



# RESPONSE TO J.C. LESTER ON DAVID FRIEDMAN ON LIBERTARIAN THEORY

**Walter E. Block**

Loyola University New Orleans, New Orleans, LA, USA

©MESTE

JEL category: **P10**

## **Abstract**

*This essay is written in support of my (Block, 2011A) critique of Friedman (1989) in response to Lester's (2014) support of the latter. The debate concerns libertarianism, private property rights, crime, law and other issues of interest to libertarians. If you are not interested in the libertarian political-economic philosophy, nor debates, this would be a good time to stop reading. My main target in this article is Lester's contention that rights can clash. If they may, we are left at sea without a rudder, since all we have, as libertarians, is the non-aggression principle plus private property rights based on initial homesteading. If these will not suffice to obviate any clash, then we have nothing in the cupboard. Another difficulty I have with this author is his defense of utilitarianism; my perspective, in sharp contrast to his, is deontological. While this article is highly critical of Lester, I do acknowledge that he makes several good points, on the basis of which I have had to revise my own views of these matters. For one thing, thanks to him, I have added violation of dignity to my theory of punishment. For another, he corrected a slip of mine about the right not to be murdered. So, it is hat's off to Lester, as far as I am concerned, despite my many criticisms of him in this paper.*

**Keywords:** *Libertarianism; private property; rights; crime; law*

## **OVERVIEW**

This little story starts out with Friedman (1989). Block (2011A) was a rejoinder to the former. I invited the previous author, several times<sup>1</sup> to respond to the latter. My thought was that, following Mill (1859), the two of us could better get to the bottom of these issues if we debated about them. Friedman has so far declined to engage me

Address of the author:

**Walter E. Block**

[✉ wblock@loyola.edu](mailto:wblock@loyola.edu)

in this manner. Happily, Lester (2014) has taken up the slack in defending Friedman (1989) and rebutting Block (2011A). The present essay is an attempt to refute this essay of his (Lester, 2014), in defense of my publication (Block, 2011A). In order to accomplish this task, I shall criticize Lester both where he defends Friedman (1989) against my critique of him (Block, 2011A), and, also, condemn Lester (2014) on those occasions where he errs in his understanding of libertarianism, apart from my debate with Friedman (1989). There are also some issues on

<sup>1</sup> Certainly not more than a half dozen times. I am delighted that Lester has agreed to condescend to

respond to me, even if Friedman is unwilling to do so.



which I stand corrected by Lester, and duly thank him for educating me on them.

This paper follows the format set out by Lester.<sup>2</sup> This section is devoted to his overview and introduction. In section 2.1 I respond to his “initiation of coercion,” in 2.2 to his “absolute control,” in 2.3 to “super flashlights,” in 2.4 “probability of risk,” in 2.5 “homesteading,” in 2.6 “resource value,” in 2.7 “crime and punishment,” in 2.8 “extent of punishment,” in 2.9 “the madman,” in 2.10 “contradiction in rights,” in 2.11 “the draft.” In section 3.1 to “critique” and in 3.2 to “weaknesses in utility theory.” I also comment on his conclusion in section 4.

However, I must start out with a comment on what he writes in his initial “overview” section. He states: “Professor Block is a leading Rothbardian libertarian.” That is one of the kindest compliments I have received in a long time, and I am very grateful to Lester for characterizing me in this manner.<sup>3</sup>

## 1 INTRODUCTION

Lester starts out on a curious note. He avers:

*“I am very happy to bring Professor Block the good news that there is at least one other philosophy of libertarianism. For in addition to any consequentialist philosophies (and I would not restrict these to utilitarianism, in any of its flavours) and any deontological philosophies (and I would not restrict these to the Rothbardian-Blockian one) there is also critical-rationalist libertarianism, which does not base libertarianism on anything at all.... With our finite and fallible reasoning facing the infinite worlds of unknown matter and theories, we never know what we might have overlooked. Therefore, theories cannot be justified (or supported, grounded, founded, based, backed, established, proven, etc.”*

This is more than merely passing curious. This is highly problematic. Yes, yes, a decent modesty

requires that we not be so cock-sure of ourselves that we doubt we can ever be wrong, even about the most basic things. For example, I take it as a basic empirical fact that the earth is not shaped like a flat pancake, that water runs downhill, and that it is composed of two parts hydrogen and one part oxygen, that the moon is not made of green cheese. Similarly, in my view, it is very difficult to deny the Socratic syllogism,<sup>4</sup> the claim that  $2+2=4$ , and that the Pythagorean Theorem is correct.<sup>5</sup> As well, under libertarian deontology, that murder, rape, and theft are rights violations. Could we be wrong on any and all of this? Of course. We should all strive to be modest. But this is such ultra-skepticism, it is difficult to base any coherent examination of the Friedman-Block controversy on it or anything else for that matter. Yes, we two debating partners could both be wrong on everything we say. However, unless Lester can come up with specifics, and he does, undermining his own extreme cynicism, he cannot help resolve any such difficulties. There is also a logical self-referential difficulty with this position on the basis of which he sets out: if we must doubt everything, if we can be sure of nothing, then, this applies, too, to the very claim of disbelief from which he starts. That is if we are compelled to reject all that seems definitively true, and Lester maintains that it is definitively true that we must doubt everything, well, double negative amounts to a positive: Lester’s view requires that we accept everything as true.

Moreover, Lester’s claim that radical skepticism is the third basis of libertarianism seems patently false. It would appear that he makes this up as he goes along, with no justification for it whatsoever. He offers no evidence for his claim. Nor is this any slip of the tongue on part; not a typographical error he has committed. Indeed, he doubles down on this perspective of his: “However, refutations are themselves conjectural. So no refutation is ever justified either.” But if this is true, it is difficult to see how he can refute my refutation of Friedman,

---

<sup>2</sup> All subsequent references to this author will refer to this one publication of his.

<sup>3</sup> This inclines me in the direction of being supportive of this author, but, I shall strive mightily to accurately assess what he says despite that compliment, which I treasure.

<sup>4</sup> All men are mortal; Socrates is a man; therefore, he is mortal.

<sup>5</sup> Of course, on a flat surface, not like the surface of the third planet.

which, supposedly, is the purpose of his present essay.

Happily, after relieving himself of these skeptical thoughts, he leaves off them and never discusses them again. Instead, he

*“mention(s) the type of liberty that I assume libertarians to be defending. It is a kind of interpersonal liberty. In particular, it is about people being unconstrained by other people’s interferences, or invasions, or aggressions, or trespasses, or – as I prefer to theorize it – it is about the absence of proactively imposed costs...”*

This is mostly correct. Libertarianism indeed focuses on interpersonal issues. When Robinson Crusoe is alone on his island, no libertarian issue can arise.<sup>6</sup> And, yes, “invasions, aggressions, trespasses are certainly proscribed by this philosophy.” But even at this early stage of the development of his views, he is not fully correct. For example, it is fully compatible with this view of what the law should be that some people are “constrained by other people’s interferences.” For example, I buy a loaf of bread. I “interfere” in the bread market. Due to my capitalist act, the price of this commodity rises by a small amount. You, who was about to purchase this foodstuff can no longer afford to do so at the slightly higher price. You are constrained. Am I a criminal?<sup>7</sup> Of course not. But, I did “constrain” you.

Lester also sees libertarianism in terms of eliminating “proactively imposed costs.” But, by purchasing bread, I “proactively imposed costs” not only on you but on everyone else. In return, in order to get even with me for my wild bread purchase, you seduce my wife away from me. You have now “proactively imposed costs” on me. Are you a criminal? Again, of course not, provided, only, that you did not threaten or use violence against my wife, in your nefarious scheme.

Lester upbraids me as follows:

*“Therefore, when Block asserts that his deontological libertarianism —is based on the nonaggression principle (NAP)... there are at*

*least three possible problems. 1) This statement is fine as long as he means —based only in an explanatory sense, but not if he means it in any kind of grounding or justifying sense. 2) He cannot be literally right to explain this as —no one may properly initiate violence against another person or his justly owned property. For a thief need not to use violence (e.g., when shoplifting: a shoplifter is not thereby a ‘violent criminal’, is he?). And libertarian police may legitimately initiate violence against a non-violent thief, if necessary. 3) Any actual theory of liberty is at best tacit.”*

In my defense, he quotes me out of context. Here is the full quote:

*“There is not one philosophy of libertarianism, but rather there are two. One of them, the utilitarian, is predicated on the notion that the free economy tends to bring about that state of affairs which is preferred by all or at least most of its members; the one that maximized utility. The other school of libertarian thought is the deontological one. It is based on the nonaggression principle (NAP), according to which no one may properly initiate violence against another person or his justly owned property. The latter is based upon homesteading and legitimate title transfers, such as those that emanate from free trade or gifts.”*

I do not think it is incumbent upon me to take back a single word of this statement. I am not here either “explaining” or “justifying” anything. Instead, I am merely offering this as a statement of fact. Does Lester believe that the NAP has nothing to do with libertarianism? In this short statement, of course, it is impossible to include all elements of this philosophy. Of course, shoplifters, and pickpocket man and those who engage in bad check writing and other types of fraud are not “violent.” But, still, they do improperly transfer from their victims to themselves the “justly owned property” of others. Our author is mistaken in thinking that “libertarian police may legitimately initiate violence against a non-violent thief.” When and if they properly use violence, they would not thereby be *initiating* it; rather, they would be reacting to a prior denigration of the NAP on the

<sup>6</sup> I say this even though I know I am an imperfect human being, and can be wrong when I least expect it.

<sup>7</sup> Libertarianism, in my view, focusses mainly on just law; what the law should be.

part of the criminal. Let me put this in another way. The short passage of mine quoted by Lester at this point indicates the *necessary* conditions of libertarianism. Without the NAP, this philosophy all but disappears. But it is not a *sufficient* statement. I cannot anticipate all objections. It is picky, picky, say, I, to expect a short statement of this sort to cover the entire waterfront. But if we seek more exactitude, the both of us, him in 2014, me in 2011A, but not me now, missed one point: threats. A better short statement of libertarianism would also rule out threats of violence, not only engaging in the latter.

## 2 INITIAL CRITICISMS

### 2.1 Initiation of coercion

Lester does not much appreciate my example of the libertarian Nazi concentration camp guard. The specifics of that case were that ordinarily, each guard murders 100 Jews, gays, black, Romany, per day. Our hero enlists in this, of course, unjustified killing, but he puts to death only 90 innocent people daily, saving 10. If he killed any fewer, saved any more, his cover would be blown and he would no longer be able to engage in these benevolent acts.<sup>8</sup> When the libertarian Nuremberg trial takes place, he will be found guilty, and his life can be spared only if the heirs of *all* the people he has done away with forgiving him for his errand of mercy.<sup>9</sup>

Lester rejects this analysis on the following grounds:

*“Many people would surely disagree – I am not convinced myself – and so the force of the point is weak. 2) The other Nazi guards were behaving in accordance with German state-law at the time. And, without going into details, the Nuremberg Court is problematic as an example of libertarian law in action”*

But this is problematic. Ethical and legal analysis is not a matter of nose-counting. We do not arrive

at the truth about these issues based on democratic voting. We are interested, instead, in the logic of the matter: does the analysis faithfully adhere to the NAP, libertarian punishment theory<sup>10</sup> and deductions therefrom, or not? Lester points out no error in my thinking, but contents himself with relying on irrelevant majority rule, about which, I concede, he is undoubtedly correct. Lester is not convinced himself. I have a question for him: What would it take to convince you? It is a philosophical howler to justify what these despicable (nonlibertarian!) concentration guards did to their hapless victims on the ground that “other Nazi guards were behaving in accordance with German state-law at the time.” This, from a libertarian? It is bad enough to engage in majoritarianism instead of carefully thinking through an issue, but this is a matter, even worse, of legal positivism: whatever the government does is necessarily justified. A low rung in the hell is reserved not for those who articulate this view, but for the view itself if there be such a place for erroneous perspectives. It is simply not true that governments can do no wrong; and, certainly, this is incompatible with the libertarianism with which Lester has so long and properly been associated.

He casts doubt on the veracity of the actual Nuremberg findings but, curiously, offers no reasons for this stance. Is, “I was only following orders” to be exculpatory, according to this libertarian theoretician?

Lester now offers the case of the person who “takes a car without permission so that he can ram open the jammed doors of a burning office block and rescue the trapped occupants. The car is destroyed but the people are freed.”<sup>11</sup>

He then asks:

*“Was his behaviour moral? I suspect that most self-identified libertarians would agree that it was. Did it flout libertarian law? Yes, because he stole and destroyed the car and now owes compensation to the car’s owner. So what does*

---

<sup>8</sup> If you don’t believe this, ask the 10 people he saves every day.

<sup>9</sup> He knows this; he saves lives at the possible cost of his own. If that is not heroic, then nothing is.

<sup>10</sup> About which more below

<sup>11</sup> This is similar to the case in the movie “Dr. Strangelove” where someone shoots a Coke machine in order to get change to make a phone call which will save the planet from nuclear war.

*this show? It does not show that libertarianism is not about morals. It merely shows that morality and libertarianism can sometimes diverge in extremis. But that does not alter the fact that it is usually moral to respect libertarian law. Moreover, libertarianism is not a theory of what the law currently is anywhere. It is, at most, a theory of what the law ought to be. And thus, libertarianism is partly a moral theory. More precisely, however, libertarianism is an ideology. Therefore, it contains both factual and moral theses. Broadly understood, these theses are that liberty generally promotes human welfare and is moral. In fact, the law does not need to be mentioned at all."*

I have a different take on the matter. In my view, libertarianism solely concerns "what the law ought to be." Lester and I agree on that. But, this philosophy does not concern morality at all. Stipulate that it is immoral to get drunk, to engage in prostitution, to commit suicide. These acts are highly immoral, indeed, paradigm cases of immorality. And, yet, libertarianism does not lay a glove on any of them. They are all compatible with this ideology. Thus, "libertarianism is *not at all* partly a moral theory." The two are orthogonal to each other. Another error, here, is to say that libertarianism contains a "factual" thesis. Yes, "liberty generally promotes human welfare" but this is a positive statement, not a normative one, and libertarianism lies entirely within the latter realm.

As well, our author blatantly contradicts himself. At one point, he writes, correctly: "... *libertarianism is not a theory of what the law currently is anywhere. It is, at most, a theory of what the law ought to be.*" But at another point, he brings himself to aver: "*So much for the thesis that libertarianism is not about morals at all, but only about law. On the contrary, it is not inherently about law at all and it is inherently about morals.*" At yet another place in his essay, he maintains: "*As we have seen, libertarianism is not a theory of law, as such, and there might not even need to be laws in a libertarian society.*"<sup>12</sup> Well, which is it?

Either libertarianism is about law and what constitutes proper law, or not. It is difficult to see how our author can take both sides of this logical divide.

## 2.2 Absolute control

Friedman severely upbraided Rothbard (1982A) over radio waves, and Lester followed suit. What did Rothbard do to deserve such calumny? He maintained that radio waves were not a per se rights violation, even though they were pretty much everywhere, and even intersected with third parties and their possessions.

Here is what Rothbard (1982A) had to say about this subject:

*"...consider the case of radio waves, which is a crossing of other people's boundaries that is invisible and insensible in every way to the property owner. We are all bombarded by radio waves that cross our properties without our knowledge or consent. Are they invasive and should they, therefore, be illegal, now that we have scientific devices to detect such waves? Are we then to outlaw all radio transmission? And if not, why not?"*

*"The reason why not is that these boundary crossings do not interfere with anyone's exclusive possession, use or enjoyment of their property. They are invisible, cannot be detected by man's senses, and do no harm. They are therefore not really invasions of property, for we must refine our concept of invasion to mean not just boundary crossing, but boundary crossings that in some way interfere with the owner's use or enjoyment of this property. What counts is whether the senses of the property owner are interfered with."*

*"But suppose it is later discovered that radio waves are harmful, that they cause cancer or some other illness? Then they would be interfering with the use of the property in one's person and should be illegal and enjoined, provided of course that this proof of harm and the causal connection between the specific invaders*

---

<sup>12</sup> Here, Lester falls into the Marxist trap of thinking that under a libertarian society, there would be such a thing as "libertarian man" akin to the "communist man" of the Marxists. No, even in an

otherwise libertarian society, it is extremely likely that there will still be a few murderers, rapists, thieves and other reprobates. Libertarians, apart from Lester, are typically more realistic on such matters.

and specific victims are established beyond a reasonable doubt.”

“So, we see that the proper distinction between trespass and nuisance, between strict liability per se and strict liability only on proof of harm, is not really based on ‘exclusive possession’ as opposed to ‘use and enjoyment.’ The proper distinction is between visible and tangible or ‘sensible’ invasion, which interferes with possession and use of the property, and invisible, ‘insensible’ boundary crossings that do not and therefore should be outlawed only on proof of harm.”

“The same doctrine applies to low-level radiation, which virtually everyone and every object in the world emanates, and therefore everyone receives. Outlawing, or enjoining, low-level radiation, as some of our environmental fanatics seem to be advocating, would be tantamount to enjoining the entire human race and all the world about us. Low-level radiation, precisely because it is undetectable by man’s senses, interferes with no one’s use or possession of his property, and therefore may only be acted against upon strict causal proof of harm beyond a reasonable doubt.”

But Lester is having none of this. He maintains:

“There are two main problems with this. First, radio waves are objectively invasive of other people’s property: they physically pass through human bodies and many other things. Therefore, this does not —refine our concept of invasion. Instead, what it implies is that some invasions are to be allowed. Second, what counts cannot be —whether the senses of the property owner are interfered with because a) trespassing would be acceptable as long as no —senses of the property owner are interfered with (and most libertarians would not think that even undetected trespassing is acceptable); b) damage would be acceptable as long as no —senses of the property owner are interfered with (and most libertarians would not think that even undetected damage is acceptable); and c) some \_sense interferences’ need to be tolerated if liberty is to be maximized.”

There are problems with his critique of Rothbard, serious ones. According to Mary Tyler Moore, “Love is all around us.” In the considered view of scientists, this applies, also, to low-level radiation, as for example, that emanating from radios. It, too,

is “all around us.” That is to say, it most certainly is not “objectively invasive of other people’s property,” or their persons. Consider some of the evidence.

In the view of Valberg (2006):

“Radiofrequency (RF) waves have long been used for different types of information exchange via the airwaves—wireless Morse code, radio, television, and wireless telephony (i.e., construction and operation of telephones or telephonic systems). Increasingly larger numbers of people rely on mobile telephone technology, and health concerns about the associated RF exposure have been raised, particularly because the mobile phone handset operates in close proximity to the human body, and also because large numbers of base station antennas are required to provide widespread availability of service to large populations. The World Health Organization convened an expert workshop to discuss the current state of cellular-telephone health issues, and this article brings together several of the key points that were addressed. The possibility of RF health effects has been investigated in epidemiology studies of cellular telephone users and workers in RF occupations, in experiments with animals exposed to cell-phone RF, and via biophysical consideration of cell-phone RF electric-field intensity and the effect of RF modulation schemes. As summarized here, these separate avenues of scientific investigation provide little support for adverse health effects arising from RF exposure at levels below current international standards. Moreover, radio and television broadcast waves have exposed populations to RF for > 50 years with little evidence of deleterious health consequences. Despite unavoidable uncertainty, current scientific data are consistent with the conclusion that public exposures to permissible RF levels from mobile telephony and base stations are not likely to adversely affect human health.” (emphasis added by present author)

Further, low-level radiation emanates from radio waves, but also from such sources as bricks and well water. Here are some other sources: “Air Travel, Airport Security Screening, Building Materials, Wearable Computers, and Wearable

Technology.”<sup>13</sup> This even applies to “the heat that is constantly coming off our bodies” (ACS, undated).

According to the Centers for Disease Control (2015):

*“Some building materials contain low levels of radioactive material. Building materials that are made up of sandstone, concrete, brick, natural stone, gypsum, or granite are most likely to emit low levels of radiation.... Building materials that are made up of sandstone, concrete, brick, natural stone, gypsum, and granite are highly unlikely to contain radioactive material that will increase radiation dose above the low levels of background radiation we receive on a daily basis.... What is the risk from radiation found in building materials? For the most part, the levels of radioactive materials found in building materials are very low. These low levels of radioactive material and the radiation emitted by them are unlikely to harm human health.”*

States the IAEA (undated):

*“Radioactivity is a part of our earth - it has existed all along. Naturally occurring radioactive materials are present in its crust, the floors, and walls of our homes, schools, or offices and in the food we eat and drink. There are radioactive gases in the air we breathe. Our own bodies - muscles, bones, and tissue - contain naturally occurring radioactive elements. The man has always been exposed to natural radiation arising from the earth.”*

Further, Davis (undated) lists numerous “everyday sources of radiation, including:

television, drinking water, natural gas, consumer products (such as Cell phones, fluorescent lamps, watches, clocks, televisions, computers, and even ceramics and glass), soil, radon, plane travel, medical imaging and cigarette smoke.”<sup>14</sup>

Lester’s second reason is equally invalid. It is not that there is “undetected damage (that is) is acceptable.” It is rather that this so-called “damage” is undetectable, apart from the use of special technology. Why call it “damage” then, when the victim simply cannot be even aware of it, not with his five senses in any case, nor does it harm him, from an objective medical point of view. Thus, there are simply no “sense interferences (that) need to be tolerated if liberty is to be maximized.” Liberty does quite well with “incursions” of this sort.

William Jennings Bryan famously demanded that “you shall not crucify mankind upon a cross of gold.” Lester and Friedman are trying to crucify Rothbard and me upon a “cross of radio waves.” The case they offer in this regard is exceedingly weak.

Lester in this section also mentions “clashes of liberty.” He is very much mistaken in this point as well. Under libertarianism, it is akin to a logical contradiction for there to be a clash of rights. If there appears to be one, then one or the other of these supposed rights, or, both of them, are mis-specified. If there were any such thing, then the freedom philosophy would have no answer to a given problem, a lacuna very much to be avoided.<sup>15</sup>

---

<sup>13</sup>

<https://www.cdc.gov/nceh/radiation/sources.html#objects>

<sup>14</sup> For additional evidence, see American Cancer Society, Undated; Centers for Disease Control, 2015; Cohen, 2011; Davis, Undated; Feinendegen, 2004; IAEA, Undated; McLean, 2017; Oxford, 2017; Tasker, 2011;

<sup>15</sup> In the view of Dominiak (2017) Natural property rights ... must avoid conflicts or they will not be natural property rights—rationally justified claims—since consistency is the necessary condition for any rational justification. Regardless

of what the other characteristics of natural property rights are and which rights are actually rational and just, one thing is beyond doubt: no system of rights that runs against the law of non-contradiction can fit the bill. From the purely conceptual point of view, rationally justified rights cannot be contradictory. And, states Hoppe (2006, p. 319), libertarianism endorses a “theory of property as a set of rulings applicable to all goods, with the goal of helping to avoid all possible conflicts by means of uniform principles.” Translation from these two authors: there is no, there can be no, rights clashes in any coherent version of libertarianism.

He started this section on the wrong foot, and ends there too. He summarizes:

*“If I prefer not to have either your carbon dioxide or your radio waves objectively invading my property, including my body, then they do proactively impose on me to some small degree when they do so. But for me, or my agents, to prevent you from producing carbon dioxide or radio waves would proactively impose to a vastly greater extent on you (especially the prevention of your carbon-dioxide emissions). And the liberty-maximizing policy must be to prefer the lesser imposition. Moreover, the imposition on me is so trivial with radio waves that any compensation is too small to be economic to collect.”*

According to the evidence adduced above, there is no “proactive imposition.” No harm, no foul. Move along folks, nothing to see here.

### 2.3 Super flashlights

Friedman makes the point that there are no such things as absolute property rights. Lester supports him. I am not exactly sure what this means, but Friedman’s demonstration of this contention is that “a thousand-megawatt laser beam” shined on someone’s house will do it damage. Therefore, an ordinarily flashlight, with miniscule power, somehow establishes that property rights are not absolute.<sup>16</sup> I tried to rebut this claim on the ground that just because there is a continuum of light power does not mean we cannot distinguish those that violate property rights from those that do not. Yes, to be sure, there will be a gray area somewhere in between, as there are in many cases, such as age cut off points for statutory rape. But this hardly rebuts the point that the everyday flashlight cannot violate property rights by being shined on a house.

Lester defends Friedman, and rejects my analysis on the following grounds:

*“The correct answer to Friedman is that libertarian property rights are not absolute. They have to be modified where there is a clash with interpersonal liberty. And so, for instance, it proactively imposes on me significantly if I am not allowed to have ordinary lights on my property (or must have perfect blackouts). But it proactively imposes on you to a tiny degree that my photons objectively invade your property. So the lesser imposition must be preferred.”*

I reject Lester’s examination regarding this supposed “clash of rights.” He has established no such thing. He offers no solution to this “problem” apart from his very subjective weighting of greater and lesser impositions.

Consider this reductio. I value punching Lester in the nose at the level of \$100. He disvalues this at only \$80. So, according to his analysis, if I punch him in the nose, GDP rises by \$20. But more; and worse. Would it be a violation of libertarianism for me to punch him in the nose from his perspective? No. Because GDP will in this way be raised. This is, to say the least, a strange kind of libertarianism. This is certainly not the Rothbardian variety. It is more compatible with the “libertarianism” of David Friedman and Lester.

There is simply no clash of rights when A shines his flashlight at B’s house. There most certainly is when A wields, instead, “a thousand-megawatt laser beam” in that direction. Then, and only then A is a rights violator.

Lester ends his analysis of this matter on this note: *“And there will be no compensation due, either because the damages would be too small to collect or because of the equivalent opposite—invasions cancelling any claim.”*

Not so, not so. The rich, presumably, have more light at their disposal than the poor. The poverty-stricken will claim that these emanations cut them to the quick. If Lester has his way, all of these “damages” from the chandeliers of the wealthy

---

<sup>16</sup> Coase (1960) is perhaps the most famous analysis of private property rights from a Chicago School perspective. For a critique, see Barnett and Block, 2005, 2007, 2009; Block 1977, 1995, 1996, 2000, 2003B, 2006, 2010A, 2010B, 2010C, 2011B; Block, Barnett and Callahan, 2005;

Bylund, 2014; Cordato, 1989, 1992a, 1992b, 1997, 1998, 2000; DiLorenzo, 2014; Fox, 2007; Hoppe, 2004; Krause, 1999; Krecke, 1996; Lewin, 1982; North, 1990, 1992, 2002; Rothbard, 1982, 1997; Stringham, 2001; Stringham and White, 2004; Terrell, 1999; Wysocki, 2017.

shining on the poor a few miles away will be determined by ultra-subjectivists such as himself. Who knows, then, whether plaintiffs demands for compensation will be honored. Once we wrench our way away from “absolute property rights” whatever they are, we are as at sea without a rudder. Anything can occur, in Lester land.

One last point on radio waves. Opines Lester: “ ‘Rothbard is said to be right where he says, —Only if the radio transmissions are proven to be harmful to Smith’s person beyond a reasonable doubt should Jones’s activities be subject to an injunction.’ But that cannot be right, for there could be detectable but insignificant harm that is outweighed by the huge benefit of radio transmissions.”

But this will not do. As we have seen, there are indeed “detectable” effects, not “harms” due to waves emanating from bricks, water, the earth, the human body, etc. If we take Lester’s claims to their logical conclusion, and where else should we take them, the courts will be inundated by all sorts of highly irregular claims. The proper reaction is to give them the back of our (intellectual) hands, and, when and if such lawsuits arise, dismiss them on the basis of being frivolous lawsuits. The plaintiffs should be fined for their audacity. And, yet, according to Lester’s perspective, plaintiffs would be justified in asking courts to “weigh” benefits and costs emanating from such sources.

## 2.4 Probability of risk

Here, the stick with which to beat up on the Rothbardianism I endorse is based on airline crashes which supposedly violate the property rights of those on the ground. Lester is keen enough to see this as “Friedman applying similar arguments (as in the flashlight case, supra) to risk.”

What are the specifics?

Lester offers similar arguments to the above:

---

<sup>17</sup> We abstract from those in the airplane. Presumably, there are there voluntarily, and thus there can be no question of rights violation from a crash.

<sup>18</sup> Benson, 1990, 2002; Berman and Dasser, 1990; Friedman, 1979, 1989; Hoppe, 2001;

“... rightly conceived, libertarianism is not about absolute non-invasiveness; it is about minimizing invasions. Where there is a clash, the lesser imposition is to be preferred and any significant compensation will be due.”

He now applies this to air flight:

“In the case of flying a plane, a weighing is more plausible. It does proactively impose on some people that they are at an extremely small risk of being hit by a falling plane. But that risk is probably too small to be worth suing for. It would proactively impose to a far greater degree if people were not allowed to fly by plane. Therefore, tolerating flying is liberty-maximizing (or proactive-imposition minimizing).”

In my view, in contrast, no “weighing” is necessary. The issue is, is flying a plane a *threat* to those on the ground,<sup>17</sup> not whether or not it is a risk. Everything is a *risk*, everything. There is some small risk that when a normal person walks, he will keel over and accidentally commit assault and battery on someone else on the sidewalk. Given air safety records, they do not impose a threat. Yes, yes, if crashes per passenger mile quadrupled, and then quadrupled once again, God forbid, we would be approaching, if not surpassing, that gray area where the mere risk turns into the sort of threat proscribed by libertarianism. On this basis, Lester asserts that the “non-aggression principle is not ‘intact and unscathed’ as I would have it. I readily acquiesce in the view that the NAP alone, while it is necessary, it is not sufficient for a well-functioning legal system. We need courts, hopefully, private ones,<sup>18</sup> to deal with these gray areas: how close, and in what context, does your fist have to be to my nose so that I am justified in taking violent defensive action, what is the proper statutory rape cut-off age, etc. The NAP remains “intact and unscathed” as a *principle*, the attempts by Friedman and Lester to undermine it

Marcus, 2009; Osterfeld, 1989; Popeo, 1988; Peden, 1977; Rothbard, 1973A, 1973B, 1982B, 1991; Stringham, 1998-1999; Tannehill and Tannehill, 1984, 2001; Thierer, 1992; Woolridge, 1970; Young, 2002

notwithstanding; but it never was the be all and end all of an entire legal system. Says Lester: “Block has no adequate theoretical solution here.” Of course, I do: the NAP. But an adequate theoretical solution can only do so much. It does not exhaust all of the libertarian law.

Let us end this section by considering Lester’s view on the justification of self-ownership. He states:

*“Strictly speaking, in all normal cases, allowing the use of other people’s bodies without their permission would be an immense proactive imposition on them. But not being allowed to do this would be a relatively trivial imposition. Hence self-ownership is derived from applying liberty as minimizing proactive impositions. But we no more need to try to weigh the difference than we need to weigh an elephant against an ant to determine which is heavier.”*

Oh yes, we do indeed need to “weigh” these matters. The only heart surgeon in town is about to go off to his vacation. What does he do on his holiday? Frivolous things: lying on the beach, playing poker, getting drunk, etc. Nor do these activities replenish the batteries of the doctor; as a matter of fact, they reduce them. At the same moment, townsfolk becomes ill and needs heart surgery. This man is the salt of the earth, an inventor, a family man, someone who will greatly increase the GDP. Yes, we have an “elephant against an ant” here. But the elephant is the patient, and the doctor is the ant. According to Lester, the physician should be compelled to at least postpone his vacation if not cancel it entirely. Surely, at least according to the utilitarianism suffered by both Lester and Friedman, the police would be justified in doing exactly that. Yet, it seems difficult to reconcile this sort of forced labor, not to say (short term, or partial) slavery, with libertarianism.

## 2.5 Homesteading

Previously, I objected to Lester imposing upon me (and my mentor, Rothbard) a “cross of radio waves.” I now resist his attempt to do so again, only this time with John Locke. For some reason, known, perhaps, only to himself, Lester in effect maintains that I support Locke’s view that the earth belongs to “mankind in common.” He offers no evidence for this false belief of his. Lester also

queries my reliance on Locke for homesteading, that is, “mixing one’s labor” with the land as a legitimate way of establishing ownership of it. How can I both insist that “Locke is a relatively poor representative of libertarian homesteading theory” and yet cite him on “mixing one’s labor” with the land as a means of homesteading, he asks. It is simple. Locke is perhaps the most famous philosopher associated with this idea, and, yet, he erred in thinking, inconsistently, that land should be the common heritage of all mankind, that is, owned equally. This would not be the first time in the history of economic and philosophical thought that one and the same person sometimes was brilliant, and, at other times, the very opposite.

Whereupon Lester asks three questions of me and proceeds to answer them in my behalf, for which I am very grateful. The questions and answer are as follows:

### Lester’s Question 1.

“How does —homesteadingll relate to a clear theory of liberty (for Block is supposed to be explaining libertarianism, which ought to have principles explicable in terms of liberty itself and not ad hoc additions)?”

### Lester’s Answer 1.

*“The reason that initial acquisition (or —homesteading) is libertarian is that it strongly tends to maximize liberty, i.e., minimize interpersonal proactive impositions (or, if one prefers, minimize interpersonal interferences, aggressions, invasions, initiated constraints, etc.). Without it, we face the tragedy of the commons’ whereby economizing is drastically curtailed because people cannot help being a nuisance to each other.”*

### My Comment on Lester’s Q&A1.

That “minimize interpersonal proactive impositions” business is highly problematic. Yes, I vastly prefer to “minimize interpersonal interferences, aggressions, invasions, initiated constraints.” Moreover, private property rights are hardly “ad hoc additions.” Rather, they, along with the NAP, are the very heart and soul of this philosophy. Without private property rights, both in persons and in physical possessions, the very NAP makes no sense whatsoever. For, what is a kick in the teeth apart from a violation of someone’s property in their own body?

### Lester's Question 2.

"Why a labor theory of initial acquisition (it sounds as anachronistic and dubious as the labour theory of value)?"

### Lester's Answer 2.

"Labour-mixing is not a bad rule of thumb for initial acquisition. It usually works because when others, without our permission, take material things that we have made useful by our labours, then they thereby significantly interfere with our projects (and thus proactively impose on us). However, theoretically speaking, labour is completely irrelevant. If we simply start to use something that was previously unowned, then the imposed interventions of other people will be a constraint on our projects. No labour-mixing is necessary. It can be sufficient that we are using the resources in question. Of course, without somehow establishing boundary claims we are in a weaker position. For then it is often not clear what we are claiming or that there really is a pre-existing claim (rather than someone making a claim at that moment or even retrospectively). Consider Block's assertion, if I place a fence around a square mile of land, I own the periphery, but not the inside of it. On the contrary, a fence might well suffice for the inside too. For I might have a use for keeping the land exactly as it is for a variety of reasons (as an investment, a beauty spot, a sacred grove, etc.). It would proactively impose on me to require me to mix my labour with it when that would be both irksome and reduce the value or even destroy it (maybe if a sacred grove or beauty spot). But, we may suppose, I do not significantly (anywhere near as much) interfere with, or proactively impose on, or initiate a constraint on, you in your projects by taking this place for myself. Strictly speaking, what is necessary is not labour-mixing but simply using (in whatever way) such that interventions would impose on us more than our ownership imposes on others."

### My Comment on Lester's Q&A2.

Lester is a native speaker of the English language. Yet, he does not seem to realize that "mixing labor" with something is the very same thing as is

"using" that very thing, whatever it is. The labor theory of value sounds quite a bit like the labor theory of homesteading or the "labor theory of initial acquisition." But the former is an entire erroneous attempt at economic explanation. It belongs in the realm of positive economics. Why is Mercedes so valuable, and rubber bands not? It is questions of this sort that the labor theory of value attempts to answer. The explanation of such theorists is that the former has more labor embodied in it than the latter. But, a mud pie and a cherry pie have the same amount of labor inputted into them and yet one is valuable and the other is not. Moreover, how can prices of an already manufactured good change, when the labor put into it cannot? These are some of the refutations of the labor theory of value. The "labor theory of initial acquisition" is an altogether different animal. It belongs in the category of normative, not positive, economics. It asks under what conditions property may be owned *justly* and answers only when the owner has *mixed his labor* with the material in question, or *used* it.

Lester's challenge regarding the "sacred grove," or the "beauty spot," or the "nature preserve" is an important one. It deserves a serious answer. However, I have already done so (Block and Edelstein, 2012), and, instead of repeating myself, refer the interested reader to that publication.<sup>19</sup>

There is yet another reason why all the territory within the periphery must be homesteaded, and that merely building a fence around the property will not suffice. Consider the state of Ohio. Its boundaries form roughly a roundish square, so to speak. Suppose I were the first one in that area, and I built a fence around the entire Buckeye state. According to Lester, I would own the entire property, which, in and of itself, is highly problematic, since I have not even come close to mixing my labor even with every 10 square miles of its land. Even worse, however, is, who is to say what is "inside" and what is "outside" of this periphery? Whenever a (suarish) circle is imposed upon a sphere such as earth, it is entirely arbitrary to claim that the smaller area is "inside"

mice, elsewhere, and then setting them loose in the soon to be privately owned, but not touched by human hands or feet, nature preserve.

---

<sup>19</sup> Hint: people can homestead land indirectly, via cows and sheep. They can also do so for nature preserves by first capturing worms and bugs and

and that the bigger one is “outside.” Let us reverse this matter, since there is no reason not to. I now claim not what is *outside* my fence, namely, the area that now contains such places as Cleveland, Columbus, and Cincinnati, but, rather, what is *inside* of it, namely, the *entire rest of the world*. The point is, Lester’s recipe could end up not merely with me owning all of Ohio, a manifest absurdity, in and of itself, but the entire remainder of the planet, apart from this one state, which is even more bizarre.

### Lester’s Question 3.

*What if someone —homesteads the sole natural water supply: in a drought, do others then have to pay whatever he chooses to charge or go without water?*

### Lester’s Answer 3.

*“... the libertarian principle of minimizing interpersonal proactive impositions (or constraints, etc.) overrides his ownership. Such extreme situations are undoubtedly rare, but they illustrate two things. First, —homesteading is not inherently libertarian. Second, the libertarian principle is ultimately pre-propertarian.”*

### My Comment on Lester’s Q&A3.

What if one person figures out how to make a rocket that will reach Mars, and, also, invents the technology to allow humans to live on the fourth planet. Everyone knows that for some reason, the earth will soon explode, and all those still remaining here will perish. Do others then have to pay whatever he chooses to charge or go without being able to live on Mars?

Yes, of course, they do. That is the way the cookie crumbles. This sounds harsh, but, private property rights, and the NAP, über alles.

Now let me pose a counter question to Lester, and, also, answer it for him.<sup>20</sup> Under which conditions are people more likely to make these inventions, and amass the capital that will allow us to transfer to Mars and successfully live there? Is it one which respects private property rights, and

the NAP, as all good Rothbardians do, or is this more likely to occur under Lesternomics, where private property rights can be abrogated, and the NAP violated, as long as someone,<sup>21</sup> thinks that by doing so, this will “minimize interpersonal proactive impositions?” To ask this is to answer it. Of course, economic freedom is not only the only just system, but it is also the most prosperous one.<sup>22</sup> It is also the one most likely to get us to Mars, when we need to do so.

The identical considerations apply to water. We are much more likely to have well-developed water resources under private ownership and the NAP (Block and Nelson, 2015), than with any other possible system. It sounds horrendous, and preposterous, that the water “monopolist” could charge an arm and a leg for this product; but, paradoxically, if we allow for this possibility in law, it is less likely to occur than if not. What are the alternatives? There are only two. One, non-ownership of water, in which case it will disappear, due to the tragedy of the commons. Two, the government bureaucrat/politician will own all the water and will do to the populace precisely what Lester fears will emanate from the private owner if any of it is left after their depredations. No truer words were ever said than these by Milton Friedman (1980) “If you put the federal government in charge of the Sahara Desert, in five years there’d be a shortage of sand.” Ditto for water.

Libertarianism, properly understood, does not countenance anyone “overrid(ing) (any one else’s) ownership.” We have a word for such “overriding.” It is called theft. This is anathema to liberty, its polar opposite. Contrary to Lester, “homesteading is (indeed) inherently libertarian.” I often think of libertarianism as a two-sided coin. On one side is the NAP. The other side? Wait for it: private property rights that are *not* “overridden.” To say that libertarianism “is ultimately pre-propertarian” is to seriously misunderstand and deprecate this viewpoint.

---

<sup>20</sup> No good deed ever goes unpunished.

<sup>21</sup> Lester himself, one wonders? Maybe, David Friedman?

<sup>22</sup> There is such a wealth of empirical evidence for this claim that I would be embarrassed to mention any of it, certainly not in an intra-libertarian debate, such as this one.

## 2.6 Resource value

I have no comment on this short section of the Lester paper. I mention it only because I want to follow the organization of his essay.

## 2.7 Crime and punishment

Lester begins this section with an inquiry as to “what degree of proof should be necessary.” I have nothing original to add to the commonplace viewpoint on this matter. To wit, for a criminal charge, the evidence should be “beyond a reasonable doubt”; if we placed a number on this, it would be, oh, 95%. For a tort, the aphorism would be “the preponderance of the evidence,” or “more-probable-than-not”. To quantify this, it would be 51%. And, also, there is a third level of proof, for cases, for example, of sexual harassment charges at a university: “clear and convincing evidence,” at 75%. In all these lawsuits, there should be the presumption of innocence, coupled with the legal insight that possession is nine-tenths of the law. The burden of proof should always rest with the plaintiff, not the defendant. Here, I expect, Lester and I might well be in full agreement.

Secondly, he maintains: “*to duly convict and punish an innocent man who one honestly believes is almost certainly guilty would be possibly tortious but not criminal.*” Here, this author and I part company.

Friedman and I are both libertarian anarchists, both anarcho-capitalists. As such, there is no government in operation in our worldview. There are just folks, none with any more rights than anyone else. Suppose A kidnaps B. That is, A puts B in a cage, and keeps him there for a year. Posit that C also kidnaps D. That is, C places D in a similar enclosure, and keeps him there for twelve months as well. A and C act in the same way; they both use force against B and D, respectively, the latter of whom are entirely innocent of any crime whatsoever. The motives of A and C are entirely different, however. A engages in his act out of

malevolence. He hates B, and wants him to suffer. C in sharp contrast, represents a court, a private one, and he is the judge in charge of it. D has been (erroneously – remember, D is innocent) found guilty of a crime, and C has sentenced him to one year in jail.

Lester would consider A a criminal, and C only guilty of a tort. This is all well and good -- for statists. They see a sharp difference between someone acting governmentally, and someone acting privately. But Friedman and I, if I can speak in his behalf in this matter, reject statism. For us, there is no difference between acting governmentally, and privately.<sup>23</sup> Under anarcho-capitalism, there is no such thing as the former. There are only folk, and other folks, and there is no difference between them as far as the law is concerned. To be sure, the motives of A and C are entirely different. A may know he is a criminal, and yet acts as a kidnapper in any case. C honestly believes that D is guilty of a crime, and that a year in the pen is the appropriate punishment for his abhorrent act. Motive schmotive, say I. Of far more importance is the actual act. Ok, ok, the motive is not entirely irrelevant in libertarian punishment theory, it can distinguish accidents from purposeful acts. But, surely, the behavior is the first thing we look at as libertarians in terms of criminality, and, both A and C took away the freedom of B and D for the same amount of time. Thus, C is a kidnapper in effect, if not in intention, and kidnapping is a crime, so C is a criminal.

In Lester’s view, “... it would be absurd to say that any policeman, judge, or jailer acting in good faith and using the best libertarian practices were thereby themselves criminals because of their mistakes.” That does not seem at all absurd to me. After all, these “mistakes” were the cause of initiating violence against an innocent person. This is in direct contradiction to the all-important NAP.

What would our court system look like given the regime I recommend? The “policeman, judge, or jailer” would be *exceedingly* sure that anyone they

---

<sup>23</sup> Says Mr. Libertarian on this (Rothbard, 1973, p. 49): “if you wish to know how libertarians regard the State and any of its acts, simply think of the

State as a criminal band, and all of the libertarian attitudes will logically fall into place.”

punish was actually guilty of a crime. For, if they erred, they would pay for their mistake not only in terms of lost revenue but with actual criminal charges. “Innocent until proven guilty” might well be changed into “Innocent until really, fully, without much doubt at all, proven guilty.” We might raise that 95% to 99.9%. This would be all to the good, since proper law abhors, most of all, confining innocent people in prison. Allowing a guilty man to go free is horrific, but only secondarily so.

## 2.8 Extent of punishment

In my view, proper libertarian punishment consists of four levels. What are they? Suppose X steals Y’s car. The first level would compel X to return the vehicle to Y.<sup>24</sup> Surely no one, not even a non-libertarian, can object to that. Second, what X did to Y should now be visited upon the perpetrator. Namely, X should be obliged to give to Y his own car, of equal value.<sup>25</sup> This means two cars, or, in biblical terms, “two teeth for a tooth.” Third, if X immediately turns himself over to the authorities, then there are no costs of searching for this miscreant. But, if the perpetrator of this crime adds insult to injury by remaining at large, and the (hopefully private) police have to search for him, then X must be required to pay for these costs too. Fourth, there is the fact that when this theft occurs, Y was frightened. His sense of living in a civilized society was undermined. X owes Y compensation for that too.

Lester objects to the second of these payments on the ground that they are “somewhat arbitrary.” But, I cannot see my way clear to agreeing with him on this matter. It does not at all seem arbitrary, as part of his punishment, to do to X what he just did to Y. Rather, it seems to be part and parcel of poetic justice. Nor is it difficult to reconcile this second level of punishment with libertarianism, nor with the general legal *weltanschauung*. Supporters of this philosophy are hardly the only ones who believe that “the punishment should fit the crime.” What can be more “fitting” than to do to

the criminal exactly what he did to the victim as part of his punishment?

Now let us consider the fourth. My debating partner accuses me of overlooking indignity. Here, not only do I agree with him, I go further; I thank him for improving my analysis of this matter. He is absolutely right, and I stand corrected by him. Yes, X scared Y during his theft, for which he must be made to pay, but as Lester tellingly writes, he also imposed “indignity” on Y. I am always on the lookout for more and more Draconian punishments to inflict on criminals, and this fits the bill perfectly. So, I am very grateful to Lester for correcting me on this oversight of mine.

Enough with this mini-era of good feeling and hail fellow, well met. Let me now return to lambasting this scholar. Saith Lester:

*“Because the imposer treated your window as though it were his to break, you have the option of doing up to some price-equivalent damage to his property instead of taking the compensation. For that would not be a proactive imposition but a reactive one. Yet, unless you feel particularly vindictive, there would not seem to be much point. For what you could not do, in libertarian terms, is take full compensation and then enact retribution as well.”*

If I understand this author here, he maintains that only one tooth, not two teeth, may be imposed on the malefactor. The first tooth (car or window) would be “full compensation” while the second (car or window) would be “retribution.” The proper answer to the question: “Do you want vanilla or chocolate ice cream?” is “Both.” A similar response is justified here. We want both full compensation *and* retribution from the criminal. X’s return to Y of the automobile he stole from him shouldn’t “count.” That is hardly a punishment to X. This first capital good is Y’s property, after all. Yes, the second horseless carriage is over and above that, but X richly deserves to have that taken away from his as well. If all he has to do is hand over his ill-gotten gain, the first car-tooth, he is not being chastised at all, and the libertarian

---

<sup>24</sup> If it is no longer available, for example, it has been wrecked, then X must return to Y its value in money.

<sup>25</sup> Ditto

punishment theory requires that reprobates like X be *penalized*.

Let us look at the matter, not from the vantage point of deontology. Instead, take a peek at it from the perspective of utilitarianism or pragmatism. Abstract from the chastisement for scaring and attacking dignity. Assume that there are no costs of searching for the criminal. If all we do to the Xs of the world is demand one automobile from them, not two, then the expected value of their crime is 50% of the value of whatever they steal, assuming they are caught half the time. For, if they succeed, they retain 100% of Y's property. If they fail, they are no worse than they were before they went on their trail of depredation, apart from the alternative costs of time from which they suffer. This would practically be in the invitation for the criminal element to engage in their nefarious activities. Yes, Lester is entirely correct when he insightfully remarks: "... crime would not be a good bet once we factor in the additional compensation costs of fear, indignity, detection..." but I believe that proper libertarian theory allows us to "pile on," even though it is prohibited in football. The more we can reduce crime, up to the proper limits of libertarian Draconianism, the better. Certainly, this second "tooth" passes muster.

As it happens, Lester also looks askance at forcing the criminal to pay for the costs of searching for and capturing him. He asserts:

*"The likelihood of capture and the magnitude of the crime will tend to limit how much expense is risked on detection. However, if too much is spent (perhaps by some obsessively vengeful billionaire), then it would itself go beyond libertarian rectification if it were all passed on to the criminal. The libertarian theoretical detection costs probably has to relate to what is normally regarded as economic."*

But this amounts to coddling the criminal, something no right-thinking, God-fearing, a real man, or libertarian, should even contemplate. To be sure, we cannot tack onto the criminal's bill expenses that have nothing to do with finding him and locking him up. There are limits to Draconianism, after all. However, to tell criminals they have nothing to fear from the "obsessively vengeful billionaire," is not the libertarian way to go, either. And on the utilitarian side, beloved of Lester, stealing money from rich people reduces

the GDP more than from the poor. If the underworld is put on notice that it is relatively open season on the poverty-stricken, but not the wealthy, GDP will rise.

## 2.9 The Madman

I must again thank Professor Lester for correcting me on an error of mine. He quotes me as follows:

*"...according to Friedman, there is a conflict in rights, between the right of members of the crowd not to be killed, and the right of the misanthrope to the sole use and possession of his rifle. But for the libertarian, there is no such thing ... Whenever there is such a seeming conflict, one or both of the so-called rights is mis-specified. Here, the misanthrope has a clear right to his gun, but the crowd does not at all have a —legitimate right ... (not to be killed). Rather, this latter so-called —right is not a right at all. Instead, it is an aspect of wealth or economic welfare. Of course, it is a most heinous rights violation for the —madman to murder innocent members of the crowd, but that is another matter."*

Lester then proceeds to set me straight:

*"The —crowd, i.e., each individual member, does have a —legitimate right ... (not to be killed) proactively, i.e., murdered. What they do not have a libertarian right to is that some third-party stops them from being murdered."*

He is entirely correct, and me, mistaken, and I thank him for this rectification. In my own defense, I plead that I have a long paper trail of maintaining exactly his point (Block, 2003C). What I meant to say, what I should have said, as it happens, Lester says it for me, is "What they do not have a libertarian right to is that some third-party stops them from being murdered." Indeed, I did say it correctly, as Lester notes, one sentence later: "Of course, it is a most heinous rights violation for the —madman to murder innocent members of the crowd..." In effect, it was almost a typographical error on my part to utter such a falsity.

The substantive point is, are there any rights clashes?

No, contrary to Lester, there is no clash of rights herein, or for that matter anywhere else. He maintains there is such an incompatibility, since the members of the crowd do indeed have a right not to be murdered, and the owner of the rifle has

a right that no one else but he use it, and he refuses to allow the hero to utilize it so as to stop the madman. But, no. It is not the rifle owner who is about to be in the act of murdering anyone.

Let us consider all the permutations and combinations. Is there a clash of rights between the rifle owner and those who would seize it from him in order to protect the crowd? No. The owner of the rifle has the right to it, and anyone who wants to take it from him for this or any other purpose is in the wrong. No clash here. Is there a clash between the madman and members of the crowd he is intent upon mowing down? Again, no. The madman has no right to murder anyone, and every member of the crowd has a right not to be murdered. Is there then a clash between the rifle owner and members of the crowd? Not at all. The former is not threatening to kill anyone; he only wants to keep his firearm to himself. Well, that is it. There are only three characters in this little play of ours: the owner of the rifle, the hero who would seize it from him in order to protect the crowd, and the crowd. We have seen there is no conflict of rights, no clash, between any two of these three actors.

Here is Lester say to the contrary:

*But if a third party does decide to save them in the way described, then there is a clash between their right not to be murdered and the gun-owner's rights to the control of his gun. It is just that, in this example, the clash is not direct but only exists because of the actions of the third party.*

Not a "direct" clash of rights? That is one way of putting the matter. It would be far more accurate to deny that there is any rights clash at all. After all, the gun owner is not at all threatening to kill anyone in the crowd. *That* would be clash alright, but not a clash of rights, since the people in the crowd do indeed have a right not to be murdered, but he has not right at all to do so. Hence, no clash.

Next up into the batter's box is this statement of Lester's:

*It is probably slightly ideologically blinkered to restrict all legitimate rights to libertarian rights. For instance, a right to self-preservation (as famously defended by Hobbes) seems to be plausible to me. And we can easily imagine, at least in extremis, direct clashes between the right to self-*

*preservation and libertarian property rights (for instance, the well-known examples of a hiker who breaks into a cabin to save his own life, and a falling man who manages to grasp onto a flagpole and seeks entrance to an apartment to save himself."*

But this is erroneous. If I have a right to something, you have an obligation to support me. If I have a right not to be murdered, you have an obligation not to murder me. If I have a right not to be raped, you have an obligation not to rape me. If I have a right not to be stolen from, you have an obligation not to steal from me. I take it that no one can coherently object to these claims, certainly not a libertarian. These are all negative rights, part, and parcel of libertarianism.

However, the so-called right to "self-preservation" is a positive right. It is not at all "plausible," at least not to a libertarian. For, if I indeed do have a right to self-preservation, you have an obligation to preserve my life. If I am starving, you are a criminal if you do not give me food, and in sufficient quantity. If I am naked, you are a criminal if you do not give me clothes, and in sufficient quantity. If I am homeless, you are a criminal if you do not give me housing, again in sufficient quantity and quality to "preserve" my life. But these so-called positive "rights" are antagonistic to the libertarian philosophy. They are a downright violation of this perspective.

Along the way in this section, almost en passant as they say in chess, Lester takes several other potshots at Rothbardian libertarianism. Let me deal briefly with them.

First, the hiker who breaks into a cabin to save his own life.

Second, the falling man who manages to grasp onto a flagpole.

Third, the person who places landmines in his garden "to deal with the trespassing of local children who use it as a shortcut."

In each of these cases, Lester casts aspersions on private property rights, the be-all, and end-all of libertarianism, along with the NAP. This is not an explication of this philosophy, this is an attempted denigration of it. In these examples, Lester attempts to drive a wedge between libertarianism on the one hand, and, on the other, simple human decency, along with the

preservation of precious human life. We simply cannot allow him to get away with these charges.

The hiker is a criminal trespasser, be he ever so intent upon not doing any explicit damage to the premises owned by another, even if he leaves money for his "rental" of the property. Of course, we must distinguish him from other types of trespassers, who are far more guilty than him. Based on his motive, he will pay a far lesser penalty, but, still, it cannot be denied that he is guilty of the crime of trespass. However, has not Lester succeeded in showing the adherence to private property is inhumane? No. Under which situation will more people perish: one where private property rights are scrupulously respected, and those who violate them, even from the purest of motives, punished? Or, one in which when "emergencies" are declared, all bets are off, and the cabin owner's rights can be swept aside? This, of course, is an empirical issue. But I resort to the following aphorism: "wealthier is healthier." The richer are a people, *ceteris paribus*, the more likely they are to be without illness. But, rabid respect for private property rights also about prosperity. The more "propertier," also the wealthier. Therefore, paradoxically, fewer hikers will perish if they are treated as the (slight) criminals that they are than if they are not. This case is really the one about shooting the coke machine to save the planet. Yes, shoot the coke machine, invade the premises of the cabin owner, by all means. But, also, admit you are a criminal, and pay what is owed by you.

A man falls off a roof of a skyscraper, unfortunately. Fortunately, he grabs hold of a flagpole on the way down, on the 35<sup>th</sup> floor. Unfortunately, as he is moving hand over hand to safety toward the deck, the owner of that apartment demands that he drop to his death, otherwise she will shoot him for trespassing. We

are invited by the terms of this example to empathize with the flagpole holder. But the woman was raped last week by someone who looks just like him, and fears for her safety. Has she no rights in the matter as the owner of the property now under dispute? Not according to those who use this example as a means of undermining private property rights.<sup>26</sup> Again, I ask, is the life of the falling man safer under a regime of strict private property rights, fully enforced, or not? It seems difficult to deny that although this particular man will perish under these rules,<sup>27</sup> the general population will be far safer.

It always good, when trying to besmirch libertarianism, to tug at the heartstrings by using innocent children as a foil. It is not easy to take the side of the land-miner who kills children. Better to jettison libertarianism is the Lesterian response.

Not so fast. This difficulty is created by the fact that the government, bless its heart, owns all the streets, roads, highways. Suppose that, instead, private enterprise were in charge of this sector of the economy.<sup>28</sup> What types of contracts might likely ensue, between the road owner and the homeowner abutting his property? Well, the corporation that controls the thoroughfare will not likely enjoy the prospect of neighborhood children being blown up for taking a shortcut along a patch of grass. This would be bad for business, and all that. Possibly, an explicit contract would be drawn up, preventing that sort of thing, even with a clearly demarcated warning sign. Even more likely, the *private* courts would rule there is an *implicit* contract precluding such child killing, and anyone found guilty of doing so would be considered an attempted murderer before any such heinous act ever occurred initially, and a murderer in the first degree after the fact. Then,

---

<sup>26</sup> For a further analysis to the "flagpole" objection from the libertarian, not the Lesterian, point of view, see Block, 2003C

<sup>27</sup> When word gets out that this woman shot an unarmed man who refused to let go of her flagpole, things will not go well for her. But, she has every right to do so. What to do in an emergency makes bad law. This case can also be

obviated by the building manager imposing contractual rules on all tenants or condo owners to keep a gun handy, and allow flagpole holders access to their premises.

<sup>28</sup> For an answer to the question of how would capitalism provide streets and roads, see Block, 2009

there is the question of who installed that land mine; he might well be considered as part of this murder conspiracy.

But, assume none of this occurred. The road owners were just too stupid to safeguard the value of their property in any such way. If so, one child killed in this way, not murdered, would soon ensure the obviation of this practice. Large-scale capitalists are not *that* stupid. One such occurrence and it would never happen again. And many more toddlers would be saved not only through respect for private property in general than perished in this one case. Road privatization would preserve the lives of thousands more (Block, 2009). Nice try, Lester, in attempting to undermine libertarianism, but no cigar.

## 2.10 Contradiction in rights

Let me limit myself to commenting on but one claim of Lester's in this short section: "A hierarchy of rights is perfectly conceivable."

Taken literally, this is entirely correct. For example, for our friends on the left, the progressives, if there is a conflict between a straight white male and anyone else, the rights of the former must give way to those of the latter. There is indeed a conflict, and this hierarchy can indubitably settle it, and justly so, at least according to the doctrine of "social justice." Similarly, if there is a dispute between a black, female, lesbian transgendered person, and again, anyone else, then, too, the former must prevail, since she has the least "power" of us all.

There is another sense in which Lester is correct, although he will not like this one either. The right not to be murdered is stronger, higher up in the hierarchy than the right not to be raped, and the latter occupies a superior position than the right not to have a pencil stolen from you. Why? Because if offered a choice between these three rights violations, virtually everyone would rather lose a pencil to theft than be raped, and prefer to be raped than murdered.

But this is not what Lester means at all. Rather, in his view, as we have seen in the last section, the hero's right to save the members of the crowd can trump the right of the innocent gun owner to keep his property to himself. No. The hero can seize the gun from its owner alright, shoot the madman and save the crowd, but, it cannot be denied that in order to do so he violated the gun owner's right to his possession. There is simply no conflict here: the hero is also a (minor) criminal, as difficult for Lester to process this as it may be. Similarly, the man who shoots the coke machine to get the change to make a phone call to save the world is also a hero, but it cannot be denied that he shot up the coke machine and that this is a violation of property rights. Again, there is no rights conflict of the sort that Lester sees.

## 2.11 The draft

In this section, we have the same challenge; suppose without the draft, the evil enemy will take over the country and do to the residents far worse than would compulsory military service. I claim that our "hero" should take over and impose the draft, and then, after the foreign aggressor is beaten off, pay the penalty for imposing this form of temporary slavery/kidnapping.

What sticks in Lester's craw is the following:

*"Block's reply is that ... Suppose that all the people refuse to fight, and not a single hero steps forward to force them to do so. Then, that society deserves to be enslaved by the enemy... That is a gratuitously anti-libertarian remark analogous with, though far worse than, blaming a burglary victim for not having a burglar alarm or a rape victim for wearing a short skirt."*

To be sure, the libertarian rights of a society of pacifists who refuse to defend themselves are still sacrosanct. Anyone who violates them, such as this foreign enemy, is a criminal, as far as libertarianism is concerned, and Lester is quite justified in insisting upon this point. However, there are other "deserts" apart libertarian ones. Certainly, from a socio-biological point of view<sup>29</sup>

---

<sup>29</sup> See on this Axelrod and Hamilton, 1981; Barkow, Cosmides and Tooby, 1992; Buss, 1994, 2017; Dawkins, 1976; Levendis, Block and

Eckhardt. Forthcoming; Pinker, 1994, 2002; Ridley, 1986, 1993; Smith, 1976; Symons, 1992; Trivers, R. 1985; Williams, 1966; Wilson, 1975;

pacifism, particularly on a massive scale, will not be survival oriented. This perspective “deserves” to be eliminated in that it is not life supporting. Moreover, there is surely a difference, albeit not a libertarian one, between a rape victim who wore a short skirt, and a homeowner who failed to install locks or fences or a burglar alarm on the one hand, and an able-bodied pacifist who refuses to defend the lives of his wife and children. The former two are not detestable from any reasonable point of view. The latter most certainly is. Pacifism, in this context, is similar to suicide. Yes, from a libertarian point of view, doing away with one’s own life should not be a crime. We all own ourselves and may end our lives without in the slightest violating the NAP. But it is still detestable, blameworthy, from many other points of view other than the libertarian.

Matters, however, are even worse for the pacifist, and, here, from an explicitly libertarian perspective. This is true not with regard to his failure to protect himself from the evil enemy, but, due to the fact that he will not do so perhaps regarding his wife, and, even more so, his children. Consider only the latter; the former would lead us too far away from the points I wish to make in this rejoinder.

The father is a parent. A parent is a guardian. The function of the guardian is to, wait for it, guard. The guardian who refuses to guard is not a proper guardian. The pacifist who refuses to guard is not a proper guardian. But a parent has the responsibility to guard. The pacifist reneges on this obligation. He is in effect a precluder, or a forestaller. He is occupying a role of ownership. He does not, of course, own his children, but he does lay claim to the ownership rights to be a guardian over them. But, he defaults on this, right from the get-go. He in effect occupies the guardianship role, since he claims to be a parent, but, also, explicitly does not do so, since he is a pacifist. Pacifists thus cannot be proper parents. When they claim this honorific, they are rights violators, hence, criminals.

What is this forestalling or precluding business (Block 2016)? The only legitimate way to own something is to mix your labor with it. Parents own

the guardianship rights over their children. How do they obtain this? By “mixing their labor” with them: feeding them, clothing them, housing them, and most important in this context, guarding them. What would we think of a parent who refused to feed his child? As libertarians, even as non-libertarians, we would properly think of them as occupying ownership rights over something (guardianship) to which they no longer had any right to call their own. They would be precluding other people from adopting these children while starving them to death. Guarding them is fully analogous. What would we, as libertarians now, thinking of a father who stood idly by while some criminal savaged his children when he had the ability to defend them against this attack? We would think he was doing something akin to not feeding them: not guarding them. If he is unwilling to either feed or guard them he would lose his right to be their parent. But, he unjustly claims this right. So, pacifism, at least with regard to children if not himself, is not at all akin, from a libertarian point of view to a rape victim wearing a mini-skirt, or a victim of theft neglecting to install a burglar alarm

### 3 FURTHER CRITICISMS

#### 3.1 Critique of utilitarian libertarianism

Here, Lester objects to my characterizing utilitarianism as an exercise in “nose counting.” Do not ask me what this has to do with Puritans objecting to sexual intercourse on the ground it might lead to dancing. I appreciate the humor but do not see the point. Of course, utilitarianism is an instance of proboscis calculation; it seeks the greatest good *for the greatest number*, does it not?

#### 3.2 Weaknesses in utility theory

Lester starts off by criticizing this statement of mine:

“It is impossible to meaningfully say, ‘I value this pen at 8 utils; this sandwich at 16 utils. Therefore, I value [the] latter at twice the rate of the former.’”

---

Wright, 1994 The politically correct term for this discipline is now “evolutionary psychology.”

What reason does this author give for this rejection of his? He offers the following:

*“The words —impossible to meaningfully say is a philosophical challenge. I think we might be able to make a sort of theoretical sense of cardinal utility and make it objective too. We could imagine a brain scan or chemical test that showed the extent of a brain’s pleasure centres firing or its serotonin levels. After a little calibration with the person’s subjective experiences (—How do you rate this experience, positive or negative, from 1-10?) we could assign numbers to the different states that approximated to the degree of subjective utility and disutility. If consistent results were found over time, then even remote readings would match the person’s subjective reports. Such a device would be a hedonometer or a hedonimeter as the economist Edgeworth called it in his Mathematical Psychics (1881). It might even have practical uses as regards testing for pain or depression, possibly in a person appearing to be in a coma. However, suppose that such a device is not possible or, at least, insufficiently precise or consistent to function as cardinal. Then its impossibility would appear to be a contingent fact about the world – and one that might change – rather than relating to what one can —meaningfully say. As Karl Popper rightly observed, a statement is not meaningless because it cannot (currently) be tested (although it is metaphysical). What is not science is not thereby nonsense (and it might become testable science eventually, just as theoretical physics aims to do).”*

Alright, I’ll go along with Lester with his Nozickian (1974) type of measurement.<sup>30</sup> Let me try to make the best case for Lester’s “hedonometer,” and then demonstrate that it is still “impossible to meaningfully say” what he quotes me as saying, supra. Ok, so the hedonometer is sort of like the

mercury thermometer. The latter measures heat, the former, happiness or utility. With the medical implement, we can say that 98.6 Fahrenheit is normal. Let us posit that a hedonometer reading of 100 is the maximum, indicating the most extreme pleasure possible. Now, to use my numerical example: this here pen rates at 8 utils on the hedonometer; while this sandwich over there clocks in at 16 utils. That would mean that the person who scores these values on the hedonometer would regard two pens and one sandwich equally.<sup>31</sup> What is wrong with that, pray tell? The challenge is not an empirical one, and no “testable science (will) eventually” solve this problem. For the difficulty is emanates from the logic of economics, not empirical science. The problem is human action: there is no way that a person can be indifferent between two pens and one sandwich, at least not as a matter of technical economics, no matter what are the readings on the hedonometer. Suppose, then, that the person for whom we are making these measurements has a sandwich, and wants two pens instead. So, he goes out into the market and makes this barter trade. Does that demonstrate equality between the two pens and the foodstuff? Not at all. Instead, it establishes that he *prefers* the two writing implements to the sandwich since he gave up the latter for the former pair of goods. Ditto if we turn this the other way around. Posit, now, that the person for whom we are making these measurements has two pens, and wants a sandwich instead. So, he goes out into the market and makes this barter trade. Does that demonstrate equality between the two pens and the foodstuff? Not at all. Instead, it establishes that he *prefers* the sandwich to the two pens since he gave up the latter for the former. There is no way

---

<sup>30</sup> I stand second to no one in my appreciation of Nozick and his magic machines.

<sup>31</sup> In contrast, someone with 100 Fahrenheit fever would not at all regard that as twice as good, or

even half as good, as having a fever of 50 Fahrenheit twice. Indeed, this calculation is “impossible to meaningfully” discuss.

out. It is sort of like the “briar patch”;<sup>32</sup> once you’re in, you can’t get out.<sup>33</sup>

The intrapersonal cardinal utility of the sort discussed above is meaningless enough; interpersonal cardinal utility (A rates the sandwich at 8 utils; B rates the two pens at 4 utils; therefore, A values the sandwich twice as highly as B the two pens) is nonsense on stilts. But Lester is nothing loth to defend this position to the very end:

*“Having constructed our hedonometer, we might go on to compare people. Of course, similar readings might not mean similar levels of utility. But there are ways to test for this. One such is what the person would do in order to achieve or avoid a certain reading on the hedonometer. But we do not need to pursue this line of enquiry. The point is that it is not —nonsensell. It is simply not, currently, possible (though thought-reading brain scans are developing and something like this might become possible eventually).”*

I will not comment on this response, except to say that the very same indifference considerations that apply in intrapersonal utility comparisons also hold true, even more forcefully, to interpersonal ones.

Lester is not ready to give up this argument. He pursues it as follows:

*“We can and do make rough-and-ready interpersonal comparisons of utility all the time. If Joe were shoeless and Mary bikeless, then we might well judge that a pair of shoes for Joe would give him more utility than a bike would do for Mary. Or we might look at two different societies and say that the people living under an authoritarian regime are far less happy than the people living in a relatively libertarian society.”*

But this “rough and ready” concession gives the game away entirely. We are talking about a hedonometer with the fineness of a mercury thermometer. We need no hedonometer to know all about the likes and dislikes of Joe and Mary, nor the benefits of economic freedom. When I say indifference is impossible, meaningless, I mean that as a matter of technical economics, not everyday, ordinary, “rough and ready” assessments. Consider the technical term in physics, “work.” This means that mass is moved through a distance. But, suppose even a very strong man holds 20-pound weights at arm’s length, steadily. There is no movement, none. Thus, in physics, there is no “work.” However, in ordinary language, he is working very intensely; sweat begins to form on his brow after 30 seconds, and after a minute he has all he can do to keep his arms parallel to the ground. This is one of the most intensive “work” outs in all of sports training. A similar assessment applies to “indifference.” We all know exactly what this means in the every day “a rough and ready” word. It exists. Obviously. But, not as a matter of technical economics, nor in the case of “work” and physics.

Lester next upbraids me for insisting that Friedman’s utilitarian-libertarianism only makes sense if all people have equal utilities, and no one has ever offered a coherent justification for that heroic assumption. Otherwise, utilitarianism is vulnerable to the “utility monster” objection. Who is this worthy? He is someone who enjoys killing and eating us way more than such an act provides disutility to the rest of us. If we truly want to maximize utility, we are obliged to march up to his doorstep and offer ourselves to him as a sacrifice. Lester twists and turns, changes the subject partially (“gourmets”), and entirely (discusses the

---

<sup>32</sup> It is similar to the situation of the church folk who wanted to rid themselves of stocks in South African companies, during apartheid. If they sold them, others would be immoral, in their view, and they would then be promoting immorality of the part of others, a no, no, in their view. Suppose they just ripped up their shares? Then, the value of all other shares of stock would rise, and they would be guilty of enriching people who (still) supported apartheid. No way out.

<sup>33</sup> For more on the Austrian economic analysis of indifference, and its logical impossibility, see Barnett, 2003; Block, 1980, 1999, 2003A, 2007, 2009A, 2009B, Block and Barnett, 2010; Callahan, 2003; Collingwood, 1945; Hoppe, 2005; Hulsmann, 1999; Machaj, 2007; Rothbard, 2004, pp. 265, 267; Wysocki, 2016; Wysocki and Block, Forthcoming

possible evolution of such creatures), but cannot shake off my claim that if we do not consider all people equal in ability to enjoy life, then some will have more utility than others. If so, some satisfactions may outstrip others by a *wide* margin, generating our “utility monster.” Either all people are equal in this regard, or they are not. Lester cannot have this both ways. He offers no evidence for any such contention as equality. Friedman blithely assumes it. And if we are not all equal in this regard, here comes the utility monster, ready to bite and eat you.

Lester notes that I question Friedman’s free-market anarchist credentials. I do so because *“if the few winners from these dirigisme institutions count more heavily than the many losers, then ...This author would then be precluded from defending even these elementary and basic aspects of the free enterprise philosophy.”*

Lester objects to this query of mine since:

*“... someone is a libertarian if he advocates universal interpersonal liberty. What more, or less, could be needed? And this Friedman does do... Hence Friedman is a libertarian. One’s motives for advocating universal liberty are a separate matter.”*

In response let me say, I was only questioning Friedman’s qualifications as a libertarian, not rejecting them. Are motives entirely irrelevant? Suppose someone supports libertarian conclusions (end the Fed; no minimum wage law; legalize drugs, pornography, gambling prostitution; bring all U.S troops home), but does so because he is a misanthrope, and thinks these policies will promote human misery.

Or, posit that a person adopts libertarianism because he is confused, and thinks this philosophy opposes private property rights, the NAP, limited government and economic freedom. Are such persons libertarians? I am not sure. They are, and they aren’t. But this confusion of mine indicates, I think, that motives are not entirely irrelevant to this categorization.

As it happens, I divide up the libertarian world into five sections, in order of their purity:

A. Anarcho-capitalists (for example, Rothbard, Molinari, Spooner): no government at all

B. Minarchists (for instance Ayn Rand and Robert Nozick) very limited government; defensive armies, courts, and police, only

C. U.S. constitutionalists (as interpreted by the likes of Ron Paul) a little less limited than immediately above

D. Classical liberals (Milton Friedman, Friedrich Hayek) mostly free market but somewhat limited government

E. Thick libertarians (they smuggle in irrelevancies in their understanding of this philosophy, such as the “bleeding heart libertarians”)

Where do I place David Friedman? Right there at the very top. He is one of the most eminent anarcho-capitalists of the present generation. I was only questioning, querying, his bona fides, not rejecting them.

#### 4 CONCLUSION

I call into question Friedman’s scholarship. All too often he relies on what some libertarian or other has said, who he has overheard. Lester criticizes me for being too harsh, and a bit hypocritical, because “Block himself occasionally draws on philosophical literature without quotations or references.” But there is all the world of difference between the hearsay style of Friedman, and my not citing all well-known aspects of the “philosophical literature.” As Block (2001) indicates, and as does the present paper, I do quote and cite quite a few. In any case, Lester fails to point out any instances of my specific dereliction in this regard, so it is difficult to respond to this criticism.

Let me say in closing that my compliment to Friedman that he gives “deontological libertarianism a good run for its money” applies to Lester as well. When you are in an intellectual battle with the latter, you are also in a serious battle. Moreover, I repeat that on several occasions Lester’s criticisms of my critique of Friedman were right on the money, and I again thank him for them.

## WORKS CITED

- American Cancer Society. Undated. "Microwaves, Radio Waves, and Other Types of Radiofrequency Radiation." <https://www.cancer.org/cancer/cancer-causes/radiation-exposure/radiofrequency-radiation.html>
- Axelrod, R., and Hamilton, W.D. 1981. "The evolution of cooperation." *Science*, 211, 1390-1396.
- Barkow, J., Cosmides, L. and Tooby, J. 1992. *The Adapted Mind: Evolutionary psychology and the generation of culture*. NY: Oxford University Press.
- Barnett, William II. 2003. "The Modern Theory of Consumer Behavior: Ordinal or Cardinal?" *The Quarterly Journal of Austrian Economics*. 6 (1): 41 - 65; [http://www.qjae.org/journals/qjae/pdf/qjae6\\_1\\_3.pdf](http://www.qjae.org/journals/qjae/pdf/qjae6_1_3.pdf)
- Barnett, William II and Walter E. Block. 2005. "Professor Tullock on Austrian Business Cycle Theory," *Advances in Austrian Economics*, Vol. 8, pp. 431-443
- Barnett, William II and Walter E. Block. 2007. "Coase and Van Zandt on Lighthouses," *Public Finance Review*, Vol. 35, No. 6, November, pp. 710-733; <http://pfr.sagepub.com/content/35/6/710>
- Barnett, William II and Walter E. Block. 2009. "Coase and Bertrand on Lighthouses," *Public Choice*; 140(1-2):1-13, <http://dx.doi.org/10.1007/s11127-008-9375-x>
- Benson, Bruce L. 1990. *The Enterprise of Law: Justice Without the State*. San Francisco: Pacific Research Institute for Public Policy.
- Benson, Bruce L. 2002. "Justice without Government: The Merchant Courts of Medieval Europe and Their Modern Counterparts," printed in Beito, Gordon and Tabarrok (editors) /*The Voluntary City: Choice, Community and Civil Society*. / Oakland, CA: The Independent Institute pp. 127 - 150.
- Berman, Harold J., and Dasser, Felix J. 1990. "The 'New' Law Merchant and the 'Old': Sources, Content and Legitimacy," in Thomas E. Carbonneau, ed., *Lex Mercatoria and Arbitration: A Discussion of the Law Merchant*, Dobbs Ferry, N.Y.: Transnational Juris Publications
- Block, Walter E. 1977. "Coase and Demsetz on Private Property Rights," *The Journal of Libertarian Studies: An Interdisciplinary Review*, Vol. 1, No. 2, Spring, pp. 111-115, [http://www.mises.org/journals/jls/1\\_2/1\\_2\\_4.pdf](http://www.mises.org/journals/jls/1_2/1_2_4.pdf); reprint translation: "Coase y Demsetz sobre el derecho de propiedad privada," *Libertas* 37, Octubre de 2002, año XIX, pp.5-20.
- Block, Walter E. 1980. "On Robert Nozick's 'On Austrian Methodology'." *Inquiry*, Vol. 23, No. 4, Fall, pp. 397-444; [http://www.walterblock.com/publications/on\\_robert\\_nozick.pdf](http://www.walterblock.com/publications/on_robert_nozick.pdf); [http://www.walterblock.com/wp-content/uploads/publications/on\\_robert\\_nozick.pdf](http://www.walterblock.com/wp-content/uploads/publications/on_robert_nozick.pdf); Spanish translation, *Libertas*, Vol. 14, No. 26, May 1997, pp. 71-131
- Block, Walter E. 1995. "Ethics, Efficiency, Coasean Property Rights and Psychic Income: A Reply to Demsetz," *Review of Austrian Economics*, Vol. 8, No. 2, pp. 61-125, [http://www.mises.org/journals/rae/pdf/rae8\\_2\\_4.pdf](http://www.mises.org/journals/rae/pdf/rae8_2_4.pdf); [http://www.mises.org/journals/rae/pdf/r82\\_4.pdf](http://www.mises.org/journals/rae/pdf/r82_4.pdf); reprint translation: "Ética, eficiencia, derechos de propiedad Coasianos e ingreso psíquico: una respuesta a Demsetz," *Libertas* 37, octubre de 2002, año XIX, pp. 71-210
- Block, Walter 1996. "O.J.'s Defense: A Reductio Ad Absurdum of the Economics of Ronald Coase and Richard Posner," *European Journal of Law and Economics*, Vol. 3, pp. 265-286; [http://www.walterblock.com/publications/block\\_oj's-defense.pdf](http://www.walterblock.com/publications/block_oj's-defense.pdf)
- Block, Walter E. 1999. "Austrian Theorizing, Recalling the Foundations: Reply to Caplan," *Quarterly Journal of Austrian Economics*, Vol. 2, No. 4, winter, pp. 21-39; [http://www.mises.org/journals/qjae/pdf/qjae2\\_4\\_2.pdf](http://www.mises.org/journals/qjae/pdf/qjae2_4_2.pdf); errata: [http://www.mises.org/journals/qjae/pdf/qjae2\\_4\\_9.pdf](http://www.mises.org/journals/qjae/pdf/qjae2_4_9.pdf);

- [http://www.virtusinterpress.org/additional\\_files/journ\\_coc/issues/COC\\_\(Volume\\_4\\_Issue\\_3\\_Spring\\_2007\\_Continued2\).pdf](http://www.virtusinterpress.org/additional_files/journ_coc/issues/COC_(Volume_4_Issue_3_Spring_2007_Continued2).pdf)
- Block, Walter E. 2000. "Private Property Rights, Erroneous Interpretations, Morality and Economics: Reply to Demsetz," Quarterly Journal of Austrian Economics, Vol. 3, No. 1, Spring, pp. 63-78; [http://www.mises.org/journals/qjae/pdf/qjae3\\_1\\_8.pdf](http://www.mises.org/journals/qjae/pdf/qjae3_1_8.pdf); reprint translation: "Derecho de propiedad privada, interpretaciones erróneas, moralidad y economía: en respuesta a Demsetz," Libertas 37, octubre de 2002, año XIX, pp. 227-264
- Block, Walter E. 2003A. "Realism: Austrian vs. Neoclassical Economics, Reply to Caplan," Quarterly Journal of Austrian Economics, Vol. 6, No. 3, Fall, pp. 63-76; [http://www.mises.org/journals/qjae/pdf/qjae6\\_3\\_4.pdf](http://www.mises.org/journals/qjae/pdf/qjae6_3_4.pdf)
- Block, Walter E. 2003B. "Private property rights, economic freedom, and Professor Coase: A Critique of Friedman, McCloskey, Medema and Zorn," Harvard Journal of Law and Public Policy, Vol. 26, No. 3, Summer, pp. 923-951; [http://findarticles.com/p/articles/mi\\_go2782/is\\_3\\_26/ai\\_n6640908/?tag=content](http://findarticles.com/p/articles/mi_go2782/is_3_26/ai_n6640908/?tag=content)
- Block, Walter E. 2003C. "The Non-Aggression Axiom of Libertarianism," February 17; <http://archive.lewrockwell.com/block/block26.html>
- Block, Walter E. 2006. "Coase and Kelo: Ominous Parallels and Reply to Lott on Rothbard on Coase," Whittier Law Review, Vol. 27, No. 4, pp. 997-1022; <https://litigation-essentials.lexisnexis.com/webcd/app?action=DocumentDisplay&crawlid=1&doctype=cite&docid=27+Whittier+L.+Rev.+997&srctype=smi&srcid=3B15&key=7abe221cecca64ce06068c3cbfa36fd1>
- Block, Walter E. 2007. "Reply to Caplan on Austrian Economic Methodology" Corporate Ownership & Control, Vol. 4, No. 2, November, pp. 312-317.
- Block, Walter E. 2009. The Privatization of Roads and Highways: Human and Economic Factors; Auburn, AL: The Mises Institute; [http://www.amazon.com/Privatization-Roads-And-Highways-Factors/dp/1279887303/ref=sr\\_1\\_1?s=books&ie=UTF8&qid=1336605800&sr=1-1](http://www.amazon.com/Privatization-Roads-And-Highways-Factors/dp/1279887303/ref=sr_1_1?s=books&ie=UTF8&qid=1336605800&sr=1-1)
- Block, Walter E. 2009A. "Rejoinder to Hoppe on indifference" Quarterly Journal of Austrian Economics; Vol. 12, No. 1: 52–59; [http://mises.org/journals/qjae/pdf/qjae12\\_1\\_4.pdf](http://mises.org/journals/qjae/pdf/qjae12_1_4.pdf)
- Block, Walter E. 2009B. "Rejoinder to Machaj on Indifference," New Perspectives on Political Economy, Volume 5, Number 1, pp. 65 – 71; [http://pcpe.libinst.cz/nppe/5\\_1/nppe5\\_1\\_5.pdf](http://pcpe.libinst.cz/nppe/5_1/nppe5_1_5.pdf)
- Block, Walter E. 2010A. "A Response to Brooks' Support of Demsetz on the Coase Theorem." Dialogue, Vol. 2; <http://www.uni-svishtov.bg/dialog/2010/2.10.WB.pdf>
- Block, Walter E. 2010B. "Rejoinder to Brooks on Coase and Demsetz." Quarterly Journal of Austrian Economics; Vol. 13, No. 4, Winter, pp. 56-73; [http://mises.org/journals/qjae/pdf/qjae13\\_4\\_3.pdf](http://mises.org/journals/qjae/pdf/qjae13_4_3.pdf)
- Block, Walter E. 2010C. "Rejoinder to Boettke on Coasean Economics and Communism." Romanian Economic and Business Review, Vol. 5, No. 3, Fall, pp. 9-90; <http://www.rebe.rau.ro/REBE%205%203.pdf>
- Block, Walter E. 2011A. "David Friedman and Libertarianism: A Critique," *Libertarian Papers*, Vol. 3, Article 35; <http://libertarianpapers.org/articles/2011/lp-3-35.pdf>; <https://plus.google.com/u/0/107839603122535455846/posts/6QfUcBR1gTS>
- Block, Walter E. 2011B. "Rejoinder to Bertrand on lighthouses." Romanian Economic and Business Review, Vol. 6, No. 3, Fall, pp. 49-67; <http://www.rebe.rau.ro/REBE%206%203.pdf>
- Block, Walter E. 2016. "Forestalling, positive obligations and the Lockean and Blockian provisos: Rejoinder to Stephan Kinsella." *Ekonomia Wroclaw Economic Review*. <http://ekon.sjol.eu/category/22-3-2016-529>
- Block, Walter E. with William Barnett II. 2010. "Rejoinder to Hoppe on indifference, once again." *Reason Papers*, Vol. 32, pp. 141-154; [http://reasonpapers.com/pdf/32/rp\\_32\\_9.pdf](http://reasonpapers.com/pdf/32/rp_32_9.pdf)

- Block, Walter E., William Barnett II and Gene Callahan. 2005. "The Paradox of Coase as a Defender of Free Markets," NYU Journal of Law & Liberty, Vol. 1, No. 3, pp. 1075-1095; <http://tinyurl.com/2hbzd4>;  
<http://www.nyu.edu/jll/articles/Vol.%201%20No.%203/Vol.%201%20No.%203%20-%20Barnett,%20Block%20and%20Callahan.pdf>; <http://tinyurl.com/2hbzd4>
- Block, Walter E. and Michael R. Edelstein. 2012. "Popsicle sticks and homesteading land for nature preserves." Romanian Economic and Business Review. Vol. 7, No. 1, Spring, pp. 7-13; <http://www.rebe.rau.ro/REBE%207%201.pdf>
- Block, Walter E. and Peter Lothian Nelson. 2015. Water Capitalism: The Case for Privatizing Oceans, Rivers, Lakes, and Aquifers. New York City, N.Y.: Lexington Books, Rowman and Littlefield;
- Buss, David M. 2017. "Sexual conflict in human mating." [https://www.researchgate.net/publication/319022178\\_Sexual\\_Conflict\\_in\\_Human\\_Mating?focusedCommentId=59a7977b4cde26e1c1d84f05](https://www.researchgate.net/publication/319022178_Sexual_Conflict_in_Human_Mating?focusedCommentId=59a7977b4cde26e1c1d84f05)
- Bylund, Per L. 2014. "Ronald Coase's 'nature of the firm' and the argument for economic planning." Journal of the History of Economic Thought, Volume 36, Number 3, September; ISSN 1053-8372 print; ISSN 1469-9656 online/14/03000 305 - 329 © The History of Economics Society, doi:10.1017/S1053837214000352
- Callahan, Gene. 2003. "Choice and Preference," February 10; <https://mises.org/library/choice-and-preference>
- Centers for Disease Control and Prevention. 2015. "Radiation from Building Materials." <https://www.cdc.gov/nceh/radiation/building.html>
- Coase, Ronald. 1960. "The Problem of Social Cost." Journal of Law and Economics 3 (October): 1–44. <http://www.sfu.ca/~allen/CoaseJLE1960.pdf>
- Cohen, Bernard L. "The Cancer Risk from Low Level Radiation." In: Tack D., Kalra M., Gevenois P. (eds) Radiation Dose from Multidetector CT. Medical Radiology. Springer, Berlin, Heidelberg [https://link.springer.com/chapter/10.1007/174\\_2011\\_401](https://link.springer.com/chapter/10.1007/174_2011_401)
- Collingwood, Robin G. [2014]1945. The Idea of Nature. Martino Fine Books
- Cordato, Roy E. 1989. "Subjective Value, Time Passage, and the Economics of Harmful Effects," Hamline Law Review, Vol. 12, No. 2, Spring, pp.229-244.
- Cordato, Roy E. 1992a. "Knowledge Problems and the Problem of Social Cost" Journal of the History of Economic Thought, vol.14, Fall, pp. 209-224.
- Cordato, Roy E. 1992b. Welfare Economics and Externalities in an Open-Ended Universe: A Modern Austrian Perspective, Boston: Kluwer.
- Cordato, Roy E. 1997. "Market-Based Environmentalism and the Free Market: They're Not the Same," The Independent Review, Vol. 1, No. 3, Winter, pp. 371-386.
- Cordato, Roy. 1998. "Time Passage and the Economics of Coming to the Nuisance: Reassessing the Coasean Perspective," Campbell Law Review, vol. 20, No. 2, Spring, pp. 273-292
- Cordato, Roy. 2000. "Chasing Phantoms in a Hollow Defense of Coase" The Review of Austrian Economics, Vol. 13, No. 2, September, pp. 193-208.
- Cosmides, Leda & John Tooby. 1997. "Evolutionary Psychology: A Primer," <http://www.psych.ucsb.edu/research/cep/primer.html>
- Davis, Ashlee. Undated. "9 Everyday Sources of Radiation; Should we be worried?" <https://www.health.com/health/gallery/0,,20478712,00.html?slide=126333#126333>
- Dawkins, Richard. 1976/1989. The Selfish Gene, New York: Oxford University Press
- DiLorenzo, Tom. 2014. "When Did Ronald Coase Become the Ayatollah of Economic Theory?" January 2; <http://www.lewrockwell.com/2014/01/thomas-dilorenzo/the-beltarian-cult/>

- Dominiak, Lukasz. 2017. "The Blockian proviso and the rationality of property rights." *Libertarian Papers*, Vol. 9, No. 1, pp. 114-128; <http://libertarianpapers.org/wp-content/uploads/2017/05/post/2017/05/lp-9-1-6.pdf>
- Feinendegen, L.E. 2004. "Evidence for beneficial low level radiation effects and radiation hormesis." *An International Journal of Radiology, Radiation Oncology, and All Related Sciences*. <https://www.birpublications.org/doi/abs/10.1259/bjr/63353075>
- Fox, Glenn. 2007. "The Real Coase Theorems." *The Cato Journal: An Interdisciplinary Journal of Public Policy Analysis*. Volume 27 Number 3, Fall, pp. 373-396; <http://www.cato.org/pubs/journal/cj27n3/cj27n3-5.pdf>
- Friedman, David. (1989) [1973]. *The Machinery of Freedom: Guide to a Radical Capitalism* (2nd ed., La Salle, Ill.: Open Court).
- Friedman, David. 1979. "Private creation and enforcement of law: a historical case." *University of Chicago Law Review*. <http://www.daviddfriedman.com/Academic/Iceland/Iceland.html>
- Friedman, David. 1989. *The Machinery of Freedom: Guide to a Radical Capitalism*, La Salle, IL: Open Court, 2nd ed.
- Friedman, Milton. 1980. *Newsweek Magazine*. Hoover Institution of Stanford University, Section: Rose and Milton Friedman, (Archive of Newsweek columns written by Milton Friedman), (PDF of article in Newsweek from March 10, 1980 appearing on page 79) source: <https://quoteinvestigator.com/2014/12/09/sand/>
- Hoppe, Hans-Hermann. 2001. *Democracy - The God That Failed: The Economics and Politics of Monarchy, Democracy, and Natural Order*, Rutgers University, N.J.: Transaction Publishers
- Hoppe, Hans-Hermann. 2004. "The Ethics and Economics of Private Property." October 11; <http://www.lewrockwell.com/hoppe/hoppe11.html>
- Hoppe, Hans Hermann. 2005. A Note on Preference and Indifference in Economic Analysis. *The Quarterly Journal of Austrian Economics*, Vol. 8, No. 4, Winter, pp. 87-91; [http://mises.org/journals/qjae/pdf/qjae8\\_4\\_6.pdf](http://mises.org/journals/qjae/pdf/qjae8_4_6.pdf)
- Hoppe, Hans-Hermann. 2006. *Economics and Ethics of Private Property*. Auburn, AL: Ludwig von Mises Institute.
- Hülsmann, Jörg Guido. 1999. "Economic Science and Neoclassicism." *Quarterly Journal of Austrian Economics*, Vol. 2 Num. 4, pp. 1-20; [http://www.mises.org/journals/qjae/pdf/qjae2\\_4\\_1.pdf](http://www.mises.org/journals/qjae/pdf/qjae2_4_1.pdf)
- International Atomic Energy Agency. Undated. "Radiation in Everyday Life." <https://www.iaea.org/Publications/Factsheets/English/radlife>
- Krauss, Michael. 1999. "Tort Law, Moral Accountability, and Efficiency: Reflections on the Current Crisis" *Markets and Morality*, Vol. 2, No. 1, Spring; [http://www.acton.org/publicat/m\\_and\\_m/1999\\_spr/krauss.html](http://www.acton.org/publicat/m_and_m/1999_spr/krauss.html)
- Krecke, Elisabeth. 1996. "Law and the Market Order: An Austrian Critique of the Economic Analysis of Law," *Journal des Economistes et des Etudes Humaines* 7(1), March, pp.19-37; *Commentaries on Law&Economics*, 1997 Yearbook, ed., Robert W. McGee, pp.86-109.
- Lester, J. C. 2014. *Explaining Libertarianism: Some Philosophical Arguments*. Buckingham: The University of Buckingham Press. <https://philpapers.org/archive/LESACC-2.pdf>
- Levendis, John, Walter E. Block and Robert B. Eckhardt. Forthcoming. "Evolutionary psychology, economic freedom, trade and benevolence." *Review of Economic Perspectives*
- Lewin, Peter. 1982. "Pollution Externalities: Social Cost and Strict Liability." *Cato Journal*, vol. 2, no. 1, Spring, pp. 205-229.

- Machaj, Mateusz. 2007. "A Praxeological Case for Homogeneity and Indifference" *New Perspectives on Political Economy*. Vol. 3, No. 2, pp. 231 – 238; [http://pcpe.libinst.cz/nppe/3\\_2/nppe3\\_2\\_5.pdf](http://pcpe.libinst.cz/nppe/3_2/nppe3_2_5.pdf)
- Marcus, B. K. 2009. "The Enterprise of Customary Law." June 29; <http://archive.mises.org/6795/the-enterprise-of-customary-law/>
- McLean, Angela R., Ella K. Adlen, Elisabeth Cardis, Alex Elliott, Dudley T.
- Goodhead, Mats Harms-Ringdahl, Jolyon H. Hendry, Peter Hoskin, Penny A. Jeggo, David J. C. Mackay, Colin R. Muirhead, John Shepherd, Roy E. Shore, Geraldine A. Thomas, Richard Wakeford, H. Charles J. Godfray. 2017. "A restatement of the natural science evidence base concerning the health effects of low-level ionizing radiation." *Proceedings of the Royal Society B: Biological Sciences*, 2017; 284 (1862): 20171070 DOI: 10.1098/rspb.2017.1070
- Mill, John Stuart. 1947 [1859]. *On Liberty*, Northbrook, IL: Ahm Publishing,
- North, Gary. 1990. *Tools of Dominion: The Case Laws of Exodus*, Tyler, TX: Institute for Christian Economics.
- North, Gary. 1992. *The Coase Theorem*, Tyler, TX: The Institute for Christian Economics
- North, Gary. 2002. "Undermining Property Rights: Coase and Becker," *The Journal of Libertarian Studies: An Interdisciplinary Review*, Vol. 16, No. 4, Fall, pp. 75-100; [http://www.mises.org/journals/jls/16\\_4/16\\_4\\_5.pdf](http://www.mises.org/journals/jls/16_4/16_4_5.pdf)
- Nozick, Robert. 1974. *Anarchy, state and utopia*. New York: Basic Books.
- O'Neill, Ben. 2010. "Choice and Indifference: A Critique of the Strict Preference Approach." *Quarterly Journal of Austrian Economics*, Vol. 13, No.1, pp. 71–98, Spring; [http://mises.org/journals/qjae/pdf/qjae13\\_1\\_4.pdf](http://mises.org/journals/qjae/pdf/qjae13_1_4.pdf)
- Osterfeld, David. 1989. "Anarchism and the Public Goods Issue: Law, Courts and the Police," *The Journal of Libertarian Studies*, Vol. 9, No. 1, Winter, pp. 47-68; [http://www.mises.org/journals/jls/9\\_1/9\\_1\\_3.pdf](http://www.mises.org/journals/jls/9_1/9_1_3.pdf)
- Oxford University. 2017. "Low-level radiation exposure less harmful to health than other modern lifestyle risks: Risks from radiation exposure are extensively studied and small relative to smoking, obesity and air pollution." *ScienceDaily*. *ScienceDaily*, 13 September. <[www.sciencedaily.com/releases/2017/09/170913104428.htm](http://www.sciencedaily.com/releases/2017/09/170913104428.htm)>
- Peden, Joseph R. 1977. "Property rights in Celtic Irish law," *The Journal of Libertarian Studies*, Vol. 1. No. 2, Spring, pp. 81-96
- Pinker, Steven. 1994. *The Language Instinct*. New York: HarperCollins
- Pinker, Steven. 2002. *The Blank Slate: The Modern Denial of Human Nature*. New York: Viking
- Popeo, Daniel. 1988. "Privatizing the Judiciary." August 1; [http://www.fee.org/the\\_freeman/detail/privatizing-the-judiciary/](http://www.fee.org/the_freeman/detail/privatizing-the-judiciary/)
- Ridley, Matt. 1986. *The problems of evolution*, New York: Oxford University Press
- Ridley, Matt. 1993. *The Red Queen: Sex and the evolution of human nature*, NY: MacMillan,
- Rothbard, Murray N. (2004 [1962]). *Man, Economy and State*, Auburn AL: Ludwig von Mises Institute, Scholar's Edition; <http://www.mises.org/rothbard/mes.asp>
- Rothbard, Murray N. 1973A. *For a New Liberty*, Macmillan, New York; <http://mises.org/rothbard/newlibertywhole.asp>
- Rothbard, Murray N. 1973B. "Free Market, Police, Courts, and Law." *Reason*, March, pp. 5-19.
- Rothbard, Murray N. 1982A. "Law, Property Rights, and Air Pollution," *Cato Journal*, Vol. 2, No. 1, Spring; reprinted in Block, Walter E. Ed. *Economics and the Environment: A Reconciliation*,

- Vancouver: The Fraser Institute, 1990, pp. 233-279; <http://mises.org/story/2120>;  
<http://www.mises.org/rothbard/lawproperty.pdf>;  
<https://mises.org/library/law-property-rights-and-air-pollution-0>
- Rothbard, Murray N. 1982B. *The Ethics of Liberty*, Humanities Press, Atlantic Highlands, N.J.
- Rothbard, Murray N. 1991. "On Denationalizing the Courts," Rothbard-Rockwell Report. Burlingame, CA: Center for Libertarian Studies, Vol. 2, No. 10, October.
- Rothbard, Murray N. 1997. "Value Implications of Economic Theory," *Logic of Action I* (Cheltenham, UK: Edward Elgar), pp. 255-265.
- Smith, Maynard J. 1976. "Sexual selection and the handicap principle." *Journal of Theoretical Biology*, 57, pp. 239-242
- Stringham, Edward Peter, and Mark White. 2004. "Economic Analysis of Tort Law: Austrian and Kantian Perspectives." In *Law and Economics: Alternative Economic Approaches to Legal and Regulatory Issues*, ed. Margaret Oppenheimer and Nicholas Mercuro, 374-392. New York: M.E. Sharpe. <http://www.sjsu.edu/stringham/docs/Stringham.and.White2005.pdf>
- Stringham, Edward. 1998-1999. "Justice Without Government," *Journal of Libertarian Studies*, Vol. 14, No. 1, Winter, pp. 53-77
- Stringham, Edward. 2001. "Kaldor-Hicks Efficiency and the Problem of Central Planning," *Quarterly Journal of Austrian Economics*, Vol. 4, No. 2, Summer, 41-50; [http://www.mises.org/journals/qjae/pdf/qjae4\\_2\\_3.pdf](http://www.mises.org/journals/qjae/pdf/qjae4_2_3.pdf)
- Symons, D. 1992. "On the use and misuse of Darwinism in the study of human behavior." In *The adapted mind: Evolutionary psychology and the generation of culture* (ed. J. Barkow, L. Cosmides, & J. Tooby), 137-159.
- Tannehill Morris and Linda. 2001. "Arbitration of Disputes." July 1; <http://mises.org/daily/5404>
- Tannehill, Morris and Linda. 1984. *The Market for Liberty*, New York: Laissez Faire Books
- Tasker, Fred. 2011. "We all live with low-level radiation; how harmful is it?" March 29; <https://medicalxpress.com/news/2011-03-low-level.html>
- Terrell, Timothy D. 1999. "Property Rights and Externality: The Ethics of the Austrian School." *Journal of Markets and Morality*. Vol. 2, No. 2, Fall; [http://www.acton.org/publications/mandm/mandm\\_article\\_114.php](http://www.acton.org/publications/mandm/mandm_article_114.php)
- Thierer, Adam. 1992. "Judgement Day: The Case for Alternative Dispute Resolution." Adam Smith Institute; <http://www.adamsmith.org/sites/default/files/images/uploads/publications/judgement-day.pdf>
- Trivers, R.L. 1985. *Social Evolution*, Reading, MA: Benjamin/Cummings
- Valberg, Peter A. T. Emilie van Deventer, and Michael H. Repacholi. 2006. "Workgroup Report: Base Stations and Wireless Networks—Radiofrequency (RF) Exposures and Health Consequences." *Environmental Health Perspectives*. Mar; 115(3): 416–424. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1849947/>
- Wilson, E. O. 1975. *Sociobiology*, Cambridge, MA: Harvard University Press
- Woolridge, William C. 1970. *Uncle Sam the Monopoly Man*, New Rochelle, N.Y.: Arlington House
- Wright, R. 1994. "Feminists, meet Mr. Darwin," *New Republic*, November 28,
- Wysocki, Igor and Walter E. Block. Forthcoming, 2018. "An analysis of the demand curve: is the Giffen Good valid? Another rejoinder to Nozick." *Wrocław Economic Review*
- Wysocki, Igor. 2016. "Indifference – in defense of orthodoxy." *Societas et Ius* 5; <http://apcz.pl/czasopisma/index.php/Sel/index>

Wysocki, Igor. 2017. "Justice and Pareto-Efficiency (The Case Against Coase)." *Dialogi Polityczne / Political Dialogues*, pp. 33-46

Young, Adam. 2002. "Arbitration on Trial." July 17; <https://mises.org/daily/1002/Arbitration-on-Trial>

Received for publication: 20.12.2018

Revision received: 06.01.2019

Accepted for publication: 08.01.2019

### **How to cite this article?**

#### Style – **APA Sixth Edition:**

Block, W. E. (2019, January 15). Response to J.C. Lester on David Friedman on Libertarian Theory. (Z. Čekerevac, Ed.) *MEST Journal*, 7(1), 127-155. doi:10.12709/mest.07.07.01.17

#### Style – **Chicago Sixteenth Edition:**

Block, Walter E. 2019. "Response to J.C. Lester on David Friedman on Libertarian Theory." Edited by Zoran Čekerevac. *MEST Journal (MESTE)* 7 (1): 127-155. doi:10.12709/mest.07.07.01.17.

#### Style – **GOST Name Sort:**

**Block Walter E.** Response to J.C. Lester on David Friedman on Libertarian Theory [Journal] // MEST Journal / ed. Čekerevac Zoran. - Belgrade – Toronto : MESTE, January 15, 2019. - 1 : Vol. 7. - pp. 127-155. doi:10.12709/mest.07.07.01.17.

#### Style – **Harvard Anglia:**

**Block Walter E.** Response to J.C. Lester on David Friedman on Libertarian Theory [Journal] // MEST Journal / ed. Čekerevac Zoran. - Belgrade – Toronto : MESTE, January 15, 2019. - 1 : Vol. 7. - pp. 127-155.

#### Style – **ISO 690 Numerical Reference:**

*Response to J.C. Lester on David Friedman on Libertarian Theory.* **Block, Walter E.** [ed.] Zoran Čekerevac. 1, Belgrade – Toronto : MESTE, January 15, 2019, MEST Journal, Vol. 7, pp. 127-155.