
Libertarianism, Oversimplified

— ◆ —

MATT ZWOLINSKI

Fifty years since its initial publication, Murray Rothbard's *For a New Liberty* continues to have a transformative impact on readers. For many, the book produces a complete paradigm shift in their thinking about politics. Starting with just a few basic and apparently commonsense principles, Rothbard's book constructs an intellectual system that winds up overturning almost everything that readers thought they knew about freedom, justice, and the state. The effect is a kind of demystification. As Rothbard put it in one of the book's more memorable passages,

War is Mass Murder, Conscription is Slavery, and Taxation is Robbery. The libertarian, in short, is almost completely like the child in the fable, pointing out insistently that the emperor has no clothes. (1973, 29)¹

As John Tomasi and I have argued in our history of libertarian thought, Rothbard's libertarianism draws on a long tradition of classical liberal ideas regarding the moral and economic importance of private property and free markets, skepticism of state authority, and a commitment to individualism, individual liberty, and spontaneous order (Zwolinski and Tomasi, 2023). But unlike earlier classical liberals who generally regarded these ideas as presumptions that could be overturned by sufficiently weighty empirical or moral considerations, Rothbard's libertarianism holds them as absolutes. Private property and free markets are, for Rothbard, no mere

Matt Zwolinski is a professor of philosophy at the University of San Diego.

1. The idiosyncratic capitalization is Rothbard's.

The Independent Review, v. 28, n. 4, Spring 2024, ISSN 1086-1653, Copyright © 2024, pp. 539-551.

“rules of thumb” for a peaceful and prosperous society, but rationalistically derived imperatives that hold always and everywhere, without exception.

In this paper, I will argue that Rothbard’s libertarianism suffers from a number of serious deficiencies. The arguments that Rothbard provides for his particular version of libertarianism are radically incomplete and, in some cases, patently fallacious. And the conclusions that he reaches are grossly implausible, even when judged by the standard of an overriding commitment to individual liberty.

To be clear, I should state up front that the scope of this paper is quite narrowly limited. In keeping with the approach of the symposium, my focus here is on Rothbard’s arguments as they are presented in *For a New Liberty*. And even within that book, almost all of my attention will be on the second chapter, “Property and Exchange.” I therefore cannot claim to be providing anything like an exhaustive critique of Rothbard’s philosophy, let alone of *Rothbardian* philosophy as it has been developed by later scholars.

However, while the arguments that I will examine are not exhaustive of Rothbard’s political philosophy, they are nevertheless foundational to it. For it is in this chapter that Rothbard sets out his main theses regarding self-ownership, homesteading, and freedom, and it is from these ideas that almost the entirety of the remainder Rothbard’s political philosophy is derived.

Moreover, while the presentation that Rothbard gives to these ideas in *For a New Liberty* is by no means his last or even his most sophisticated word on the topics, it is almost certainly his most *influential*. A great many readers are drawn to Rothbard’s philosophy in part because of the apparent simplicity and elegance of his ideas as they appear in that book. My goal is to show that those ideas are not merely simple but *simplistic*, and thus that the influence of Rothbard’s arguments far outstrips their philosophic merit.

I begin my analysis in the next section with a discussion of self-ownership. I show that Rothbard’s argument for self-ownership fails, and that this failure reveals a deeper misunderstanding about the concept of ownership as such. I then turn to the relationship between property and freedom. Classical liberals have long viewed these concepts as deeply related, but on the Rothbardian approach, I will show, they are essentially *identical*. I argue that this conflation leads to both an overestimation and an underestimation of the importance of property rights, and that the Rothbardian understanding of freedom is one that is deeply unattractive as a normative ideal.

Self-Ownership

Rothbard opens the second chapter of *For a New Liberty* with the following claim about the structure of libertarian thought:

The libertarian creed rests upon one central axiom: that no man or group of men may aggress against the person or property of anyone else.

This may be called the “nonaggression axiom.” “Aggression” is defined as the initiation of the use or threat of physical violence against the person or property of anyone else. (1973, 27)

Notice that in this passage Rothbard describes the so-called nonaggression principle (NAP) as an “axiom,” suggesting that it is logically primary in the system of libertarian thought. An axiom is a principle that is used to establish the truth of other, derivative principles and that does not itself depend on the truth of any more basic principles.

Upon reflection, however, it is clear that the NAP cannot be fundamental in this way.² After all, as Rothbard himself notes in that passage, the concept of aggression is defined in terms of violence against *person* and *property*. Therefore, we cannot know what *counts* as aggression until we know, at a minimum, what rights individuals have over their bodies and over certain external resources. Presumably, my taking the television out of your living room is aggression if you rightfully own the television, but it is *restitution* if you previously stole it from me. Similarly, my blowing cigarette smoke in your face is aggression if and only if, according to the correct theory of self-ownership, such an act violates the rights you have over your own body.

The concept of “aggression” is thus parasitic on the more fundamental concept of “property.” And since, for Rothbard, all property rights are ultimately rooted in one’s fundamental ownership of one’s *self*, the most basic concept in the libertarian system is that of *self-ownership*. Indeed, Rothbard himself recognizes this, writing later in the chapter that libertarianism is based not on an axiom of nonaggression, but on the two axioms of self-ownership and homesteading (the right to acquire previously unowned external resources) (39).

So the idea of self-ownership is fundamental to Rothbard’s libertarianism. But what is self-ownership and why should we believe in it?

The Concept of Self-Ownership

In answer to the first question, Rothbard defines self-ownership as “the absolute right of each man, by virtue of his (or her) being as a human being, to ‘own’ his or her own body; that is, to control that body free of coercive interference” (33–34). And this seems both reasonable and clear, at least in terms of its broad outlines. Self-ownership, thus understood, seems obviously incompatible with slavery or forced labor. It also seems to clearly rule out direct physical assault like punching someone in the nose.

But other cases are not so clear-cut. Take, for example, the cigarette case mentioned above. Is an individual’s “absolute” right to control their own body violated by the unwanted assault of noxious smoke?³ Would it be a rights violation if the

2. I discuss the NAP in greater detail in “The Libertarian Nonaggression Principle” (Zwolinski 2016).

3. The problem of pollution is an especially difficult one for nonconsequentialist libertarians, as I discuss in “Libertarianism and Pollution” (Zwolinski 2014).

smoke was sufficiently harmful? Or is it enough that it is subjectively unwanted, regardless of its objective effect on the victim's health? Does it matter if the intrusion is *intended* by the smoker, rather than being a mere accident? In short, what does a right to absolute self-ownership look like for social creatures who are constantly "bumping" into each other, in one way or another?

Other questions pertain to the ways in which the rights one has over oneself can, or cannot, be transferred to others. If I own my body, presumably I have the right to let others use it under certain conditions. But what exactly are those conditions? Are some rights "inalienable," as Rothbard himself believed?⁴ And if so, which ones and why? What if one person transfers rights to another because of a mistaken belief? Does it matter if the mistaken belief was caused by the other party? Does it matter if it was caused deliberately or not?

Finally, what is the relationship between self-ownership and external resources? Usually we think of self-ownership as involving the right to live one's life according to one's own choices. At the very least we see it as involving the right to control the movements of one's own body. But human beings are physical creatures, living in a physical world. As such, human beings cannot eat, cannot move, cannot even *stand or sit* without necessarily making use of external resources such as land. Does the kind of self-ownership that Rothbard has in mind imply anything about the ownership of or access to such resources? Or would it be consistent with an individual's self-ownership if others owned all the land around the narrow circle in which he stands, rendering him unable to move a step without their permission?⁵

My point in raising this litany of questions is not to insinuate that they are unanswerable. As I have tried to indicate in my references, there is a lively and thoughtful debate in the libertarian literature about each of the issues I have raised, and many reasonable responses have been proposed—and criticized. My point is simply that these questions need to be *asked*, and once we realize this, we see that the concept of self-ownership (and ownership in general) is not as simple or clear-cut as Rothbard presents it to be. As I will attempt to demonstrate in the next two sections, recognition of this point is fatal to Rothbard's argument for libertarianism.

The Argument for Self-Ownership

Why, according to Rothbard, should we believe that people are self-owners? Rothbard presents two arguments in *For a New Liberty*. The first argument briefly sets out to make a positive case for self-ownership. The second and more detailed argument focuses on the consequences of denying self-ownership.

4. See, for discussion, Rothbard (1982, 40–41). For a dissenting view, see Nozick (1974, 331). Further discussions can be found in Epstein (1973), Evers (1977), Barnett (1986), Kinsella (1999), and Block (2003).

5. The nineteenth-century libertarian Herbert Spencer, though he did not employ the language of "self-ownership," believed that such a situation would be incompatible with the "law of equal freedom." Questions of this sort feature prominently in libertarian debates over the so-called Lockean proviso. See, for example, Mack (1995), Feser (2005), and Long (2006).

The positive argument begins with the premise that “each individual must think, learn, value, and choose his or her ends and means in order to survive and flourish.” From this, Rothbard immediately concludes that “the right to self-ownership gives man the right to perform these vital activities without being hampered or restricted by coercive molestation” (1973, 34).

But this argument proceeds much, much too quickly. It is obviously true that coercion can sometimes interfere with an individual’s ability to survive and flourish. But it is not at all obvious that it *always* does. Parents clearly do not promote the survival and flourishing of their children by refusing to interfere with their liberty when they reach for hot stoves and refuse to eat their vegetables. And while paternalism toward adults raises more difficult moral questions, it is far from an a priori certainty that such interference will always do more harm than good. It is one thing to argue that the importance of human choice and agency gives rise to a *presumption* of liberty. It is quite another thing to claim, as Rothbard does, that it gives rise to an *absolute right* of noninterference.

Indeed, Rothbard has presented no argument for the existence of any kind of *right* whatsoever. Suppose that it is true that any given individual needs others to refrain from interfering with him in order to survive. Why does it then follow that other individuals are under any kind of obligation to *provide* that noninterference? What if *their* survival would be advanced by actions that undermine *yours*? It does not follow (on Rothbard’s view) from the fact that people need food that others are under any kind of obligation to provide them with it. Why should it be any different when what they need is not food, but liberty?⁶

After this brief positive argument on behalf of self-ownership, Rothbard turns to a negative argument aimed at those who would deny self-ownership. Such opponents, Rothbard argues, are faced with a trilemma. Either they must endorse self-ownership, or they must embrace one of two alternatives: one involves a certain class of people owning everybody else; the other involves everyone owning an “equal quotal share of everyone else.” Rothbard rejects the first alternative because it is “contradictory” (insofar as it denies human rights to some human beings), and because it “violates the basic economic requirement for life: production and exchange.” And he rejects the second because it entails the absurd conclusion that nobody could take any action without first gaining approval from everyone else. Rothbard asserts that such an ideal “cannot be put into practice” since it entails the “physical impossibility” of everyone continually monitoring everybody else. Therefore, Rothbard concludes,

6. It is true that a claim to food would require positive action on the part of others, while a claim to liberty would require only forbearance. A right based on the former claim would thus be a positive right, while the latter would be a negative right. But this analysis only describes the problem; it does not solve it. For the argument that Rothbard has presented gives us no reason to conclude that positive rights are any more problematic than negative ones. Moreover, Rothbard cannot justify the asymmetry by appeal to a default principle of noninterference without begging the question, since such a principle is precisely what this argument is meant to *establish*. I am grateful to Gregory Robson for suggesting that I consider this line of response.

since neither of the alternatives to it are acceptable, we are left with no choice but to embrace full self-ownership (1973, 34–35).⁷

Rothbard’s rejection of the two alternatives to self-ownership is not without its problems (is it really *contradictory*, rather than simply immoral, to deny rights to some human beings?).⁸ But, putting those to the side, the deeper problem with Rothbard’s argument is the false trichotomy on which it is based. Rothbard claims that there are three and only three different ways of grappling with the problem of self-ownership. But it is perfectly obvious that there are other, unacknowledged possibilities beyond these three. It is obvious because none of those alternatives describes the world in which we *actually* live. Ours is not a world of full self-ownership, but nor is it a world in which either one group owns everyone else, or everybody owns a small piece of everybody else.⁹ As we will see in the next section, the structure of ownership rights held by persons over their bodies in most actually existing communities is something more complicated than any of Rothbard’s alternatives allow for. Rothbard’s map of logical space thus ignores the area in which virtually *everyone*—no matter what particular society they are a part of—actually inhabits.

Ownership

The problems identified in both of the previous two sections derive from a common source: Rothbard’s inadequate understanding of what it means to own something. For Rothbard, either you own something or you don’t. “Ownership,” for Rothbard, means “full” ownership, and the unstated assumption is that there is some clear and determinate natural fact about what precisely that entails. This is true even when Rothbard seems to complicate matters by allowing for “partial” ownership as in the case of universal communism. For what “partial” ownership seems to mean, in this case, is simply that all individuals are given an equal vote with their co-owners about how to exercise the rights of full ownership that they jointly wield.

The problem is that ownership isn’t this simple. There isn’t any obvious natural fact about what it means to “own” something. Instead, ownership can mean different things—can have different moral implications regarding the rights and duties of the owner and others—in different situations. And so, as a result, there aren’t just *three*

7. I am grateful to Diana Weinert Thomas for pressing me to explain the difficulty with Rothbard’s second alternative more clearly.

8. See, for discussion, Eabrasu (2012).

9. Rothbard himself (1973, 35) rules out the possibility that our world is one of equal quotal ownership by claiming that this ideal cannot be realized in practice—that it necessarily devolves into the first alternative of “class rule.”

possible options regarding ownership of the self. There are *infinitely many* options.¹⁰ As Wesley Hohfeld (1913) demonstrated, what we call “property rights” actually consist of a set of distinct functional relations, each of which can be understood in terms of a certain set of correlative rights and duties. Each of these sets of rights and duties is like a stick in a bundle, and the particular mix of sticks that go into any bundle we call a “property right” can vary quite considerably from object to object, place to place, and time to time.

Consider the ownership rights one might have over a piece of land. At its core, we might think, to own a piece of land is to have the right to use the land as one sees fit, and to exclude others from using it without one’s permission. But even if we grant this “core” concept of ownership, it leaves a great number of questions unanswered. What rights does one have to, say, the minerals located below the surface of one’s land, and how deep do one’s rights go? How high *above* one’s land do they go? High enough to prohibit planes from flying over it? Satellites from orbiting above it? Does your ownership give you the right to dam any rivers that might flow through your land and onto mine? If your land blocks the only path between my land and some valuable unowned resource, like an ocean, do I have the right to cross your land without permission to get there?

Again, the point of raising this list of questions—and it is a list that would be easy to extend *ad infinitum*—is not to push a kind of skepticism. The point is not that these kinds of questions are unanswerable, or that all answers are equally good. The point is that different answers to these questions will get you different accounts of what it means to own something, and that Rothbard’s argument that “either you own yourself or someone else does” depends on illegitimately ignoring a vast range of conceptual possibilities.

Because what is true of your ownership of land is likewise true of your ownership of yourself. *One* possibility, to be sure, is that we all own ourselves in the robust libertarian way that Rothbard assumes. But there are plenty of others. We might own ourselves in this robust way except that others have a claim-right against us that we provide them with assistance in situations of dire emergency. We might own ourselves in the sense of being able to use and sell our labor pretty much as we see fit, but lack the liberty-right to sell body parts like kidneys or hearts. We might have the liberty-right to use and sell our labor, but not the claim-right to the full market value of our labor. And so on.

All of these positions, of course, would need to be *argued* for. The mere fact that they are conceptually possible doesn’t itself entail that they are morally defensible. *But the same is true of Rothbard’s own position.* Rothbard’s argument “works” by wrongly claiming that there are only three possibilities regarding self-ownership, two of which are obviously implausible, and that therefore his position wins by default.

10. This is a point made persuasively by Barbara Fried (2004) in her critique of left-libertarianism.

But if there are infinitely many possibilities, this victory-by-elimination strategy won't work. The libertarian position of full self-ownership, just like every other conceptually possible position one might take on the issue of self-ownership, stands in need of independent moral argument.

Here's one practical upshot of this somewhat abstract discussion: denying full libertarian self-ownership doesn't require you to believe in the legitimacy of slavery, or forced eyeball-transfers, or any of the other bugaboos that libertarians like Rothbard invoke. And denying the legitimacy of *those* things doesn't logically commit you to believing in libertarian self-ownership. Almost *everyone* agrees that those things are wrong, and so almost *everyone* agrees that we "own" ourselves in the sense of possessing rights over our bodies necessary to block those kinds of forced use.¹¹ But that leaves open whether we own ourselves in the more robust way that *distinguishes* libertarianism from other contemporary liberal or conservative positions. Maybe we have the right not to have our labor taxed and maybe we don't. But the fact that chattel slavery is wrong doesn't settle it.

Freedom

Rothbard describes his view as "libertarian," a name that suggests an emphasis on individual freedom, or on liberty (he uses the two terms interchangeably). But Rothbard's understanding of liberty is of a very particular sort—one that, I will argue, captures neither the ordinary meaning of the term, nor the moral significance that led earlier classical liberals to defend liberty as a critically important political value.

For Rothbard, the concept of liberty is deeply connected with that of property. Indeed, he explicitly defines the former concept solely in terms of the latter. Here is what Rothbard has to say:

Freedom is a condition in which a person's ownership rights in his own body and his legitimate material property are *not* invaded, are not aggressed against. . . . Freedom and unrestricted property right go hand in hand. (1973, 50)

On a surface level, this analysis of freedom makes a certain sense. If others violate your right of self-ownership by imprisoning you, then you are not free. Similarly, if someone steals your car or your wallet, it seems sensible enough to say that your freedom has been infringed upon, since, after all, there are things that you can no longer do—options that are no longer open to you—now that your property has been taken away.

But the apparent sensibility of Rothbard's view collapses once we subject it to closer scrutiny. For it then becomes apparent that what makes a person free or unfree

11. "Almost" everyone. See Fabre (2006).

has little to do with whether his *rights* have been violated. To see this, let us revisit the example of imprisonment. If freedom is simply a condition of not having one's rights violated, then we are forced to conclude that someone who is *justly* imprisoned is nevertheless free. They might be locked in a box, unable to move more than a few feet, and denied the liberty to work, travel, or do countless other things. But so long as the imprisonment is not a violation of their *rights* then, on Rothbard's view, they are as free as anyone on the outside of the prison walls.

As with imprisonment, so too with theft. If you're stuck on a desert island with a small boat as your only way out, and I take the boat, I have (on the common sense view) thereby rendered you less free. It simply *doesn't matter* whether the boat belonged to you or not. You're not less free because your rights have been violated; you're less free because the range of options open to you has been reduced by my action.¹²

Rothbard's account of freedom thus seems to conflict with the ordinary meaning of the term. But this, in itself, is not a fatal flaw in Rothbard's account. Ordinary usage is not sacrosanct, and there are sometimes good reasons for deviating from it, especially in the context of specialized philosophical argument.

In this case, however, there are three serious problems with Rothbard's idiosyncratic usage. The first is that by making the connection between freedom and property a necessary, conceptual one, Rothbard obscures the limits of freedom as a practical value. If freedom *is* just respect for property rights, then there is never any conflict between these two values, and never any need for trade-offs between them. But rendering one's theory blind to the necessity of conflicts does not make those trade-offs any less real. It is obvious that at the very least in *some* cases, respect for property rights and the value of freedom will come into conflict. An easement across beachfront property limits the rights of the property owner but enhances the freedom of beachgoers. Indeed, I myself have gone further elsewhere in this journal and argued that *all* property rights limit the freedom of others (Zwolinski 2015). After all, it is precisely by providing owners with a right to exclude non-owners from certain forms of use that property rights serve their economic and moral purpose.¹³ This limitation of freedom might be more than compensated for by other kinds of moral gains. But neither conceptual clarity nor moral insight is served by blinding ourselves to the fact that property rights involve the trade-off of one sort of good for another, even if what we collectively gain from that trade-off is far greater than what we lose.

The second defect is the flip side of the first. Not only does conceptually identifying freedom with property obscure the ways in which property can come into conflict with freedom, it also obscures the ways in which property *supports* freedom.

12. There are, of course, a wide number of competing philosophical theories regarding what exactly it means to be free. And I am deliberately trying to remain neutral among them. My point is that on *any* plausible theory of freedom, one's status as free or not is not merely a function of whether one's property rights have been respected. It has *something* to do with the range of options available to one, though different theories will of course explicate or qualify this basic idea in different ways.

13. See Schmidtz (1994).

If freedom *is* just respect for property rights, then it makes no sense to say that property rights can help to promote freedom. Two things can only be causally related if they are in fact *two different things*. But one of the main achievements of classical liberal political economy has been to show just how, as a matter of empirical fact, respect for property rights *is* connected with greater freedom in a number of different ways. Societies that respect property rights to a greater degree enjoy greater freedom of occupational choice, greater geographic mobility, greater religious freedom, greater freedom of expression, greater political freedom, and so on. For the classical liberal, the robust empirical relationship between freedom and property is one of the most important elements in the moral case for property rights. But this is a case that can be made only when we recognize that freedom and property are two distinct things.

Finally, but perhaps most importantly, it is worth taking some time to draw out just how morally unattractive the ideal of freedom becomes on the Rothbardian interpretation. In Rothbard's understanding of freedom, whether an individual or society is free depends entirely on whether the property rights of that individual or society have been respected. This, to borrow a distinction from Robert Nozick (1974, 153–54), makes freedom a “historical” rather than an “end state” concept. In other words, whether an individual or a society is free depends not on what their actual condition is at any given moment, but solely on *how that condition came about*. To return to our earlier example, an individual who is in prison because they are being justly punished for a crime they have committed is, on Rothbard's view, free, while an individual in precisely the same physical situation who is there because they have been kidnapped is not.

But what this entails is that we cannot determine whether a society is free simply by *looking* at the condition of its people at any point in time. And this, in turn, means that the Rothbardian conception of freedom is in principle compatible with almost *any* objective state of affairs, no matter how unfree it may appear.

Imagine, for instance, a society in which the vast majority of citizens have virtually no choice in where they live, where they work, how they dress, or what they can read or say. Are they unfree? The Rothbardian answer can only be: not unless their property rights have been violated. But what if they have not? What if the reason that they cannot wear, read, or say what they like is that their landlords, or their employers, forbid it? What if entire cities or states – through perfectly legitimate means—come to be owned by a single corporation, which then imposes an extensive set of highly constraining rules on anyone who happens to reside in its territory? By all external appearances, such a society would be indistinguishable from a totalitarian dictatorship. But, for the Rothbardian, so long as that dictatorship came about by means of a process that involved no violation of property rights, the resulting society must be deemed a free one.

To be clear, the argument I am making here does not depend on the assumption that such an outcome is at all *probable*. I am not making a point about what I think is likely to occur in a society governed by Rothbardian principles. Nor indeed

am I making any predictive, empirical point at all. The point I am making is a purely conceptual one, about the *meaning* of freedom as Rothbard understands it. My point is that if we equate freedom with property, then a society in which people are almost completely unfree (on the ordinary meaning of the term) would nevertheless count as “free” in the Rothbardian sense. And this, I think, is a very strong reason for rejecting the Rothbardian conception of freedom as a moral ideal. For that Rothbardian conception threatens to transform libertarianism—understood as a doctrine concerned with the promotion of real human freedom—into a doctrine of *feudalism* that privileges the property rights of the “lords of the soil” above all else.¹⁴ The “covenant communities” of Hans-Hermann Hoppe (2011) provide a chilling illustration of how, in the hands of a philosopher less beholden than Rothbard to classical liberal influences, this threat might be more fully realized.

Conclusion

Throughout his career, Rothbard frequently berated earlier classical liberals for being insufficiently doctrinaire in their commitment to private property, free markets, and anarchism. John Stuart Mill was a particular target of vituperation for Rothbard, who described him as a “woolly minded man of mush” whose intellectual system was “a vast kitchen midden of diverse and contradictory positions” (1995, 277).

Rothbard’s intellectual system, in contrast, is positively Spartan in its parsimony. But simplicity by itself is no virtue when it comes at the cost of theoretical adequacy and explanatory power. A map that abstracts away from all roads is simpler than one that includes them, but is of little use in plotting a drive between points A and B. Similarly, a moral theory that consists of just a few simple axioms is simpler than one that admits a wide range of moral considerations, but this is no virtue if those omitted considerations are crucial to understanding the complex nature of the moral challenges we face, and the trade-offs such challenges often involve.

Private property and free markets are tremendously important, for both moral and economic reasons. And the connection between these ideas is both deeply important and tragically underappreciated by many contemporary political theorists. Many who recognize the importance of these ideas are thus drawn to Rothbard as someone who seems to powerfully articulate an unpopular truth. But we do no favors either to ourselves, to truth, or to the cause of human freedom by oversimplifying our case. Ironically, it is Mill himself who most clearly recognized and most eloquently expressed the dangers of such an approach, in his scathing critique of his own mentor, Jeremy Bentham. Mill’s words provide a fitting epitaph for Rothbard’s approach to libertarian philosophy.

14. This charge was famously, but rather unfairly, made by Samuel Freeman against the libertarianism of Robert Nozick. I think the critique has a good deal more merit applied to Rothbard. See Freeman (2001).

We express our sincere and well-considered conviction when we say, that there is hardly anything positive in Bentham's philosophy which is not true: that when his practical conclusions are erroneous, which in our opinion they are very often, it is not because the considerations which he urges are not rational and valid in themselves, but because some more important principle, which he did not perceive, supersedes those considerations, and turns the scale. The bad part of his writings is his resolute denial of all that he does not see, of all truths but those which he recognizes. (Mill 2003, 67)

References

- Barnett, Randy E. 1986. Contract Remedies and Inalienable Rights. *Social Philosophy and Policy* 4 (1): 179–202.
- Block, Walter. 2003. Toward a Libertarian Theory of Inalienability: A Critique of Rothbard, Barnett, Smith, Kinsella, Gordon, and Epstein. *Journal of Libertarian Studies* 17, no. 2 (Spring): 39–85.
- Eabrasu, M. 2012. Rothbard's and Hoppe's Justifications of Libertarianism: A Critique. *Politics, Philosophy & Economics* 12 (3): 288–307.
- Epstein, Richard A. 1973. A Theory of Strict Liability. *Journal of Legal Studies* 2 (1): 151–204.
- Evers, Williamson M. 1977. Toward a Reformulation of the Law of Contracts. *Journal of Libertarian Studies* 1 (1): 3–13.
- Fabre, Cécile. 2006. *Whose Body Is It Anyway? Justice and the Integrity of the Person*. Oxford: Oxford University Press.
- Feser, Edward. 2005. There Is No Such Thing as an Unjust Initial Acquisition. *Social Philosophy and Policy* 22, no. 1 (January): 56–80.
- Freeman, Samuel. 2001. Illiberal Libertarians: Why Libertarianism Is Not a Liberal View. *Philosophy and Public Affairs* 30 (2): 105–51.
- Fried, Barbara H. 2004. Left-Libertarianism: A Review Essay. *Philosophy and Public Affairs* 32, no. 1 (Winter): 66–93.
- Hohfeld, Wesley Newcomb. 1913. Some Fundamental Legal Conceptions as Applied in Judicial Reasoning. *Yale Law Journal* 23 (1): 16–59.
- Hoppe, Hans-Hermann. 2011. *Democracy—The God That Failed: The Economics and Politics of Monarchy, Democracy, and Natural Order*. Piscataway, N.J.: Transaction Publishers.
- Kinsella, N. Stephan. 1999. Inalienability and Punishment: A Reply to George Smith. *Journal of Libertarian Studies* 14, no. 1 (Winter): 79–94.
- Long, Roderick T. 2006. Land-Locked: A Critique of Carson on Property Rights. *Journal of Libertarian Studies* 20, no. 1 (Winter): 87–95.
- Mack, Eric. 1995. The Self-Ownership Proviso: A New and Improved Lockean Proviso. *Social Philosophy and Policy* 12, no. 1 (Winter): 186–218.

- Mill, John Stuart. 2003. Essay on Bentham. In *Utilitarianism and on Liberty*, edited by Mary Warnock, 52–87. Hoboken, N.J.: Wiley.
- Nozick, Robert. 1974. *Anarchy, State, and Utopia*. New York: Basic Books.
- Rothbard, Murray N. 1973. *For a New Liberty*. New York: Collier Macmillan.
- . 1982. *The Ethics of Liberty*. Atlantic Highlands, N.J.: Humanities Press.
- . 1995. *Classical Economics*. Vol. 2 of *An Austrian Perspective on the History of Economic Thought*. Brookfield, Vt.: Edward Elgar.
- Schmidtz, David. 1994. The Institution of Property. *Social Philosophy and Policy* 11, no. 2 (Summer): 42–62.
- Zwolinski, Matt. 2014. Libertarianism and Pollution. *Philosophy and Public Policy Quarterly* 32 (4): 9–21.
- . 2015. Property Rights, Coercion, and the Welfare State: The Libertarian Case for a Basic Income for All. *The Independent Review* 19 (4): 515–29.
- . 2016. The Libertarian Nonaggression Principle. *Social Philosophy and Policy* 32, no. 2 (Spring): 60–90.
- Zwolinski, Matt, and John Tomasi. 2023. *The Individualists: Radicals, Reactionaries, and the Struggle for the Soul of Libertarianism*. Princeton, N.J.: Princeton University Press.

SUBSCRIBE NOW AND RECEIVE A FREE BOOK!



“*The Independent Review* does not accept pronouncements of government officials nor the conventional wisdom at face value.”

—**JOHN R. MACARTHUR**, Publisher, *Harper’s*

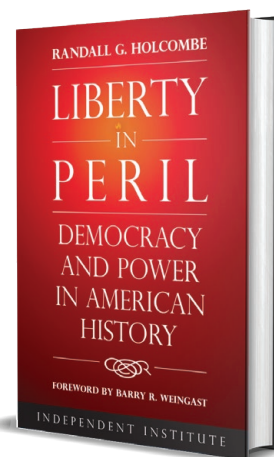
“*The Independent Review* is excellent.”

—**GARY BECKER**, Nobel Laureate in Economic Sciences

Subscribe to [The Independent Review](#) and receive a free book of your choice such as *Liberty in Peril: Democracy and Power in American History*, by Randall G. Holcombe.

Thought-provoking and educational, [The Independent Review](#) is blazing the way toward informed debate. This quarterly journal offers leading-edge insights on today’s most critical issues in economics, healthcare, education, the environment, energy, defense, law, history, political science, philosophy, and sociology.

Student? Educator? Journalist? Business or civic leader? Engaged citizen? This journal is for YOU!



Order today for more **FREE** book options

SUBSCRIBE

The Independent Review is now available digitally on mobile devices and tablets via the Apple/Android App Stores and Magzter. Subscriptions and single issues start at \$2.99. [Learn More.](#)

