudential grounds." The libertarian qua libertarian simply has no business in criticizing "women's (choice of) greater responsibility for household work." It is no business of the libertarian, none whatsoever, to "combat" the "sexism" implicit in "the cultural expectations that lead women to assume such responsibility."

6. Consider Long and Johnson's claim that there is a false but "widespread *presumption* on the part of employers that" female productivity is lower than that of the

⁹ For a defense of such characters, see Block (1991A, pp. 26-36).

¹⁰ I am appalled at Long's being "sympathetic to the labour movement." Unions are a band of thugs. See on this Baird, 1990, 2000; Block, 1991B; Heldman, 1977; Heldman, Bennett and Johnson, 1981; Hutt, 1973, 1989; Petro, 1957; Reynolds, 1984, 1987; Schmidt, 1973; Rothbard, 1993

male. Presumably, this false presumption is not only widespread, but of long duration. Otherwise, it could hardly account for a continuing wage gap. If so, it resembles nothing if not the “cluster of error” of Austrian Business Cycle theory (ABCT). But, as we know from our study of business cycles, any such conglomeration of error cannot long endure without continued statist interference with markets. It would be dissipated by the market’s profits and loss weeding out process.

7. State our authors: “... employers ... cannot be trusted to try ... estimating their workers’ productivity ... (the incentive problem).” By this they refer to the fact that some employers might forego a non-sexist discriminatory policy out of consumerist motivations. But if they do, they will be doing so strictly as *consumers*, albeit it on company property.¹¹ That is, they will not be doing so as *employers*, as these authors maintain.

8. In my view, it is not at all a “mistake” to “think... that political power (is) the only problem,” that is, as far as libertarianism is concerned. Here, I define political power along Oppenheimer lines¹² to include any and all initiations of violence, or threats thereof, against innocent people. This would include, of course, government; but it would *also* incorporate other uncivilized behavior such as that perpetrated by robber gangs, or, even, individuals who brutalize innocent victims on their own account. Of course, there are other problems that libertarians are involved in combating: bad breath, the heartbreak of psoriasis, losing chess games, cancer, the list goes on and on. But, here, libertarians who do so are not acting *qua* libertarians. This is a distinction that is crucial for a clear understanding of this philosophy.

9. What are we to make of this claim: “We know – *independently* of the existence of the wage gap – that there is plenty of sexism in the business world. (Those who don’t know this can verify it for themselves by spending time in that world or talking with those who have done so.)”

In one sense, this is unobjectionable. Were it to be filed under the “everyone knows” category, no reasonable person would object to it. However, if we are going the anecdotal route, let me add in my own two cents worth. Yes, we have all heard the sexist jokes in the business world, and, also, the numerous comments about different women’s physical attributes.¹³ But when it comes to pay, my own informal assessment is that it

¹¹ The analysis here would be similar for the one that accounts for office rugs thicker, or furniture more ornate, than strict profit considerations would justify.

¹² In the view of Oppenheimer (1926, 24-27): “There are two fundamentally opposed means whereby man, requiring sustenance, is impelled to obtain the necessary means for satisfying his desires. These are work and robbery, one’s own labor and the forcible appropriation of the labor of others. . . . I ... call one’s own labor and the ... exchange of one’s own labor for the labor of others, the ‘economic means’ for the satisfaction of need while the unrequited appropriation of the labor of others will be called the ‘political means.’ . . . The State is an organization of the political means.”

¹³ It is a downright lie that this is *all* men discuss. I myself on several occasions have sometimes heard other topics mentioned; rare, but true.

works mainly in the direction not of increasing the pay gap between men and women.¹⁴ Rather, it is all in the direction of paying attractive women a beauty premium.¹⁵ And this observation should not be the occasion of any great surprise. What else could we reasonably expect from healthy male heterosexuals, if they are in a position to indulge their tastes? Their true tastes, let it be stated loud and clear, is *not* against women, but, if they are in opposition to anyone, it is to other males who are seen as competition.

In another sense, this is highly objectionable. After all, we are discussing an important issue: is there a male female wage gap once productivity is taken into account, and if so, is this unjust from a libertarian point of view? Resort to anecdotes of this sort must be ruled out of court in any serious analysis.

b. New Age

According to Long (1995) “It is an open question whether New Age ideas will prove to be favorable or unfavorable to libertarianism. I consider them favorable, on the whole... If the natural political expression of the Catholic ethos was monarchism, and the natural political expression of the Protestant ethos was democracy, then the natural political expression of the New Age ethos is free-market anarchism. This does not mean that today's New Agers are libertarians. Some are; but most, I suspect, are moderate statist of the eco-left variety. Yet likewise the first Protestants had few if any democratic inclinations. If the historical pattern repeats itself, however, then as the New Age movement continues to grow, its adherents will come to find its anarchic organizational structure more and more natural, and will gravitate toward manifestations of that same structure in the political realm. Hence, I suggest, we who hope to found a Free Nation should view the emerging religious climate as a reason for optimism.”

I find this more than passing curious. On the one hand, I join with Long in hoping that New Agers will one day convert en masse to libertarianism. On the other hand, I would be willing to bet that more ex Nazis and hard-core communists will one day embrace freedom than will those of the New Age persuasion. In any case, I see no evidence of *any* New Agers at all who are now libertarians. I should welcome being proven wrong on this matter. But as matters stand, this group of people seems most associated with libertine sexual practices, the wearing of hippie clothes, the drug culture, and, as for the rest, obscurantism, relativism and other types of irrationality, too many and too impenetrable even for discussion.

Posit, however, that Long is totally correct in his assessment. One day, perhaps soon, our libertarian ranks will be bolstered by thousands, nay, tens or hundreds of

¹⁴ For never married males and females, there is virtually no pay gap whatsoever. See on this Block and Walker, 1985.

¹⁵ See on this Averett and Korenman, 1996; Biddle and Hamermesh, 1998; Cawley, 2004; Hamermesh and Biddle, 1994.

thousands of Austro-libertarian ex New Agers, all of them clutching volumes of *Atlas Shrugged* and *Human Action*, and sounding rational for the first times in their lives. What of it? Why should we ally ourselves with them *now*? Worse, where is the argument for *at present* considering them allies? Even worse than that, what is the case for considering ourselves as part of a movement that now (shudder, groan) includes them?

It cannot be denied that the views of these people, when comprehensible, are pretty much aligned with ours when it comes to personal liberties (pot smoking and all types and varieties of fornication should be legal, particularly the most kinky ones¹⁶) and to foreign policy (although many of them are pacifists, and libertarians certainly need not adhere to that doctrine). But, when it comes to economic freedom, these people foam at the mouth in anger at the very idea.

One might as well posit individual vs. team sports athletes as more compatible with libertarianism. That is, track runners are more libertarian than basketball players, since the former compete on their own, and the latter are part of a collective enterprise. This is a similarly improbable claim with no support whatsoever. No, the latter are not, because of this fact, more libertarian than the former, and hippie New Agers are not libertarians, nor are we associated with them by virtue of taking on our own philosophy.

c. Equality

According to Long (2001):

“In short, the equality that Locke and Jefferson speak of is equality in *authority*: the prohibition of any ‘subordination or subjection’ of one person to another. Since any interference by A with B’s liberty constitutes a subordination or subjection of B to A, the right to liberty follows straightforwardly from the equality of ‘power and jurisdiction.’

“As Locke explains: [B]eing all equal and independent, no one ought to harm another in his life, health, liberty or possessions. . . . And, being furnished with like faculties, sharing all in one community of nature, there cannot be supposed any such subordination among us that may authorize (sic) us to destroy one another, as if we were made for one another’s uses, as the inferior ranks of creatures are for ours.[4]

“This is a notable pre-Kantian statement of the principle that human beings are not to be treated as mere means to the ends of others. (Observe, too, how Locke and Jefferson both invoke *independence* as a corollary of, or a gloss on, equality in authority.) We can now see how socioeconomic equality and legal equality *both* fall short of the radicalism of Lockean equality. For neither of those forms of equality calls into question the authority of those who administer the legal system; such administrators are merely required to ensure equality, of the relevant sort, *among those administered*. Thus socioeconomic equality, despite the bold claims of its adherents, does no more to

¹⁶ Well, many of these worthies, were they given to rational discourse and capable of making fine distinctions, would probably opine that such acts should be made legally *compulsory*.

challenge the existing power structure than does legal equality. Both forms of equality call upon that power structure to do certain things; but in so doing, they both assume, and indeed require, an inequality in authority between those who administer the legal framework and everybody else.

“The libertarian version of equality is not circumscribed in this way. As Locke sees, equality in authority entails denying to the legal system’s administrators—and thus to the legal system itself—any powers beyond those possessed by private citizens: [T]he execution of the law of nature is in that state put into every man's hands, whereby every one has a right to punish the transgressors of that law to such a degree as may hinder its violation. . . . For in that state of perfect equality, where naturally there is no superiority or jurisdiction of one over another, what any may do in prosecution of that law, every one must needs have a right to do.[\[5\]](#)”

“Lockean equality involves not merely equality *before* legislators, judges, and police, but, far more crucially, equality *with* legislators, judges, and police.

“By this standard Murray Rothbard, in his advocacy of anarcho-capitalism, turns out to have been one of the most consistent and thoroughgoing egalitarian theorists of all time. As the author of *Egalitarianism as a Revolt Against Nature*, Rothbard might very well turn over in his grave to hear himself so described; but, as we shall see, what Ayn Rand used to say of capitalism applies *a fortiori* to equality: equality, properly understood, is in many ways an *unknown* ideal—unknown both to its defenders and to its detractors.”

My only agreement with Long on this matter is that Rothbard would indeed turn over in his grave to hear his views characterized as “egalitarian,” of all things, and properly so. For if there is anything clear about Rothbard’s views, it is that he was an opponent, not a supporter, of this doctrine. Long “succeeds” in shoe-horning Rothbard into this position only by stipulative definition: he redefines egalitarianism, or equality, as non aggression, and then, correctly, insists, that under libertarianism we would all, rich and poor, the well born and the not so, have equal rights not to be aggressed against. True, but there is no need to smuggle in egalitarianism or equality to make this eminently sensible libertarian point.

Long, however, errs, in his analysis of authority. The employer has authority over the employee. As does the orchestra conductor vis a vis the musicians. This kind of authority is not at all problematic, in that it stems from voluntary agreements to submit to the authority of these others; e.g., the employer, boss, conductor, foreman, etc. If Long is using the word “authority” to depict any other relationship than this reportative one, then he is merely articulating, once again, the libertarian non aggression axiom.

d. Feminism

According to Long and Johnson (unpublished):

“...the political traditions of libertarianism and feminism are both in the main correct, insightful, and of the first importance in any struggle to build a just, free, and compassionate society. We do not intend to try to *justify* the import of either tradition on the other’s terms, nor *prove* the correctness or insightfulness of the non-aggression principle, the libertarian critique of state coercion, the reality and pervasiveness of male violence and discrimination against women, or the feminist critique of patriarchy.”

Rothbard would also turn over in his grave at the prospect of “libertarians” supporting feminism. How else could he have penned these words (Rothbard, 1970, p. 1): “... the arrant nonsense of Women’s Liberation.”

Yes, some men rape some women, and females earn less than males, on average, but it is truly a long way from such insights to the libertarian embrace of feminism, of all things. It cannot be denied, moreover, that if females suffer in comparison to males in these regards, than they are in a vastly superior position regarding incidence of suicide, depression, incarceration, mental illness and length of life.¹⁷

e. Public property

Long (1996) is also an advocate of public (in addition to) private property.¹⁸ He starts off by attempting to overturn Hardin’s (1968) concept of the tragedy of the commons, according to which too many cooks spoil the broth: if there are too many owners, for example, the entire public even though local, there will be overuse of the resource, as each user imposes costs on the others that he does not himself take into account. With a little help from Rose (1986) and Schmitz (1994), Long (1996, 3) attempts to evade this finding on the ground that:

“There are some cases in which, at least within certain parameters, a physical resource’s value is enhanced by increased use... This is particularly true when the resource is tied in some way to a *non*-physical comedy-of-the-commons resource, like a market or a town festival; since “the more, the merrier” applies to these non-physical resources, it also applies, to *some* extent, to the physical land on which the market or festival is held, and to the physical roadways leading there. Since everyone benefits from having more people come to the fair, everyone also benefits from making physical access to the fairgrounds free as well.

¹⁷ Mercer (2006) states: “I don’t expect men’s circumstances to move [feminist Catharine] Mackinnon. But is there no significance to the fact that women continue to live longer than men, that many more men commit suicide, that men are more likely to be unemployed and less likely to get another job, and that they are more likely to suffer lethal industrial accidents? Is it of no experiential importance that of the 2,350 soldiers who’ve died so far in Iraq and the 18,000 who’ve been wounded, most are men? Not in Mackinnon’s static and stony universe. Here she is up to her clavicles in self-contradiction, a condition the Greek philosophers deemed ‘less than human, less than coherent, less than sane.’ But then, they were of the patriarchy.” See also on this <http://www.google.com/search?hl=en&lr=&q=females+live+longer+lives+than+males&btnG=Search>

¹⁸ As an anarchist in good standing, he properly distinguishes his proposal from government property.

“Of course there are limits. If *too* many people come, the fair will be too crowded to be enjoyable. But this simply shows that some goods have *both* tragedy-of-the-commons and comedy-of-the-commons aspects, and which one predominates will depend on the circumstances. Public property may be the efficient solution in some cases, and private property in others. (Or a bundle of property rights may be split up, with some public, some private.)”

In my view, there are several errors committed here. First, Long (1996, 1998) fails to distinguish between *use* and *ownership*. To be sure, value will increase with use, at least initially, and then decline with overcrowding, as Long correctly notes. However, what does this have to do with the topic under debate, which is not *use* but rather *ownership*? Imagine a fairgrounds literally owned by tens, nay, hundreds of thousands of people, not in the form of a single firm with many stock holders, but rather in common, where each of these many, many individuals has the right to do whatever he pleases with the property. This is a recipe for economic disaster, or, as Hardin would have it, tragedy.

Second, it is not possible for “public” fairgrounds to compete with each other in a way that allows for the weeding out of the inefficient owners, in the same way as can occur with private holdings. Suppose for instance that public fairgrounds A does well, satisfies customers, etc., while public fairgrounds B fails in this regard. How can the former, or anyone else for that matter, naturally take over the latter, as occurs every day under private enterprise (Hazlitt, 1979). There will always be a few holdouts: private owners of the public property B who refuse to go along. Long (1998, 9) admits he has no solution to this problem of the “reversion of public property.”¹⁹

Third, it is by no means clear that the optimal price for admittance to the fairgrounds is always for “free,” as Long asserts. This seems to be the case for suburban shopping mall parking lots, but not for those located in highly dense areas where parking spaces are at a premium. It is unclear why Long thinks a very large number of “public” owners would be on a par with profit and loss making private owners in determining optimal prices in this regard.

Fourth, who, precisely, can make any entrepreneurial *decisions* about the public property, of the sort that are made every day, indeed, practically every minute, in a real business firms. For example, suppose there are too few people at the fair (who determines that?): should the prices be lowered? If the price is already zero, as Long seems to think it would be, should this be lowered to a negative price, e.g., give entrants a gift to entice them to attend? Suppose there are too many people at the fair (who determines that?) should the price be raised? Should a fence be built around the fairgrounds? Should the lawn be watered? How often? By whom? Should some (how much?) of the grass be

¹⁹ Long (1996, 4) states: “Public property can also be the product of gift. In 19th-century England, it was common for roads to be built privately and then donated to the public for free use.” Not quite. These roads were donated, not the “the public,” but, instead, to *government*. It is more than passing curious that an avowed anarchist such as Long would acquiesce in any such transaction, since it constitutes the aiding and abetting of the *state*.

paved over for parking? For other purposes? How many police should be hired to patrol the fairgrounds and deal with picket pockets? What should the qualifications be for these guards? Should a water fountain, a swimming pool, be installed on the fairgrounds? Of what type and at what cost and by whom?

Long (1998, 6-7) attempts to answer questions of this sort and offers “turnover rules” for property such as roads, where one typically uses any given spot on the highway for a very small time duration, and “first-come-first-served rules” for things like a spot in a public park, such as a picnic table, where one uses the resource for a longer time, but then loses all control after one leaves. But, as can be seen from the above set of questions, which comprise only the tip of the iceberg, these two rules hardly begin to address the problems of entrepreneurship and management.

Here is another of Long’s (1996, 4) defenses of public property: “I envision a world of many individual private spaces, linked by a framework of public spaces. The existence of such a framework may even be a prerequisite for complete control over one’s own private space. Suppose a trespasser comes on my land and I want to push him off. If all the land around me is private as well, where can I push him, without violating the rights of my neighbors? But if there is a public walkway nearby, I have somewhere to push him. Thus, the availability of public space may be a moral precondition for the right to freedom from trespassers.”

One answer to this quandary is to simply shoot the trespasser.²⁰ Better yet, perhaps, the property owner can banish him to the private property of the specific neighbor from whence the trespasser emanated, without violating the rights of the neighbor. This is so since the neighbor’s property functioned as the launching pad from which the trespasser came on to the property of the victim in the first place. Of course that neighbor can turn around and do the same thing: banish the trespasser to the property of the neighbor on the other side, from which the trespasser first came onto *his* property, and so on, until we arrive at the source of the problem.

Nor is it clear how the resort to public property will solve Long’s problem with the trespasser. One is invited to think that the trespasser, too, is a member of the public, and if there is but a public park, or public road abutting the property of the victim of the trespass, he can push the trespasser out onto this area. But why should that be the case? Long (1998)²¹ acknowledges that “In the homesteading case, it is presumably not the human race at large, but only the inhabitants of the village, that acquire a collective property right in the cleared path; since it would be difficult for humankind as a whole, or even a substantial portion thereof, to mix its labor with a single resource, and so the homesteading argument places an upper limit on the size of property-owning collectives.” Well, suppose then that the trespasser is *not* from the local village. Then, Long’s public

²⁰ To me, it is a source of great joy that I can say things of this sort and still be considered a moderate, given thesis of the present paper.

²¹ Unlike Holcombe (2005); see below on this.

property will not enable him to deal with the problem in any way not open to the full private property rights system.

Long (1998, 3) states: “Since collectives, like individuals, can mix their labor with unowned resources to make those resources more useful to their purposes, collectives, too can claim property rights by homestead. And since collectives, like individuals, can be the beneficiaries of free voluntary transfer, collectives too can claim property rights by bequest.”

There are problems here with regard to the Austrian notion of methodological individualism. The way Long characterizes the matter, there is such an entity, the collective, which is apart from, and in contradistinction to, the individuals who comprise it. But this is not so, indeed, logically cannot be so. Once all the individuals are taken away from the group, one by one if need be, there is simply no “group” that remains. “Group” or “collective” is merely a shorthand word for iterating the names of the members. The “collective” cannot homestead resources; the “collective,” indeed, cannot do *anything* that is not done by the *individuals* who comprise it. *Some* individuals can indeed homestead property. And if this property takes the form of path from the village to the nearby lake, as Long posits, then so be it. *These* individuals, and no others, are now the legitimate owners of the path. But the problem for Long is that he has not succeeded in demonstrating “public” property. All he has shown is an instance of *private* property owned jointly, or, collectively if you will, by *specific* individuals. This is no news. There is no need to call this a “heretical” (Long, 1998, 1) position. We have long had partnerships, corporations, owned by many people.

Long (1998) worries about “the position of those who are not property owners (specifically, those who do not own *land*)... A system of exclusively private property certainly does not guarantee *them* a ‘place to stand.’ If I am evicted from private plot A, where can I go, except adjoining private plot B, if there is no public highway or parkland connecting the various private spaces? If everywhere I can stand is a place where I have no right to stand without permission, then, it seems, I exist only by the sufferance of the ‘Lords of the Earth’ (in Herbert Spencer’s memorable phrase).”

Perhaps I can allay Long’s fears. Anyone with a marginal revenue product above subsistence level can be assured of having a “place to stand.” For subsistence requires no less than this; how can you survive if you cannot as much as stand anywhere? Happily, just about everyone qualifies in this regard.²² Given this, there will always be a landlord willing to rent space to all such people, certainly on this earth, where there is sub-marginal land, but very few such people. But, what about sub-marginal people, and those not on earth? For example, what will be the plight of mentally handicapped people on the

²² Were it not so, there would be no economic incentive to purchase and maintain a slave. How much would you pay for a slave, gentle reader, whose productivity was less than what it cost to feed, shelter him? Exactly; you would pay nothing. But, the “curious institution” has been in existence from time immemorial. Slaves have had positive prices paid for them all throughout human history. From this we can infer that the vast bulk of humanity has always had a productivity level above subsistence requirements. For more on this see Block, Dauterive and Levendis (forthcoming).

moon (Heinlein, 1966). Especially there, surely, earnings will not be sufficient to guarantee such people a place in which to live.

However, even under such dire circumstances Long's scare scenario does not succeed in undermining the case for total and complete private property. For such people will have more to worry about than merely a place to stand.²³ There is also, there as on earth, the question of who will feed them, clothe them, look after them? Presumably, this will be done by their parents, charitable institutions or other such benefactors. Well, those who are in this way responsible for their welfare will presumably be able to add to these costs rental of space on which to stand, walk about, and otherwise thrive. Standing room, in other words, does not "bite"; it is not a factor, since it will be incorporated into these other concerns.

In a seeming strange left right overlap amongst libertarians, Hoppe, who I characterize below as a paradigm case of right wing libertarianism, would appear to support Long, who I see as a paradigm case of left wing libertarian, on the notion that not all property should be privately owned; rather, some of it should be publicly owned. States Hoppe (2001, 262):

"... insurers would want to expel known criminals not just from their immediate neighborhood but from civilization altogether, into the wilderness or open frontier of the Amazon jungle, the Sahara, or the polar regions."

Supporting the contention that Hoppe is in this case a left wing libertarian is the interpretation that the Amazon jungle, the Sahara, and the polar regions would *not* be privately owned. For if they were, their owners would presumably object, and strenuously so, to the dumping of criminals from the "civilized" areas on to their property. But this interpretation is problematic. A far more reasonable one is that while these frontier areas are *potentially* open to privatization, *at present* they constitute sub marginal lands which are too uneconomical to settle.²⁴ So, those looking for evidence that Hoppe is a leftist on land privatization will have to look elsewhere.

B. Randy Holcombe

Holcombe's contribution to left libertarianism to the best of my knowledge consists of three of his claims. In one of them (1994) he maintains that there really is no difference worth making for the libertarian, between a voluntary condominium

²³ They will not even be able to float, assuming gravity will allow them to do so, since private property will be cubic, not applying, only, to places to stand (Block and Barnett, unpublished). They will also have trouble with breathing, since oxygen will have to be purchased. Isn't moderation wonderful!

²⁴ There is another sense, however, in which this statement of Hoppe's cannot be saved from a left wing interpretation: this author coddles criminals. For a private insurance protection industry would not be willing to *expel* criminals; rather, they would squeeze the very life's blood out of these miscreants in the form of forced labor, used to compensate their victims and pay their own fees. *Only then* might expulsion from civilization be considered.

association on the one hand, and a small town with a coercive government, on the other. In his second contribution to this literature, Holcombe (2005) takes the position that common property also, not only private property, is compatible with libertarianism. Since I have criticized the first of these publications of his with a full-length rejoinder (Block, 2003), and have discussed the other in my critique, *supra*, of Long, let me merely summarize my criticisms of these two points.

In the first case I charge Holcombe with insufficiently distinguishing coercion from voluntary agreement. Superficially, the swimming pool run by a small and a condo association may function in a similar manner. But there is all the world of difference between them for the libertarian, since one is predicated on coercion, the other on voluntary agreement. Similarly, to the outside observer, rape and voluntary sexual intercourse may be indistinguishable. The woman might even be to all outward appearances an “enthusiastic” participant, under the threat that if she is not, the rapist will kill the woman’s child sleeping nearby. And yet, distinguishable or not, for the libertarian there is a crucial difference between rape and sexual intercourse based on seduction.

In the second case Holcombe (2004) argues that government is inevitable. My critique (Block, 2005) is that if government is inevitable, why is it that we have never had world government? Also, inevitability is not compatible with free will, which, presumably, Holcombe utilizes in the very writing of his article. He is thus guilty of a performative contradiction (Hoppe, 1993) in using the free will he needs to write his article to attack this very concept.

In the third case Holcombe mentions a trail that is blazed on virgin territory by a hundred individuals. No one of them puts in enough homesteading effort into this enterprise to legitimately claim single, individual ownership. To do so would be to violate the rights of the other 99 people. From this undisputed fact he somehow deduces that the trail then becomes commonly owned by the entire human race, all six billion of us. He fails to recognize that there is a third alternative: these 100 people, and only these 100 people, are the proper owners of the trail.

C. John Baden

Another otherwise libertarian who does not fully support private property rights is Baden (2001): “I’m a guy who, with my wife Ramona, ran 500 ewes for years. Yet we publicly support the return of the wolf to wild areas.” This, despite that fact that “The reintroduction of wolves necessarily means that more livestock and pets will be prey” (*ibid*). And again (Baden, 1995): “In Montana, and in Idaho as well, few issues are more complex and emotional than those concerning wolves. For three generations people vilified, mythologized, and killed wolves. More recently, many environmentalists, myself included, have sought to restore this ancient predator to Yellowstone Park and wilderness areas. Returning the wolf replaces an important part of the ecological tapestry that humanity has unwoven.... With careful management, humans and wolves can coexist. Even with 75 wolves in northwestern Montana, only two cow calves were killed last year.”

If Baden, a Montana rancher, were talking about releasing wolves onto his own property, while building strong fences to keep them penned in there, that would be one thing. His neighbors might feel threatened, but that is another matter. However, this otherwise free market environmentalist is proposing no such thing. Instead, he is advocating the introduction of this vicious predator into the wilds, where no fences will keep them from the private property of other landowners.

It would be one thing if Baden were the typical watermelon: green on the outside but red on the inside. Then, he would be, merely, an ordinary leftist, or coercive socialist. Those are a dime a dozen. But this is clearly not the case. Rather, this author has impeccable free enterprise credentials (Baden and Stroup, 1981, 1983; Stroup and Baden, 1982). This being the case, it is then proper to characterize him as a left libertarian.

No matter how he is characterized, one thing is clear: it is a violation of private property rights to release wolves onto territory where they can have access to the persons and property of others. Let Baden keep those wolves to himself.

D. Others

There are several other left wing libertarians who deserve mention.²⁵ Let me mention just three here.

Sam Konkin headed up a group dedicated to what he called Agorist or counter economics. I confess I have not read as carefully into this literature as perhaps I should have. I was put off by the fact that Konkin seems everywhere to call for libertarians to patronize the businesses of other libertarians, instead of availing themselves of the benefits of specialization and division of labor in the wider community. All that need be said about this quaint idea is that libertarianism is not a suicide pact.

Kevin Carson, too, deserves mention in this regard. His book, Carson (2004) is a highly scholarly statement of these principles. I do not deal with him here since I have previously commented on this publication (Block, 2006). Indeed, that entire issue of the *Journal of Libertarian Studies* is devoted to this one book. However, I cannot resist one further jibe. States Carson (2001): "Standard Oil, AT&T, and Microsoft were all cases in which monopoly price gouging was a danger to the economy as a whole." Evidently, this author is unaware of McGee (1958), and also of such publications as Anderson, et. al. (2001), which take the opposite point of view on this matter. In any case, Carson (2001) fails to confront viewpoints at variance with his such as these.

No mention of left wing libertarianism would even have any claim to completeness whatever did it not so much as mention Karl Hess. His is an interesting story (http://en.wikipedia.org/wiki/Karl_Hess). Hess's intellectual odyssey moved him

²⁵ For a more comprehensive list, see Appendix A.

from Goldwater Republican on the right, then, successively, to right wing libertarianism, then to plumb line libertarianism, again to left wing libertarian, and finally totally out of the libertarian movement and into complete Marxist-feminist-coercive socialism. For an all too brief time he was a plumb line libertarian.²⁶

III. Contra right wing libertarianism

A. Hans Hoppe

a. Conservatives

According to Hoppe (2001, p. 189): "... conservatives today must be antistatist libertarians and equally important, ... libertarians must be conservatives."²⁷

I have no real objection to the first part of this statement. Indeed, I warmly support the idea that conservatives convert to anti statist libertarianism. However, I cannot see my way clear to agreeing with the latter contention: that libertarians become conservatives. Indeed, to do so would be anathema to libertarianism. Surely, Hoppe cannot literally mean that libertarians should give up their philosophy and embrace that of present day conservatives. The only way to reconcile the latter part of this statement with the body of his other work is to say that libertarians should align themselves only with those conservatives who have themselves become libertarians, as per the first part of this statement. But this is just a highly convoluted way of saying that libertarians should be true to their own philosophy, a viewpoint I also enthusiastically support.²⁸

b. Immigration

I regard Hoppe's view on immigration (1998, 2001, chapters 7-8) as a retreat from libertarianism, and an embrace of conservative principles. I will not discuss this issue here as there is already not a small literature on this matter.²⁹

c. Homosexuality

Consider the following statement from Hoppe (2001, tba) where he calls for homosexuals and others to be banned from polite society:

²⁶ See Hess (1969). Also his contributions to Libertarian Forum where he served for a time as co-editor with Murray N. Rothbard.

²⁷ Feser (2004A, 95) is on the same wavelength: "... libertarians *must* take a stand, indeed a conservative stand. To be consistent libertarians, they must become conservatives."

²⁸ Indeed, that is the genesis of the present paper.

²⁹ See also <http://www.lewrockwell.com/hoppe/hoppe10.html>. My critiques of Hoppe on this issue are Block (1998, 2004), Block and Callahan (2003).

“Naturally no one is permitted to advocate ideas contrary to the very purpose of the covenant of preserving and protecting private property, such as democracy and communism. There can be no tolerance toward democrats and communists in a libertarian social order. They will have to be physically separated and removed from society. Likewise, in a covenant founded for the purpose of protecting family and kin, there can be no tolerance toward those habitually promoting lifestyles incompatible with this goal. They -- the advocates of alternative, non-family and kin-centered lifestyles such as, for instance, individual hedonism, parasitism, nature-environment worship, homosexuality, or communism -- will have to be physically removed from society, too, if one is to maintain a libertarian order.”

Say what you will in support of this statement – it is stark, it is well written, it is radical, it gives a well deserved intellectual kick to the teeth to some groups who richly deserve it -- it is still exceedingly difficult to reconcile it with libertarianism. For, in the free society, there will always be the likelihood that different groups will tend to amalgamate in certain geographical areas, and even have restrictive covenants that enforce just requirements, and limitations on free speech. In places like parts of Texas, Alabama, Mississippi, Arkansas, Louisiana, for example, there is little doubt that such sentiments will be the order of the day. But there will likely be other areas of the country, for example, the People’s Republic of Santa Monica, Ann Arbor, Cambridge, Mass, Greenwich Village in New York City, heck, the entire Big Apple for that matter, where pretty much the opposite outlook will legally prevail. That is, in these latter places, positive mention of free enterprise, capitalism, profits, etc., will be severely punished by law. Why libertarianism should be equated with the former views and not the latter is a mystery. Surely, the libertarian philosophy would support the rights of *both* groups to act in such manners.

As for homosexuality, it is entirely possible that some areas of the country, parts of Gotham and San Francisco for example, will require this practice, and ban, entirely, heterosexuality. If this is done through contract, private property rights, restrictive covenants, it will be entirely compatible with the libertarian legal code.

Prohibiting the advocacy of ideas that are harmful to society,³⁰ moreover, comes under the heading of laws against incitement. I fully agree with Hoppe that the views of democrats, communists, queer studies theorists, etc., are very harmful for civilization. They do indeed amount to incitement. But here is what Rothbard (1998, 80) said about the prohibition of incitement:

“Should it be illegal to ‘incite to riot’? 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 members of the mob to their criminal activities; we cannot make him, because of his exhortation, at all responsible for *their* crimes. ‘Inciting to riot,’ therefore, is a pure exercise of a man’s right to speak without being thereby implicated in crime. On the other

³⁰ That is, prohibitions that do not stem from contract, private property rights, restrictive covenants...

hand, it is obvious that if Green happened to be involved in a plan or conspiracy with others to commit various crimes, and that then Green told them to proceed, he would then be just as implicated in the crimes as are the others—more so, if he were the mastermind who headed the criminal gang. This is a seemingly subtle distinction which in practice is clearcut—there is a world of difference between the head of a criminal gang and a soap-box orator during a riot; the former is not, properly to be charged simply with ‘incitement.’”

This is not to say that certain statements cannot be banned by contract, restrictive covenants, condominium agreements, etc., in a private property regime. But “physically remov(ing some people) from society ... if one is to maintain a libertarian order” sounds very far away from such a concept, and is therefore erroneous, at least in my view, from the perspective of correct libertarian theory.

B. Edward Feser

a. Homosexuality, other victimless crimes

In the view of Feser (204A, 108):

“Suppose for purposes of illustration ... that the members of a local governmental body believe that fornication, pornography, homosexuality, etc., are immoral, and that their promotion in public activities inevitably witnessed by the young will be as potentially corrupting to their moral character as would, say, a march by the KKK or Nazi party in a town where racial tensions are already high. Then it would have grounds, *given the SOP*,³¹ for banning any such public activity – which would include explicit ‘sex ed’ materials in the local schools, a ‘pornography fair’ at the local university, ‘gay pride’ parades down Main Street, lewd billboard advertisements and displays of pornographic materials on magazine racks, and so forth. These all quite obviously contribute to an atmosphere tending to undermine a child’s ability to develop character traits consistent with sexual virtue, given the extreme difficulty young people have in keeping sexual feelings under control – *especially* when constantly bombarded by messages insisting in effect that they *not* be kept under control. Along the same lines, the local government could prohibit the adoption of children by persons whose choice of sexual ‘lifestyle’ it had reason to consider immoral, so as to prevent the moral corruption of those children. It could also prevent the formation of institutions, such as ‘same-sex marriage,’ that it has reason to think would have a dramatic negative impact on the general public understanding of and commitment to basic moral norms, for such a result would profoundly, if indirectly, affect the ability of children to form a sound moral sensibility. Private vices generally recognized to be vices, and kept private, cannot justifiably be outlawed, but the public legitimization of such vices can and must be.”

States Gordon (2006A): “Feser still saw himself as a libertarian, but his libertarianism was, to say the least, idiosyncratic. There might be a libertarian case, he

³¹ Self-ownership proviso. This author uses the phrase to indicate the type of conservative libertarianism he favors.

claimed, for restricting homosexual conduct, drug use, and other activities at odds with conservative morality. These vices, if allowed, might impede children's character development. As Feser interpreted the self-ownership principle, children were entitled by it to a clean moral environment. Hence morals legislation usually taken to be quintessentially anti-libertarian was in fact fully libertarian."

I beg to differ from Gordon's assessment of Feser's (2004) libertarianism in this regard as "idiosyncratic." Unfortunately, it is not. Rather, it is well within the framework of what I have been characterizing as conservative libertarianism. Feser's views on homosexuality, for example, are certainly within striking distance of Hoppe's (2001, tba), with which we have just dealt.

There are grave problems, at least for the libertarian, with Feser's call to drive underground what he is pleased to call "vices."

First of all, the vices he chooses for illustrative purposes may all be characterized as "left wing" ones.³² But what about right wing ones? They, too, can lead the youth astray. For example, bull fighting, boxing, football and cock fighting on the part of adults can instill cruelty in those too young not to be negatively impacted by them. Guns, even used sensibly by adults, can harm children too young to be able to use them responsibly. How about heterosexuality itself? Cannot the sight of a man and woman holding hands while walking down the street cause grave psychological harm to young homosexuals unsure of their sexual identity? The Feser of the above quote would not allow two males to walk down the street holding hands; why should this case be any different? Does it depend, solely, upon whose ox is being gored?

Secondly, let us attempt a *reductio ad absurdum*. There are more quasi homosexual acts around than fit into Feser's philosophy. I have in mind the habit of professional athletes to pat each other on the butt after accomplishing some task or other; the practice of basketball players to jump up in the air and touch each other's stomachs with this same portion of their own anatomies; the little dance that football players do in the end zone after scoring a touchdown; football players grabbing each other in the huddle; and don't get me started on the too close proximity, in football, considering which parts of the different players' anatomies come into contact with each other, when the center "hikes" the ball to the quarterback. All disgusting, I say. Lest the youth be corrupted, these perverse acts must all be driven underground, too.

Third, we can call upon Feser (2004A, 93) himself to refute Feser (204A, 108):

"Any community, of whatever size, if free to impose any restrictions on its members that it likes, provided that *all* members of the community *consent* to the restrictions. It is fully consistent with libertarianism that, for example, a group of Puritans decide together to settle a territory and institute a religious commonwealth, or that a group of communists set up a socialist republic. What is ruled out is Puritans or

³² See appendix B.

communists imposing such a system on *everyone else*, on a community not *all* of whose members consent to it.”

This is eloquently compatible with plumb line libertarianism. Let everyone do “their thing” and all that. But what happened to this laissez faire attitude when Feser was banning homosexuality, pornography, etc., from society in order to protect children? The correct libertarian view on this is that each community should be able to bring up its children as it wishes.³³ Left wing condominium associations will subject their youngsters to homosexuality, pornography, etc. but not football, boxing, etc., and right wing restrictive covenants will follow the opposite practice. In the truly libertarian society, no one will impose his will on others, using children as an excuse forsooth, as does Feser.

b. Private property rights

Feser, too, comes out against private property rights, superficially over the human person, but actually over much more. This would qualify him as a left wing libertarian, but for the fact that this particular stance is better characterized as “rightish.” Why? Because he is using this stance as a means of forcing conservative morality on all of us, on mirable ductu, libertarian grounds. According to Feser (2004A, 96-97):

“... if I own myself, doesn’t it follow that I can ... do anything I want with myself, since it’s my own property I’m using – including engaging in certain sexual and other behaviors frowned upon by conservative moralists?.... The answer ... is a firm No.”

And why not, pray tell?

Responds Feser (2004A, 97-98):

“The deeper harmony of self-ownership and moral conservatism can only fully be seen... by attending to a distinction between what we might call *formal vs. substantive* self ownership. Suppose Bob is sitting on a park bench, peacefully watching squirrels scamper about, and Fred sneaks up behind him and strangles him to death. Clearly, Fred has violated Bob’s rights of self-ownership, invading as he has Bob’s personal space without his consent and directly inflicting damage on his self-owned windpipe. But suppose that Fred goes nowhere near Bob, and instead, from a block away, activates a device which sucks away all the air in Bob’s vicinity, leaving Bob in a vacuum in which he passes out and quickly dies. Has Fred violated Bob’s rights of self-ownership in *this* case?

“Fred might plead innocent on the ground that the never laid hands on Bob. Further, he might insist quite sincerely that he had not particular desire to kill Bob, but wanted instead only to take all the air – Bob’s death was simply a ... side effect. And Fred might also claim that Bob’s self-ownership rights have, in any case, not been violated: Fred has not deprived Bob of anything Bob owned by virtue of being a self-owner. He never took, inflicted damage upon, or even so much as *touched* Bob’s neck or

³³ No child abuse though. No vicious whippings of children.

windpipe, nor his lungs, arms, legs, or any other part of his body. It just so happens that those things don't keep working when there's no air around, but that's not *Fred's* fault.

“Surely we can be forgiven for regarding Fred's defense as less than compelling, however casuistically ingenious. It is true that he has not deprived Bob of any *formal* rights of self-ownership; he's left Bob and his self-owned body parts, abilities, etc., unmolested, for all the good this does poor Bob. Clearly, though, he's deprived Bob of any³⁴ *substantive* rights of self-ownership. He has put Bob in a situation that makes him utterly *unable to exercise* his self-owned powers, abilities and so forth, rendering them as useless as if Bob had not owned them at all.”

But this is not the end of the story. Not only, for Feser, does this substantive rights doctrine cast doubt on formal self-ownership of the human body, it applies as well to all sorts of other things. States Feser (2004A, 99):

“Even non-invasive use of one's property and powers can violate another's self-ownership if it effectively nullifies or disables the other's ability to bring his self-owned powers to bear on the world, that is, if it renders another's ownership purely formal, not substantive. Choking Bob invasively violates his self-ownership, but removing all the air from his vicinity also violates it, however non-invasively. Cutting off your hand invasively violates your self-ownership, but your self-ownership is also violated, non-invasively, if instead ... I activate a device that causes to disappear everything you ever try to reach for with your hand.”

From these considerations Feser (2004A, 100) wants to derive the right, nay, the obligation, and on *libertarian grounds*, to prohibit by law prostitution, pornography, homosexuality, in that these latter acts deprive children of their substantive rights to grow up happily and healthily: “... respecting self-ownership requires taking a decidedly conservative position concerning ... the rights of children.”

Gordon (2006B) responds to Feser's sally: “Fred has killed Charles, in a perfectly straightforward sense. It is true that he has not touched Charles, but why is this relevant? Libertarians maintain, like almost everyone else, that persons have a right not to be killed. There isn't a special libertarian view of what killing someone involves: if you kill someone, even without touching him or his property, you have violated his "formal" right to self-ownership. In like fashion, suppose that Fred poisons some unowned water that he has good reason to believe Charles is about to drink. Fred has, in an ordinary understanding of law, attempted to murder Charles. Libertarians should not hold otherwise; and there is no need to modify the self-ownership principle to take account of such cases.”

Gordon's is a good answer. Here is another one: Ordinarily, when Charles is sitting quietly, breathing, we cannot say that he is homesteading the air, since this commodity is not a scarce item, and one can only homestead, or, indeed, own, scarce goods (Kinsella, 2001). However, when Fred's machine sucks away all the air from the

³⁴ Sic. Perhaps the word “any” should have been “all,” or dropped entirely.

proximity of Charles, oxygen all of a sudden becomes scarce for the latter, very scarce indeed. But, Fred is thus guilty, under the libertarian legal code, of interfering with the peaceful homesteading by Charles of vital air, thus killing him. This invasion, or oxygen theft, certainly rises to the level of murder. Imagine were Fred to encounter Charles deep beneath the sea, where both were breathing air from their respective tanks. Whereupon Fred seizes, e.g., steals, Charles' air supply, leaving him to drown. There would be no question but that this would be murder, nor, should there be any issue about such a verdict in the very clever³⁵ parallel case posed by Feser.

It is the same thing as far as causing "to disappear everything you ever try to reach for with your hand" is concerned. We have a word for this in the English language. It is called "theft." Thus, there is no need to drive a wedge between so-called formal and substantive rights, whether to human persons or to their property, and to promote the latter at the expense of the former. The two are in this case at least one and the same, if the relevant concepts are properly understood. But, if so, then this distinction cannot be used, either, to drive a wedge between libertarian theory, which supports the rights of free individuals to engage in prostitution, pornography, homosexuality, etc., and the presumed substantive rights of children to be free of possibly witnessing these acts. Feser's mistake is to claim, in effect, that libertarian rights can conflict. They cannot. If there is a seeming conflict, one or the other (or possibly both) must be in error.

According to Rothbard (1984, 6):

"The whole point of natural rights is that they are eternal and absolute, and the every man's rights are *compossible* with the rights of every other man. In every situation of a seeming conflict of rights, the libertarian political philosopher must search to eliminate the supposed conflict, and to identify *whose* rights are to prevail, to find out who is the victim and who is the aggressor.

C. Ron Paul

According to libertarian congressman Ron Paul, the fact that immigration will lower wages constitutes a reason to oppose it. He (2006) counters an open immigration policy on the ground that "... in many instances illegal immigrants simply increase the supply of labor in a community, which lowers wages."

This may or may not be the case, but assume it is. Still, it constitutes no legitimate libertarian reason for opposing open borders. For, in this philosophy, one can only own one's person and property, one cannot own the *value* thereof (Hoppe and Block, 2002). Just because immigrants are stipulated to decrease wages does not mean that a rights violation occurred, and this would be the only legitimate reason for opposing their entrance into the country.

³⁵ Too clever by half

Vuk (2006) criticizes Paul (2006) on similar grounds, stating: “Ron Paul is blatantly supporting about (sic) protectionism, the bane of a free economic society. Plenty of Chinese are offering us lower prices which out compete domestic industry...”³⁶

Well, no one can be perfect. Ron Paul’s libertarian credentials otherwise virtually exemplary. Everyone is entitled to a small number of mistakes.

IV. Culture

Cultural conditions that are more or less conducive to creating and keeping a libertarian society are not at all my interest. Rather, it is the claim that both left and right wing libertarians are perverting libertarianism. However, as long as this subject has surfaced, let me offer my two cents on the issue.

Anthony Gregory is a cultural leftist; he lives in Berkeley California, which alone ought to qualify him as such. But, in addition, he is a long haired rock musician, and I have never seen him wearing a suit and tie. J. H. Huebert is a cultural rightist. With a crew cut and law degree from the University of Chicago Law School, both of which alone ought to qualify him as such, he clerked for a federal appeals court judge, and is now in private law practice in flyover country somewhere in the bowels of deepest darkest Ohio. I have never seen him without a suit and tie. He also scuba dives, a “privileged” right wing past time if ever there was one.

To listen to our left and right wing libertarian colleagues, we have to choose between these two, for the future of libertarianism. Yet, nothing could be further from the truth. They are each amongst the most gifted, active, passionate and even at their relatively young ages, accomplished libertarian theorists. I am blessed by being co authors with each of them (Huebert and Block, forthcoming; Gregory and Block, unpublished). There is not a “dime’s worth” of difference between them in terms of adherence to the libertarian philosophy. If a mass conversion occurred, and billions of people came to resemble them, *either of them*, libertarianism would in one fell swoop become the order of the day.

A general comment: determining what cultural conditions that are more or less conducive to creating and keeping a libertarian society is an empirical question. I have no particular interest or expertise in this issue. Moreover, it is a sociological, not an economic or philosophic issue. Again, I have no particular interest, expertise or even pretensions in that field. But, suppose, *arguendo*, that it can somehow be determined, or even posited, that one or the other sets of conditions, left or right, is more conducive to creating and keeping a libertarian society. Suppose it lies in the X direction. What follows from this? Can we infer that we libertarians all ought to become X-ists? That we should open ourselves up to people who are presently Xs, and close ourselves off to those who now are non Xs? Maybe, that we should put all non Xs in concentration camps for these

³⁶ In this regard, the South Park episode “They took our jobs!” is must viewing. Who can ever forget: “They took errr jobs!”
http://www.southparkstudios.com/show/display_episode.php?season=8&id1=806&id2=121

so far innocent people, utilizing some sort of right to preventive detention to promote and support libertarianism?³⁷ None of things logically follow. It is a logical contradiction to pursue anti libertarian measures in order to promote liberty.

Homosexuality is presumably a culturally left enterprise. I am not going to mention the names of any homosexual libertarians. However, there are several notable ones, and each has made signal contributions to libertarianism. Indeed, I go so far as to say that even though there are only some half dozen that I know, when we take into account their contributions, it is safe to say that libertarianism would scarcely be the philosophy we now know it to be without their input. It is silly to make the opposite argument, but I will make it anyway: the heterosexual community, too, has made important intellectual contributions to libertarianism. And, what could be more culturally conservative than heterosexuality? All I can say is, Give me a break: this issue has nothing to do with libertarianism. Take a careful look at Appendix B; I defy anyone to tell me what any of this has to do with libertarianism: the non aggression axiom coupled with private property rights. No, these are all matters of taste, and *de gustibus non disputandum*.

V. Conclusion

The view of Rockwell (2006B) on conservatives is, I think, definitive:

“The problem with American conservatism is that it hates the left more than the state, loves the past more than liberty, feels a greater attachment to nationalism than to the idea of self-determination, believes brute force is the answer to all social problems, and thinks it is better to impose truth rather than risk losing one’s soul to heresy. It has never understood the idea of freedom as a self-ordering principle of society. It has never seen the state as the enemy of what conservatives purport to favor. It has always looked to presidential power as the saving grace of what is right and true about America.

“I’m speaking now of the variety of conservatism created by William Buckley, not the Old Right of Albert Jay Nock, John T. Flynn, Garrett Garrett, H.L. Mencken, and company, though these people would have all rejected the name conservative as ridiculous.³⁸ After Lincoln, Wilson, and FDR, what’s to conserve of the government? The revolutionaries who tossed off a milder British rule would never have put up with it.

“For my part, I’m hoping that the whole conservative movement will go down in flames with the decline and fall of the Bush administration. The red-state fascists have had their day and instead of liberty, they gave us the most raw and stupid form of imperial big government one can imagine. They have given America a bad name around the world. They have bamboozled millions. They have looted and bankrupted the country.”

³⁷ I have no doubt that we could rely on Feser to provide a “libertarian” justification for such a policy.

³⁸ In my view, “old right” is a synonym for what I have been calling plumb line libertarianism, or plain old centrist libertarianism.

However, Rockwell (2006A) is correctly an opponent not only of conservatives, but of liberals too:

“I don't mean to pick on the right exclusively. The left often ... believe that the government can't but unleash Hell when it is waging war and spending on military machinery. But when it comes to domestic policy, they believe the same government can cure the sick, comfort the afflicted, teach the unlearned, and bring hope and happiness to all.

“Each side presumes that it potentially enjoys full control over the government it instructs to do this thing as versus that thing. What happens in real life, of course, is that the public sector – always and everywhere seeking more power – responds to the demands of both by granting each party's positive agenda while eschewing its negative one. Thus is the left given its welfare, and the right given its warfare, and we end up with a state that grows ever more vast and intrusive at home and abroad.

“What neither side understands is that the critique they offer of the programs they do not like applies also to the programs they do like. The same state that robs you and me, ties business in knots, and wrecks the schools also does the same – and worse – to countries that the US government invades. From the point of view of the taxed, the destination of the money doesn't matter; it is all taken by coercion and all of it saps the productive capacity of society. Similarly, the state that uses military power to impose its imperial will on foreign regimes – destroying property and lives, and making endless enemies – is the one the left proposes to put in charge of our economic lives.”

It is easy to see how libertarianism stems from conservative roots. There are members of the Old Right mentioned by Rockwell such as Albert Jay Nock, John T. Flynn, Garrett Garrett, H.L. Mencken. There is also Ayn Rand. But Gabriel Kolko, W.A. Williams, Ronald Radosh, on the left, too, have made major contributions to libertarianism.

I can't read anyone out of the libertarian movement. That has not been my purpose in this essay, nor is it within my power to do any such thing. However, in my assessment, both right wing and left wing libertarianism are missing the essence of this philosophy.

I end with a plea to both my right and left wing libertarian colleagues: In Oliver Cromwell's elegant words, "I beseech you, in the bowels of Christ, think it possible you may be mistaken" ..., I do not mean mistaken in some jot or tittle of what I have criticized above. As far as these things go, I am as likely to be mistaken about any of these specifics as are those I criticize. What I am talking about is what I see as a burgeoning schism within the libertarian movement, between left and right wing libertarians. Each is moving toward the position, as I see it, of excluding the other, or removing themselves from the other. That would be a tragic mistake. Both are in error in this regard.

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Appendix A: Left-libertarian websites

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<http://freemanlc.blogspot.com>

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<http://poxyhouses.blogspot.com>

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<http://praxeology.net/unblog12-05.htm#11>

<http://praxeology.net/unblog01-06.htm#12>

<http://praxeology.net/unblog01-06.htm#14>

<http://praxeology.net/unblog01-06.htm#16>

<http://praxeology.net/unblog01-06.htm#18>

<http://praxeology.net/unblog01-06.htm#29>

<http://praxeology.net/unblog02-06.htm#01>

<http://praxeology.net/unblog11-05.htm#06>

Thanks to Roderick Long in putting together this information.

Appendix B

Cultural tastes

Academic Discipline:

Sociology, literature, anthropology, law, history
Economics, engineering, physics, chemistry, computer science

Accessories:

Back pack, body piercing (Left)
Attaché case, jewelry (Right)

Activities and/or Entertainment:

Outdoor: backpacking/canoeing/mountain biking (Left)
Indoor: opera/shopping/eating out (Right)

Automobile:

Honda Element or Subaru Outback w/public radio (NPR) bumper stickers, Volvo and Prius, any hybrid car (Left)
Four-wheel drive SUV or pick-up with "Don't Mess with Texas" bumper sticker, and gun rack, Cadillac, Lincoln, Jaguar and Porsche (Right)

Body adornments:

Tattoos (Left)
Ties (Right)

Child rearing:

Spanking prohibited (Left)
Spanking allowed (Right)

Clothes:

Baggy pants, beads, fringes (Left)
Tight pants, tuxedo, shirt, tie, three piece suit (Right)

Clothes bought at:

REI or overpriced boutiques (Left)
Large, undifferentiated chains (Right)

Drugs:

Hookah tobacco, marijuana (Left)
Cigarettes and cigars, wine and spirits (Right)

Dwelling Location:

Urban chic on the coasts, blue states (Left)
Rural/suburban, flyover country, red states (Right)

Education:

Public school, but for private, Waldorf (Left)
Private school, Montessori (Right)

Energy Source:

Windmill, water, solar power
Nuclear power, coal, oil

Environmental perversions:

Tree hugging (Left)
Smokestack hugging (Right)

Food:

Organic, vegetarian, vegan, French (Left)
Genetically modified, red meat, French fries (Right)

Hair dye:

Purple, blue, green (Left)
Blonde (Right)

Hairstyle for men:

Pony tail (Left)
Crew cut (Right)

Language:

Use of the F word ok; indeed, almost required
Use of the F word forbidden (at least in mixed company)

Make up:

None (Left)
Rouge, lipstick, eye-shadow (Right)

Meeting place:

Coffee shop (Left)
Martini bar or Ale House (Right)

Movies:

Independent, foreign, small budget (Left)
Anything with Arnold Schwarzenegger or Tom Hanks (Right)

Music:

World, alternative, folk, rap (Left)

Mainstream rock, pop, country, classical (Right)

Musical instrument:

Guitar (Left)

Violin (Right)

Pets:

Cats (Left)

Dogs (Right)

Political emblem:

Donkey (Left)

Elephant (Right)

Political system:

Communism (Left)

Fascism (Right)

Religion:

Recycling, Astrology, Crystals, Socialism (Left)

Catholic/Protestant/Jewish (Right)

Sexual practices:

Free love (Left)

Serial monogamy (Right)

Shoes:

Earth shoes, sandals (Left)

High heels, boots (Right)

Sports:

Team: soccer, volleyball (Left)

Individual (apart from football): running, swimming, boxing, cock fighting, bull fighting, guns (Right)

Transportation:

Bus, light rail, public transportation, bicycle (Left)

Automobile, toll roads (Right)

Vacation weekend:

Backpacking a rustic area (Left)

Water parks and cheesy festivals (Right)

Thanks to Karen De Coster, Tom DiLorenzo, Ben Kilpatrick, Bill Mason (who insists that cats are right, dogs are left), E.C. Pasour and Ed Stringham for helping me compile this list.

