
Murray Rothbard's Philosophy of Freedom

BY DAVID GORDON

Murray Rothbard (1926–1995) based his political philosophy on a simple insight: slavery is wrong. Few, if any, would dare to challenge this obvious truth; but its implications are far reaching. It is Rothbard's singular merit to show that rejecting slavery leads inexorably to laissez-faire capitalism, unrestricted by the slightest government interference.

If we reject slavery, then are we not saying that each person owns his own body? Just what seems immoral about slavery is that some people, the slave owners, have the right to control the bodies of those under their domination. The owners can tell the slaves what to do and force them to obey if they refuse to comply.

One might at first think that this point has little relevance to modern society. The Thirteenth Amendment abolished slavery in the United States in 1865; surely it does not tell us very much of practical importance today to reiterate that slavery is wrong.

But are we not moving here too quickly? If the essence of slavery is forced labor for others, it is a very present reality today. When the government takes part of what you earn in taxes, it in effect forces you to labor for the state. Just as the slave does not get to keep what he produces but must surrender it to the master, so must the taxpayer give up part of what he makes to the government. One might object that someone can avoid being taxed by refusing to work, but this is hardly a

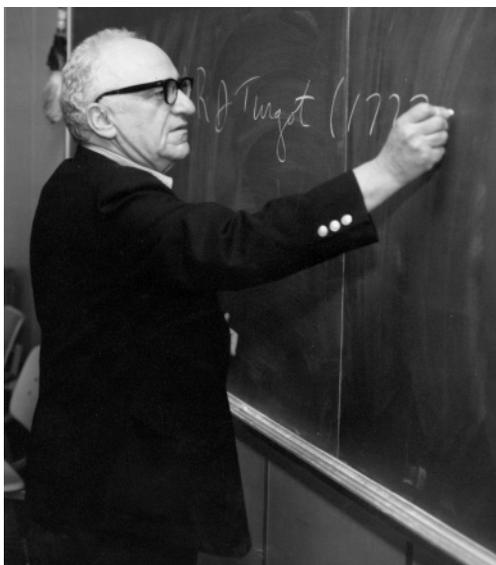
viable alternative. A slave system in which slaves could refuse to work, at the cost of not being supplied with any provisions, would hardly strike us as much of an improvement over simple slavery.

And the income tax is far from the only area in which the state acts as a slave master. In the United States, we do not now have a compulsory draft. But the government in the past enacted conscription laws that directly compelled people to serve in the armed forces, and may well enact such a law again. People serving in the military must of course follow orders, even if doing so will end their lives.

But once more, have we not moved too fast? Measures such as the income tax and conscription, however much they interfere with individual liberty, have been enacted by democratically chosen legislatures. How can we compare a democracy with a system in

which a master compels others to labor, regardless of what they want? In a democracy, an individual may not be able to do what he wants, but the majority of the people make the rules.

Rothbard argues that this circumstance leaves the essence of slavery unchanged. In a democracy, the majority acts as the slave master. So long as the individual cannot exercise full control over his own body, he



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is to that extent a slave. The fact that he, along with his fellow slaves, has a share in determining what he will do still leaves him unfree. Democracy, in Rothbard's view, is a system in which each person owns a share of everyone else. It is merely a variant of slavery. The choice cannot be evaded: one must either favor self-ownership or slavery.

In many books and countless articles, Rothbard carried out his defense of self-ownership to its full logical, if controversial, conclusion. If you own your own labor, you cannot be compelled against your will to support the state, even if it confines its activities to protecting rights—other than, of course, the rights it violates by extorting resources through taxation. Further, people in a free society are at liberty to establish competing agencies to protect themselves: they need not confine protection to a monopoly agency.

So far the self-ownership principle has been presented as an obvious truth of common sense, but Rothbard was not content to leave matters at that. In arguing for self-ownership, Rothbard relies heavily on a point of fact. Everyone is in reality in control of his own will. If I obey another, I must always make the decision to do as he wishes; and the threat of violence on his part should I follow my own course leaves the situation unchanged. I must decide whether to accede to the threat.

But, one might object, even if Rothbard is correct that one cannot alienate the will, how does he get to the conclusion he wants? From the fact that the will cannot be alienated, how does the ethical judgment follow that each person ought to be recognized as a self-owner? Is Rothbard here committing the fallacy of deriving an “ought” from an “is”?

To our imagined objector, Rothbard would demur. He does indeed derive an “ought” from an “is,” but he would deny that he is guilty of any fallacy. He maintains that ethical principles follow from the nature of man.

How is this claim about ethics, which defies much of contemporary philosophical opinion, to be sustained? Rothbard found persuasive an argument advanced by Leo Strauss, a political philosopher with whom he was often at odds. Strauss appealed to ordinary language,

contending that the fact-value dichotomy of David Hume and his many successors was an artificial construction. Suppose, for example, that someone pushes you aside while you are waiting in line for a movie. Has he not acted rudely? The judgment that he has acted rudely is not a matter for subjective decision but is governed by objective criteria. But surely “rude” is a value term: what then has happened to the alleged dichotomy between fact and value? In the view favored by Rothbard and Strauss, value judgments are factual. If so, is it not also true—though this is much more controversial—that if human beings need certain things in order to flourish, this is at once a factual statement and a value judgment? So, at any rate, Rothbard maintained. (I am here offering only a sketch of his argument, not a full defense of it.)

Although his position is probably a minority one among contemporary analytical philosophers, several leading lights support it. The influential British philosopher Philippa Foot defends a view of the good quite similar to Rothbard's in her *Natural Goodness* (Oxford University Press, 2001). And even if, despite Rothbard's urgings, one continues to believe that an impassable gap separates fact and value, self-ownership remains a valid principle for anyone who rejects slavery.

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Private Property

Once one accepts self-ownership the justification for private property soon follows. Each person owns his own labor. Does he not have a right, then, to what he produces by means of that labor? To deny this is to revert once more to slavery; it is to say that other people have the right to control your labor.

But once again, Rothbard must confront an objection: You may own your labor, but this does not suffice to justify property rights. People, after all, do not create the land that they wish to appropriate. But this point gives Rothbard little trouble. Land starts off originally unowned. Parcels of land do not come into the world with persons' names attached; and Rothbard firmly

rejects the Georgist contention that everyone owns all land collectively. "Some critics," he writes in his great treatise *Man, Economy, and State*, "especially the Henry Georgists, assert that, while a man or his assigns may be entitled to the produce of his own labor or anything exchanged for it, he is not entitled to an original, nature-given factor, a 'gift of nature.' For one man to be able to appropriate this gift is alleged to be an invasion of a common heritage that all men deserve to use equally. This is a self-contradictory position, however. A man cannot appropriate anything without the cooperation of original nature-given factors, if only as standing room. . . . Therefore, if property in land or other nature-given factors is to be denied man, he cannot obtain property in the fruits of his labor."

In Rothbard's view, then, one acquires property through "mixing one's labor" with unowned land, or by acquiring such property in gift or exchange from someone else. This doctrine of course comes from John Locke, though Rothbard embraces this principle of initial acquisition without Locke's numerous qualifications.

Rothbard displays great dialectical ingenuity in anticipating objections to his theory. One of the most important of these is that if one may acquire property through Lockean labor mixture, does this not unfairly bias matters in favor of the first possessor? Imagine a group of shipwrecked sailors swimming toward an uninhabited island. Does the first person to reach the island acquire all of it? Can he then refuse entry to his shipmates, unless they agree to work for him for bare subsistence wages?

Rothbard easily turns aside this difficulty, writing in *The Ethics of Liberty*, "Crusoe, landing upon a large island, may grandiosely trumpet to the winds his 'ownership' of the entire island. But in natural fact, he *owns* only the part that he settles and transforms into use. . . . The only requirement is that land be *once* put into use, and thus becomes the property of the one who has mixed his labor with, who imprinted the stamp of his personal energy upon, the land." (This book, along with *Power and Market*, is Rothbard's chief contribution to political philosophy.)

We may imagine another objection at this point. Suppose Rothbard has successfully rebutted the contention of Georgists and others that first possessors of land can in his system hold to ransom all others. Is not the system, however logical, of no practical relevance? Most property titles today do not stem by a clear line of transmission from a Lockean first owner. On the contrary, would we not find that many land titles go back to acts of violent dispossession? Would not an attempt to put Rothbard's system into practice quickly lead to a war of conflicting claims to property?

As usual, Rothbard has thought of the objection himself. He answers that the burden of proof lies on someone who disputes a land title. If he cannot make good his claim, the present possessor owns his land legitimately. If land titles cannot be traced back to an original act of legitimate appropriation, speculation about an original owner and his present descendants is idle.

But what if the objector *can* make good his claim? Then Rothbard is entirely prepared to follow out the implications of his system. Many landowners in Latin America and elsewhere would in a Rothbardian world find themselves in very much reduced circumstances: "[A] *truly* free market, a truly libertarian society devoted to justice and property rights, can only be established there [in the underdeveloped world] by ending unjust feudal claims to property. But utilitarian economists, grounded on no ethical theory of property rights, can only fall back on defending whatever status quo happens to exist," Rothbard writes in *Ethics of Liberty*.

Political Philosophy versus Ethics

Rothbard's book is in one sense mistitled. He sharply distinguishes political philosophy from ethics as a whole, and his book is addressed only to the former topic. When, for example, he deduces from the nonaggression axiom that people ought to be free to make any voluntary exchange they wish, his conclusion, like his premise, is part of political philosophy. He makes no attempt to argue that every voluntary exchange is morally desirable.

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Indeed if Rothbard is right about political morality, it will often be immoral to attempt to prohibit immoral activity. This seeming paradox, instead of undermining morality, actually serves as an important means for its defense. One has only to glance at any period of history to see that the main violator of morality has been what Nietzsche called “that coldest of all cold monsters, the State.” Any doctrine, like Rothbard’s, that rigidly restricts the role of politics in the enforcement of morality can only be welcomed from the moral point of view.

Are Ethics Necessary?

A substantial part of the book is devoted to Rothbard’s criticisms of other classical liberals, including Ludwig von Mises, F. A. Hayek, Isaiah Berlin, and in an especially noteworthy discussion, Robert Nozick.

Rothbard, as we have seen, goes to great efforts to justify a free society based on liberty and private property. But is this elaborate effort necessary to accomplish his goal? According to Rothbard’s great mentor, Mises, it was not. We can defend the free market, Mises said, without resort to any controversial assumptions about the nature of ethics. One can demonstrate, without making any value judgments, that interventionist measures such as minimum-wage laws fail to achieve the goals of their own advocates. If so, we have a value-free defense of resistance to such measures and the free market is vindicated. Does this not suffice?

Rothbard did not think so. As he points out, interventionist measures do help some people, albeit at the expense of others. Labor unions, for example, may raise the wages of their members, while causing others outside the union to lose their jobs. Why should one think that this result is, from the point of view of the union members, unsatisfactory? Contrary to Mises, then, interventionist measures do not always fail to attain the goals of their advocates. A value-free defense of the market cannot then stand by itself.

Rothbard first indicated his differences from Mises in an unpublished comment from around 1960 on Mises’s paper “Epistemological Relativism in the Sciences of Human Action.” Rothbard stated his essential criticism

forcefully: “But how can Mises know what motivates the statist? Suppose, for example, the price controller wants power, and doesn’t care if it creates shortages . . . (or is a nihilist and hates everyone, and wants to create shortages); suppose that someone who wants to confiscate the rich has a very high time preference and doesn’t care if the economy will be wrecked in twenty years. What then?”

But Rothbard did not altogether distance himself from Mises’s view that there can be a defense of the free market that rests on no controversial ethical assumptions. On the contrary, he extended it. In *Power and Market*, he contends that some types of interference with market can be rejected because they aim at a logically impossible goal. If a proposed ethical ideal cannot be realized, it must rationally be rejected. To accept this

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requires no adherence to a particular ethical view: it is a requirement of reason. As he wrote in *Man, Economy, and State*: “If an ethical goal can be shown to be self-contradictory and *conceptually impossible* of fulfillment, then the goal is clearly an absurd one and should be abandoned by all.”

One such impossible goal is equality of income. As he writes in *Power and Market*, “Income can *never* be equal. Income must be considered, of course, in real and not in money terms; otherwise there would be no true equality. . . . Since every individual is necessarily situated in a different space, every individual’s real income must differ from good to good and from person to person. There is no way to combine goods of different types, to measure some income ‘level,’ so it is meaningless to try to arrive at some sort of ‘equal’ level.”

Equality of opportunity fares no better. “Yet this, too, is as meaningless as the former concept. How can the New Yorker’s opportunity and the Indian’s opportunity to sail around Manhattan, or to swim the Ganges, be ‘equalized’? Man’s inevitable diversity of location effectively eliminates any possibility of equalizing ‘opportunity.’ ”

Rothbard’s ethical system, far more comprehensive than I have here been able to indicate, deserves the attention of everyone interested in political philosophy, as well as everyone who loves liberty.

