

The Libertarian Paradox

Editor's Pick. Written by Llewellyn Rockwell.

As libertarians attempt to persuade others of their position, they encounter an interesting paradox. On the one hand, the libertarian message is simple. It involves moral premises and intuitions that in principle are shared by virtually everyone, including children. Do not hurt anyone. Do not steal from anyone. Mind your own business.

A child will say, "I had it first." There is an intuitive sense according to which the first user of a previously unowned good holds moral priority over latecomers. This, too, is a central aspect of libertarian theory.

Following Locke, Murray Rothbard, and other libertarian philosophers sought to establish a morally and philosophically defensible account of how property comes to be owned. Locke held the goods of the earth to have been owned in common at the beginning, while Rothbard more plausibly held all goods to have been initially unowned, but this difference does not affect their analysis. Locke is looking to justify how someone may remove a good from common ownership for his individual use, and Rothbard is interested in how someone may take an unowned good and claim it for his individual use.

Locke's answer will be familiar. He noted, first of all, that "every man has a property in his own person." By extension, everyone justly holds as his own property those goods with which he has mixed his labor. Cultivating land, picking an apple - whatever the case may be, we say that the first person to homestead property that had previously sat in the state of nature without an individual owner could call himself its owner.

Once a good that was previously in the state of nature has been homesteaded, its owner need not continue to work on or transform it in order to maintain his ownership title. Once the initial homesteading process has taken place, future owners can acquire the property not by mixing their labor with it - which at this point would be trespassing - but by purchasing it or receiving it as a gift from the legitimate owner.

As I've said, we sense intuitively the justice at the heart of this rule. If the individual does not own himself, then what other human being does? If the individual who transforms some good that previously lacked specific ownership title does not have a right to that good, then what other person should?

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