

## POLITICAL FREEDOM AND ITS ROOTS IN METAPHYSICS

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### 1. CONTEXT

Libertarianism — the political philosophy based on the concept of *individual rights* — seems to be an inherently clear, unambiguous position. Its fundamental principle, the principle that man's rights to his life, liberty and property are non-compromisable foundations for human co-existence in society, seems to offer sufficient basis for answering, or solving, all so called "social problems" — as libertarian literature amply demonstrates.<sup>[1]</sup>

There is, however, one threat to this seeming clarity: the debate between limited government libertarians, headed by Rand,<sup>[2]</sup> and anarcho-capitalists, mainly influenced by Rothbard.<sup>[3]</sup>

At first sight, the debate seems easily localizable. It seems to affect no fundamental principles, but to involve merely a specific application of these principles. If one reads some of the literature written concerning this debate<sup>[4]</sup> the major impression both sides give is that the other side is inconsistent, that he fails to understand what the commonly agreed upon principle of individual rights implies, and that once his inconsistency is indicated to him, he (or them) will change (their) mind. Surprisingly enough, this change of mind did not take place in the last decade, though some "conversions" did take place. Each side has its own arguments, and its own rebuttals of the other side's argument, and the debate seems to persist, not to die out.

### 2. PURPOSE

The purpose of the present article is to show that what seems to be a fundamental agreement concerning basic principles, uniting libertarians of both traditions, is, to a large extent, an illusion. The illusion is created both by the use

of the same terminology (i.e. of individual rights), and by the fact that there exists a large core of agreement between the two camps — agreement concerning the principle of *individualism*. But this agreement is much less thoroughgoing than what it seems.

More specifically, I will try to show that the "political" debate — what form should a free society take politically — anarcho-capitalism or limited government, follows from much deeper, though undetected, disagreements. The most fundamental one is *metaphysical*: what kind of freedom does human nature allow — and to what extent is man unfree, or determined, in his actions. This fundamental disagreement is reflected in a variety of derivative disagreements: are values objective — as Rand claims, or are they inherently subjective, as Rothbard implies? Does the principle of individual rights follow from the principles of objective ethics — as Rand preaches,<sup>[5]</sup> or does it follow from a second-order understanding of the *objective moral principles* which make possible individual, subjective first order value systems, as Rothbard presupposes?<sup>[6]</sup>

Does the principle of individual rights, in any way, require for its implementation any preceding *contract*, and does it rely on any moral principle of the sanctity of promises and contracts, as is implied by Rand's philosophy,<sup>[7]</sup> or does it rely on the metaphysical concept of a *free will*, and the concept of "sacred contracts" is superfluous? I will try to show that these questions divide the two camps, and that their legal recommendations, in specific cases, also differ.

Since I am not a subjectivist, I do believe that there is right and wrong in this debate. But I will not present any systematic argument to support any position in this article. I will do that in a

separate article. In the present article I only wish to point out that a proper understanding, and resolution of the debate which, at present, divides the libertarian movement, cannot stop at political examples and arguments. I must go right back to metaphysical premises, and to examine them.

### 3. AN EXAMPLE

To clarify my point, and make my later, more abstract arguments easier to follow, let us consider an example. I make a contract with you to exchange my dog for your hen. I gave you my dog. You now say: "Sorry, I refuse to give you my hen. I love it too much". Clearly, you are morally in the wrong, and a just system of laws would imply just that, when applied to this case. But *why* are you in the wrong, what are your liabilities, what is the way to right the wrong? Here Rand and Rothbard would differ. Since none of them has ever considered in writing this specific example, I allow myself to represent their positions as I understand them.

To begin with, Rand would say that you are wrong because you have defaulted on a promise, contained in a contract. You owe me a hen, because you have promised to give me one once you will possess my dog. Your debt has been incurred by your promise. This is a matter for a civil court, dealing with restoration of justice damaged by contract violation.<sup>181</sup>

Rothbard, however, would say that you are in the wrong for a different reason. You don't owe me a hen. The hen is yours, and remained yours. As for the contract, your default amounts to a cancellation of it. The contract ceases to be valid once one of us refuses to abide by it.

But if so, what makes you morally wrong? Simply, the fact that you now control a dog which belongs to me, makes you a criminal. Once you have, by refusing to fulfill your part of the contract, cancelled the contract, you have, thereby cancelled your right to control the dog. If you continue to hold the dog, you are in the same category as a robber, or a thief. You control and use property which belongs to another without his permission, by force. Thus, the correct procedure to right the wrong is for me to sue you at a criminal court.

Observe the difference: For a Randist, a

promise creates an obligation. You are free to make a promise. Once you have made it, you are not free, morally speaking, to default on it. A later decision cannot cancel the prior decision. Once you have promised to give your hen, when certain conditions have been satisfied, the satisfaction of these conditions transfers automatically the hen to me, from the point of view of right to own it. If you refuse to deliver the hen, you are trying to detain the transfer of property which is *already* not yours. But the dog does belong to you.

For a Rothbardian, though, a promise does not create an obligation. A promise is a declaration of an intended action, or a declaration of a present decision to do something in the future. It has no moral significance beyond that. The same fundamental freedom of choice which makes it possible for you to promise, makes it possible for you, later, to cancel the promise. You cannot be sued for cancelling promises.

But, on the other hand, for a Rothbardian, your property right cannot be transferred without your consent. Thus, if you give somebody a dog, on the condition that you will get a hen from him, and he fails to deliver his part in the contract, the condition for transfer of ownership is not fulfilled, so the ownership has not been transferred (though the physical transfer of the good in question did imply a transfer in actual control of the property). Thus, the injustice incurred by a contract violation is not that a promise has been broken. It is that a breach has been created between ownership and control and that breach is maintained by force (because you refused to return the dog to me).

Observe that this creates *practical differences* between a Randist and a Rothbardian, concerning their recommendations to handle this case and other similar cases:

1. A Randist would demand, acting as a judge, that the contract be fulfilled, or that the defaulter will recompense the injured party in accordance with the value of the property he promised to transfer and failed. In other words, if a hen costs now \$30, and it should have been transferred 10 days ago, and the value lost by the fact of non-transfer is \$10, a Randist judge would order payment of \$40 compensation.

But a Rothbardian judge would demand the criminal to return a dog, not a hen, or, equivalently, to pay for the value of the dog in the market now (so as to enable the victim to buy a new dog) and also to pay, according to market rates, for the services provided by the stolen dog throughout the period in which there was a breach between ownership and control. If the contract was written say, 12 days ago, and at that time hens and dogs had the same market price, but *now*, when the trial takes place, they have different prices, the two judges would reach different verdicts.

2. A Randist judge would demand compensation whenever a promise was unilaterally made and broken (i.e. a promise of a gift, or of charity service.) A Rothbardian judge would not consider these legal matters — though he may privately advise the victim to advertise the fact of default as much as he can so as to make the defaulter realize that breaking promises is bad for your business reputation.<sup>[9]</sup>

3. A Randist judge would have to defend, in court, a contract in which a man sells himself to be a slave: once a man made a contractual commitment to be a slave, and to forego any further freedom of choice, he has to abide by his promise. A Rothbardian would consider the contract cancelled the minute the slave refuses to be a slave any more (thereby implying that the contract was never valid). At the same time, if the slave got some money, which he has been capable to continue to control independently, for becoming a slave,<sup>[10]</sup> then he no more legally holds the money: the money belongs to the deceived, purported slavemaster. Thus, the institutions of justice should remedy the breach of control and ownership incurred.

These are considerable differences between the two positions. But let us consider another example, this time of a non-contractual nature.

#### 4. ANOTHER EXAMPLE

Suppose I wake up in the middle of the night and find you there, rushing out of my window, with my watch at your hand. Obviously, you are a thief. Obviously, I should take you to some form of court or other. Obviously, you have initiated force against my right to my property. All these points are agreed upon by libertarians,

as well as most non-libertarians. There is, still, however, a divisive question: on the basis of what authority (moral authority) do I take you to court? Do I have the right to make you compensate me without a court action? Does your action affect your rights? Here, again the Randist and the Rothbardian would markedly differ. The Randist (as P. Beaird has most convincingly argued)<sup>[10a]</sup> would claim that by violating my property rights, you have lost your property right to the same extent. Moreover, your action justifies me in taking you to court because by *consenting* to live in a human society you have consented, in principle, to the fundamental principle underlying the possibility of human co-existence in society: the principle of individual rights. In a way, you have, by your action, breached a contract. My appeal to court is necessary to restore justice, because your action has been a default on an implicit contract. I cannot, however, redress justice by my own action, because any contract has, as P. Beaird has indicated, a delivery clause and a recourse clause. Once you failed to deliver (by violating my right to property) the contract still is in force. In this case, the “implicit” contract between us allows me only to take you to the police, because you have consented, by being in this specific society, to be thus treated in the case of breach of “social contract”.

Observe that this is *not* a social contract theory. It does not assume that if we are all in a society which has some government or other, we are all to be considered to have implicitly consented to the rule of this government and to the authority of its laws. The social contract theory, as Hobbes has shown by example, allows for all sorts of dictatorship and is incompatible with individual rights.

But, still, there is an element of “social contract” here, in the following sense: individual rights are objective values, to be identified by human consciousness as necessary conditions for human existence in society. If one identifies these values, he thereby has to secure some means of safeguarding these values by subscribing, voluntarily, to a government which implements these principles — namely, a minimal government.<sup>[12]</sup> This act of subscription (which, Beaird stresses, must be explicit and

voluntary), binds contractually all subscribers — both to the principle of individual rights and to the authority of the government to which they have subscribed to administer justice in accordance with these rights. Thus, any criminal violation of rights is a breach of such a contract, and it must be handled by the government, not by the victim. In other words, the Randist analysis of the nature of crime implies the necessity for a minimal government, which governs with the consent of the governed. To put the issue more crudely, each crime is a case of contract violation. Individual rights are enforceable, as legal principle, only on the basis of contractual commitment to them. Thus, while individual rights have objective validity as values, they have no legal force without the consent of all concerned. In other words, if you did not subscribe to any government, your rights have not been “translated” to enforceable terms, and you have no *right* to use force (your own force) to defend them.

Rothbard, however, tells a different story: a story in which no concept of “social contract” plays absolutely any role, and in which individual rights have nothing to do with anybody’s contractual subscription either to the abstract principle, or (additionally) to a government enforcing it. Individual rights are natural, deriving from man’s nature as a free being. A man has the right to his life, property and liberty independently of whether or not he lives in a social context, subscribed to a government, or made any direct or indirect contractual commitments with others. Contractual commitment, as we have seen above, has no independent moral significance in Rothbard’s framework. A breach of contract is only bad because it creates a breach of property ownership and its control — and only when it produces this effect.<sup>[13]</sup>

### 5. CIVIL LAW AND CRIMINAL LAW

In order to clarify the difference between the two points of view, an extra bit of terminology is needed. This pertains, fundamentally, to the difference between *civil law* and *criminal law*.

Civil law usually pertains to offenses arising from contractual relations. A default in delivery on a commercial contract is usually dealt with by a civil court of law. Criminal law usually

pertains to offenses against individual rights (such as theft, murder, robbery, rape, etc.) which do not involve any violation of pre-existing contractual relations. What makes them “bad” is their being violations of individual rights. In terms of this distinction, Rand’s position implies an implicit reduction of criminal law to civil law — in the sense that any violation of individual rights is conceptualized by reference to a pre-existing social contract (between the subscribers to government and their government) which makes the violation punishable, or actionable. Rothbard’s position implies an explicit reduction of civil law to criminal law: a contract violation is bad only because, and to the extent, that it involves dissociation of ownership and control. This is a large difference, and it relates directly to the opposing views concerning minimal government. For Rand, the contract which makes individual rights defensible is a contract with a government.<sup>[14]</sup> Hence, for her, libertarianism is impossible without a government: it presupposes a government, albeit a minimal government. For Rothbard, individual rights are independent of any contract, they are natural, and the fundamental defense of them is by the individual himself. The marketing of defense services through defense agencies is not in any way a necessary ingredient in the implementation of rights. Rather, it is a special case of the principle of specialization of services on the market, and has nothing to do with the moral validity of individual rights, or with their implementability.<sup>[15]</sup>

### 6. VALUES, AND METAPHYSICAL FREEDOM

What is the root of the disagreement between Rand’s and Rothbard’s positions? To answer that, it is important to understand on what basis each of them establishes the moral validity of individual rights. Rand’s concept of rights derives from her particular theory of values. This, in turn, depends on her theory of man’s metaphysical freedom. Similarly, Rothbard’s position is ultimately defensible through recourse to his fundamental assumptions concerning values and human freedom. According to Rand’s theory of human freedom, man’s only

fundamental freedom, the sole domain in which he is capable of being a "first cause", the only realm where he can exercise absolutely undetermined choice, is his own consciousness. Man's basic choice is between identifying the facts of reality through an act of consciousness, and evading the knowledge of these facts. This freedom does not extend to man's decisions and actions: Your decisions and actions are the necessary product of your values and premises, Rand claims. Your values and premises are the products of acts of identification.<sup>[16]</sup> You identify, as a value, whatever sustains your life.<sup>[17]</sup> You identify, as premise, any fact of which you are aware. Thus, your values are the products of two factors: your needs, or requirements for survival, which are factual givens, over which you exercise no choice, and your readiness to identify and acknowledge these needs, over which you have voluntary control. But if you evade the knowledge of your needs, they still exist, and so are, objectively speaking, values, though they are unidentified values.

Rothbard's theory of man, however, assumes another dimension of freedom in man: the freedom to make decisions, to originate action. For Rothbard values, and their hierarchy, are not the product of perception alone, though, clearly, his writing implies that awareness of the facts is highly relevant to your choice of values. (That is why you will prefer 3 ounces of gold to 2 ounces of gold.)<sup>[18]</sup> But the ultimate source of values are your choices and there are no subject independent (or "objective") factors which determine what your values should be. Indeed, Rothbard does not assume, as Rand does, that your own life is necessarily your highest value. He leaves the question of what is your highest value outside of philosophical (and economical) discussion, to you. This, observe, is not subjectivism, in the sense that values are arbitrary. It is subjectivism in the sense that the subject, not the external facts, is assumed to be the source, or generator of values. Consequently, it is impossible, in Rothbard's framework, to speak about any common values which are thereby established as objective moral principles. Rather, the principle of individual rights, in so far as any explicit formulation is to

be given to Rothbard's implicit presentation, is established on the second level of value analysis.<sup>[19]</sup> It is not a value in the economic sense (the question of the price of individual rights cannot arise, because the concept of price presupposes the concept of ownership which presupposes the concept of right to property).<sup>[20]</sup> It is, rather, established by reflection on the implications of man's metaphysical nature: as a fundamentally free agent. For Rothbard, if I understand him correctly, individual rights are self-evident implications of the metaphysical nature of man for social coexistence.<sup>[21]</sup> The argument is mainly by elimination.<sup>[22]</sup> Clearly, somebody must decide what you will do: why should it be, and how could it be anybody else, but you? Again, somebody must decide what to do with the property you have produced: how could it be anybody else but you?<sup>[23]</sup> I will not try to elaborate on the argument beyond the Rothbard quotes in the notes. But the point I am trying to make is the following: the whole argument presupposes that *action* (including use of property) requires *decision*, and that there are no automatic solutions to the problem: what action shall who take? Thus, the question is who is to make the decision. In other words, man's fundamental metaphysical freedom to make decisions is a necessary component of the argument. Hence, the argument does not require that other persons would either recognize my rights or pledge themselves to respect them. No social contract of any nature (and no preceding large scale comprehension of the philosophical principles involved) is presupposed in the defense of individual rights. Having the right to life, liberty and property, you automatically have the right to defend these rights, and you only derivatively transfer the exercise of the right to a defense agency of your choosing. Moreover, in view of the fact that all violations of your rights (including what Rand would have labelled "contract violation") are criminal, in all cases the purpose of defense is to reclaim stolen property (of goods or services or their equivalent). Hence, the consent of the offender is not required, because his rights are not violated in any way through the reclamation.<sup>[24]</sup>

Thus, the fact that Rothbard's libertarianism is more "extreme" than Rand's, because she

consents to a minimal government and he requires abolition of all government, is not accidental. Neither does it arise because one of them (or any of their followers) has committed a trivial mistake in the understanding of agreed upon moral principles. Randists and Rothbardians are not libertarians in the same sense — though they talk a misleadingly similar language. They mean different implications in the concept of rights — because they have different metaphysical assumptions to back their endorsement of the morality of the principle of individual rights in the first place. Rothbard is more extreme than Rand politically, because he is more extreme than her metaphysically. Rand allows only freedom of consciousness. Rothbard also allows freedom of decision. The choice between the two positions cannot be consistently made on political grounds. It has to deal with the basic metaphysical disagreement, and to deal with certain corollaries of it as well, such as: are there objective values? Are values determined solely by my decisions, or by my awareness of given facts? Similarly, while for Rand a promise (and any other decision) is a necessary product of the totality of one's premises and values, and once it is made, it is a *fact*, which one can either *identify* or *evade*, so that the immorality of breaking promises reduces to the primary sin of *evasion*, for Rothbard a promise is a reflection of a free *decision*, and a decision is valid only till another decision supersedes it.

## 7. TOWARDS RESOLUTION

Does my analysis imply that the seeming unity of libertarians is illusory, and that we, actually, comprise two different groups, which have very little in common? I do not think so.

The point is as follows: both Randism and Rothbardism presuppose a common metaphysical premise, which is very profoundly important: the ultimateness of human individuality.<sup>[25]</sup> This premise is crucial, because it denies *determinism*, which is the unifying common assumption of the official culture.<sup>[26]</sup> Indeed, if man has no kind of freedom of choice, if his actions are predetermined, then it is impossible to defend his metaphysical

individuality. It won't do, as Machan tries, to speak about "self determination" and "other determination", acknowledging metaphysical determinism but justifying individuality (and individual autonomy) by reference to internal determination.<sup>[27]</sup> To begin with, this position can be refuted by a mechanical adaptation of the argument that its proponents use to defeat other determination (such as Skinner's).<sup>[28]</sup> Worse — once you say that your choices are predetermined by your brain, then obviously your brain is affected by perception of external environment, so the tracing of causal sequences (even if conceived of in terms Randists favour, such as the entity-action model of analysis of causality, and not the event-event model of causality)<sup>[29]</sup> will lead ultimately, even if partially, to outside your body. Thus, any form of determinism would imply that man is a part of a larger natural system, acting according to its deterministic laws, and being in no way originator of choice which is not further predetermined. Then, the only grounds left to defend human individuality would be to speak about the discreteness of one human body from other human bodies, which is a very weak argument, on physical grounds.<sup>[30]</sup> Actually, within a deterministic context, any concept of *entity* as an ultimately discrete existent loses all significance. All entities easily reduce to parts of larger systems.<sup>[31]</sup>

Only the stress on the individual as *ultimately free* establishes his individuality — being a *distinct first cause*. And it is this stress on freedom (however confused by some with attempts to reconcile it with "deterministic" and "naturalistic" fetishes) which is common to all libertarians, as well as the consequent acceptance of reason, rational argument, and factual evidence, as ultimate epistemological court of appeal. Thus, I propose that the conflict between Randists and Rothbardians be referred to its proper context — the issue of the metaphysical nature of man, and that it will be referred to with full understanding of human individuality, and with no appeal to authority: let reason be the judge, and, of course, individual reason, your reason.

## NOTES

1. See Ayn Rand, *Capitalism, the Unknown Ideal* (New York: Signet Books, 1967.) Murray N. Rothbard, *Man, Economy and State* (Los Angeles: Nash, 1970.) Murray N. Rothbard, *For a New Liberty* (New York: Macmillan, 1973.) Morris and Linda Tannehill, *The Market for Liberty* (Tannehill, 1970.)
2. Cf. Rand, *Capitalism*, pp. 329–338 for Rand's statement of her position.
3. Cf. Rothbard, *New Liberty*, pp. 47–78, among others, for a clear statement of Rothbard's position.
4. I could not find any explicit statement by Rothbard on this subject. But his whole economic analysis is based on taking individual preference scales (Rothbard, *Man, Economy*) as givens, on which praxeological analysis is based. While Rothbard is evidently not an ethical subjectivist or irrationalist, he never discusses, as I can ascertain, any moral principles apart from those of individual rights. These, as discussed in Rothbard, *New Liberty*, pp. 23–46, are discussed independently of any discussion of individual values.
5. Cf. Ayn Rand, *The Virtue of Selfishness* (New York: Signet Books, 1964.)
6. This is my understanding of the argument in Rothbard, *New Liberty*, pp. 23–46. The justification of this interpretation is offered in the pertinent notes below.
7. Cf. Rand, *Virtue of Selfishness*, pp. 110–111, 116–117 as well as Paul Beard, "On Proper Government," *Option* (Jan–June, 1976).
8. Rand, *Virtue of Selfishness*, pp. 110–111: "In a free society, men are not forced to deal with one another. They do so only by voluntary agreement and, when a time-element is involved, by contract. If a contract is broken by the arbitrary decision of one man, it may cause a disastrous financial injury to the other — and the victim would have no recourse except to seize the offender's property as compensation... the protection and enforcement of contracts through courts of civil law is the most crucial need of a peaceful society".
9. Rothbard, *Man, Economy*, pp. 152–153: "Contracts must be considered as agreed upon exchange between two persons of two goods, present or future. Persons would be free to make any and all property contracts that they wished; and for a free society to exist, all contracts, where the good is naturally alienable, must be enforced. Failure to fulfill contracts must be considered as theft of the other's property. Thus, when a debtor purchases a good in exchange for a promise of future payment, the good cannot be considered his property until the agreed contract has been fulfilled and payment made. Until then, it remains the creditor's property, and non-payment would be equivalent to theft of the creditor's property.  
An important consideration here is that contract not be enforced because a promise has been made that is not kept. It is not the business of the enforcing agency or agencies in the free market to enforce promises merely because they are promises; its business is to enforce against theft of property, and contracts are enforced because of the implicit theft involved...take the case of a promise to contribute personal services without an advance exchange of property. Thus suppose that a movie actor agrees to act in three pictures for a certain studio for a year. Before receiving any goods in exchange (salary), he breaks the contract and decides not to perform the work. Since his personal will is

inalienable, he cannot on the free market be forced to perform the work there. Further, since he has received none of the movie company property in exchange, he has committed no theft, and thus the contract cannot be enforced on the free market....

It certainly would be consistent with the free market, however, for the movie company to ask the actor to pay a certain sum in consideration of his breaking the contract, and if he refuses, to refuse to hire him again, and to notify other prospective contracting parties (such as movie companies) of the person's actions. It seems likely that his prospect of making exchanges in the future will suffer because of his action. Thus, the blacklist is permissible on the free market."

10. Indeed, one of the inherent difficulties of the concept of self-sale to slavery is the inability of the slave to continue to possess any personal property. If slavery means total obedience to one's master, how can a slave refuse an order to transfer his property to his master?
- 10a. Beard, "Proper Government," p.16: "To give this personal moral failing the social impact it has, we must bring in the others. If one has a right to the consequences achieved by the action one chooses, then others are not in the wrong to visit the criminal as equal a measure as possible of the consequences of his action...Why must the punishment fit the crime? If a man achieves only as much as was specifically possible to the actions he chose, then he forgoes only so much as would have been gained or kept by the actions he did not take. In this context that means that he forfeits his rights — his freedom of action — only to the degree of his interference with the right of another. Or, he deserves only so much injury as he caused."
11. Rand, *Virtue of Selfishness*, p. 110: "There is only one basic principle to which an individual must consent if he wishes to live in a free civilized society: the principle of renouncing the use of physical force and delegating to the government his right of physical self defense for the purpose of an orderly, objective, legally defined enforcement." Thus, one must make an act of commitment, a promise, whenever he joins a Randist free society: he must transfer his right of self defense to its government. Rand does not specify whether or not this commitment is explicit. But, anyhow, this commitment is assumed to exist. This is why Rand's framework necessitates the existence of a minimal government and why her version of the principle of individual rights is inconsistent with anarcho-capitalism, as she correctly observes.
12. Rand, *Virtue of Selfishness*, p. 110: "Since the protection of individual rights is the only proper purpose of a government, it is the only proper subject of legislation...The source of the government's authority is the consent of the governed". Observe that this quotation, as the one given in [11], presupposes that promises are the proper source of obligations. By obliging yourself, through a promise, or a commitment, you are, thereby, obliged. You cannot later cancel your commitment by a later decision. This relates directly to Rand's view of the significance of contracts as delineated above.
13. Rothbard, *New Liberty*, p. 2, and especially 28–30 where Rothbard explicitly disconnects rights from any government action.
14. Cf. [11, 12].
15. Cf. [13].

16. Rand, *Virtue of Selfishness*, chap. 1.
17. Rand, *Virtue of Selfishness*, chap. 1.
18. Cf. Rothbard, *Man, Economy*, pp. 260-268.
19. This is my interpretation of arguments such as the following in Rothbard, *New Liberty*, pp. 26-28: "The most viable method of elaborating the natural rights statement of the libertarian position is to divide it into parts, and to begin with the basic axiom of the right to self ownership. The right to self ownership asserts the absolute right of each man, by his virtue of his (or her) being a human being, to own his or her body; i.e. to control that body free of coercive interference. Since each individual must think, learn, value and choose his or her ends and means in order to survive and flourish, the right to self ownership gives man the right to perform these vital activities without being hampered and restricted by coercive molestation.
- Consider now the consequences of denying each man the right to own his own person. There are then only two alternatives: either (1) a certain class of people, A, have the right to own another class, B or (2) everyone has the right to own his own equal quotal share of everyone else. The first alternative implies that while Class A deserves the rights of human beings, Class B is in reality subhuman and therefore deserves no such rights. But since they are indeed human beings, the first alternative contradicts itself in denying natural human rights to one set of humans....The second alternative, what we might call participatory communalism or communism holds that every man should have the right to own his own equal quotal share of everyone else...this ideal rests on an absurdity; proclaiming that every man is entitled to own a part of everyone else, yet is not entitled to own himself...the libertarian therefore rejects these alternatives..." Clearly, the argument here does not rest on any specific values which an individual consciousness identifies as required for survival. Rather, it rests on considering the various possibilities of allocating control over human action to individuals, whatever be the specific goals directing specific actions of specific individuals. In this sense, the argument is a "second level" argument, assuming a lower level of individual goals and actions.
20. Indeed, the concept of defense agencies introduces the issue of the price of defense of rights. But this issue is irrelevant, because an individual has rights even if he chooses to defend them himself, and not to relegate his defense to a specializing defense agency.
21. Cf. [19].
22. Cf. [19].
23. Cf. [19].
24. Rothbard, *Man, Economy*, p. 771: "It has been asked: Is not this police function an act of intervention?...If governments, or private agencies, for that matter, are employed to check and combat intervention in society by criminals, it is certainly obvious that this combat imposes losses of utility upon the criminals. But these acts of defense are hardly intervention in our sense of the term. For the losses of utility are being imposed only upon persons who, in turn, have been trying to impose losses of utility on peaceful citizens."
25. By "individuality" I mean: the conception of man as a fundamentally discrete entity, on the metaphysical level. Man as an "island unto himself" — and not as a part of some larger system, social or natural where his separate identity is largely conventional and fictitious.
26. For a valuable discussion of determinism cf. Nathaniel Branden, *The Psychology of Self-Esteem* (New York: Bantam, 1969), pp. 53-57.
27. For such an attempt, cf. Tibor R. Machan, *The Pseudo Science of B. F. Skinner* (New York: Bantam, 1969), pp. 164-165: "It will be recalled that Skinner rejects self determination, yet never considers the evidence for it. From what Sperry (among others) has found, however, we get a scientifically coherent picture of man as a free agent, yet a physical, psychological organism. No inconsistency between science and human freedom arises....This does not mean that man is free from the forces of his own decision making machinery. In particular what this present model does not do is to free a person from the combined effects of his own thoughts, his own reasoning, his own feeling, his own beliefs, ideals and hopes, nor does it free him from his inherited makeup or his lifetime memories". It is incredible to see how Machan clings to "scientific respectability" and considers some form of determinism to be a presupposition of being "scientific". Indeed, if science has necessary presuppositions like this, it is based on *a priori* assumptions, hence contains a necessary dogmatic component, to be accepted on faith. Moreover, this "complex" he quotes with approval from Sperry of feelings, etc. must be the product of the person's experience. When a man is born he, on Machan's assumptions at least, has no innate concepts, premises, hence hopes, feelings, etc. Now, his first feeling, hope, premise, concept or whatever must, on the assumptions of "self determinism" be the product of (and predictable from) the given physiological hardware (as well as the environment). Thus, it is pre-determined, and one has no choice over it. The second "mental element" is the product of the first + the physiological hardware + environment + recorded experience (again, physiology). It, again, is pre-determined. So by applying a principle of mathematical induction over time, it is easy to see that the " $n+1$ " mental entities (thought, feeling, whatever you like) is determined by  $n$  mental entity preceding it in existence + the physiological hardware + the environment. So, we have full-fledged metaphysical determinism. As for the refutation of determinism, see the next note.
28. Machan, *Pseudo Science of Skinner*, p. 29: "To ascertain what is being said as true or false requires however that one be capable of objective, unbiased judgment. If the mind can only go in one direction, the person is unable to render an objective judgment... therefore by the tenets and requirements of determinism, it is impossible even to render a decision as to whether determinism is a true doctrine." This is a conclusive argument for the irrationality of determinism — including the determinism to which Machan, the originator of the quoted formulation of the argument, holds.
29. Both Branden, *Psychology of Self-Esteem*, pp. 57-61 and, more emphatically, Machan, *Pseudo-Science of Skinner*, pp. 157-158, stress that causality is a relation between an entity and an action of this entity. This is valuable in order to dispel the Humean argument against the validity of the concept of causality, because the "necessity" of the relation between cause and effect becomes a corollary of the nature of the acting entity, hence is no more puzzling. While, indeed, if causality is a relation between two different events, it



- can be reconceptualized, *à la* Hume, as a superstition based on past observations of repeated coincidents. But this revision of the concept of causality has no value whatsoever in solving the problem of free will as against determinism. The reason is simple. If causality is a relation between entity and action, then the fact that a given entity (say a match) does not *always* produce a specific action (such as fire) raises the question as to the *circumstances* in which it will perform these actions (such as when rubbed against a matchbox). The circumstances are no more, it is true, taken as *cause* of the action, but merely as a "trigger" for it. Thus, to assert universal determinism is to assert that any action has a trigger. To deny it (still consistently with the principle of causality) is to say that some entities act in a specific way in essentially unpredictable circumstances, where the unpredictability is grounded in the nature of the entity (and not in some *a priori* limitations of human capacity for knowledge). Machan, through his concept of "self determination", in which the "self" is just a complex of mental and physiological factors accumulated through past experiences, believes that any action has a trigger, and that it is, in principle, always predictable in advance from the knowledge of the factors involved. Moreover, the factors accumulate through experience, and experience involves interaction with external factors, which serve as "triggers". So his position easily reduces to that of Skinner, with the one (irrelevant) difference that Skinner does not refer to the brain, while Machan does.
30. It is a weak argument, because the distances between my body and yours, relative to the distances between molecules within my body, or between elementary particles in atoms in these molecules, etc., are minute. Physicalism, conjoined with determinism, is absolutely incompatible with the idea of multiplicity of fundamentally individual existents. Cf. [31].
31. Few realize that Spinoza was the first to express in full this fact. Cf. Spinoza, *Ethics* in R. H. M. Elwes (ed., trans.) *The Chief Works of Benedict de Spinoza* (New York: Dover Publications, 1951.), p.45: "By substance, I mean that which is in itself and is conceived through itself; in other words, that of which a conception can be formed independently of any conception ... by mode I mean the modifications of a substance or that which exists in, and is conceived through, something other than itself." Thus, a substance alone is an individual. But there is only one individual like that, Spinoza argues, most logically, on determinist assumptions: (p. 55) "only one substance can be granted in the universe.... Whatever is, is in God, and without God nothing can be". Spinoza's argumentation, if anybody bothers to check, is most rigorous. But his conclusion presupposes, naturally, its premises: and the major one is determinism. The argument from determinism against individuality was of course repeated by all later haters of individual freedom.
32. Cf. [27]. "Naturalism" is the name usually given to deterministic materialism. This dogma has never been defended on any grounds, logical or empirical, and it is tantalizing to observe how widely it is taken for granted, even among libertarians. It is one thing to wish to be scientific, namely to opt for reason as one's method of gaining knowledge and of facts as the basis for knowledge. It is absolutely a different matter to accept certain widespread dogmas of official spokesmen for science, and to swear allegiance to them as a means of gaining (or pretending to gain) "scientific respectability".
33. Indeed, if there is a very large similarity between two different thinkers such as Rand and Rothbard, it is due to their insistence that logical reasoning, and factuality, are their methods of gaining knowledge, and that any *authority* is invalid in the field of human understanding.