Response to Callahan on Deductive Libertarianism

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I. INTRODUCTION

Most critiques of the Rothbardian version of libertarianism[1] are unsophisticated. They attack this political philosophy on the ground that it supports greed and selfishness, or is in the pay of big business, or amounts to crony capitalism, or some such.[2] It is thus a pleasure to respond to a far more sophisticated opponent of this perspective, Callahan (2012). This author takes to task Rothbard himself, plus Hoppe, Block, Nozick, Buchanan and Tullock, all deductivists of one kind or another, in Callahan's (2012) view. Our author does these proponents of deontological libertarianism the honor of citing their actual words, quoting directly from their publications, and then attempting to undermine what they actually say. This is in sharp contrast to the unsophisticated critics, with whom libertarians can never reach any real disagreement. All of these libertarians can be grateful to Callahan (2012), since he presents real challenges to their actual stances.

I shall not defend Buchanan and Tullock against the onslaughts brought against them by Callahan (2012). As far as I am concerned, they may rely on deduction from general principles, but as these starting points are not libertarian, neither are their conclusions (Rothbard, 1997b; Block, 2005; Block and DiLorenzo, 2000; DiLorenzo and Block, 2001). I readily admit that Nozick is indeed a deontologist, but I contend he has led us away from the correct libertarian viewpoint, anarcho-capitalism (Barnett, 1977; Childs, 1977; Evers, 1977; Rothbard, 1977; Sanders, 1977), so will not rise to his defense either.

I will, instead, show the flaws in Callahan's (2012) critique of Rothbard, since he is no longer available to do so in his own behalf, and because I am a Rothbardian. Hoppe is still actively writing, so, even though I am in virtually full agreement with his entire philosophy, I will allow him to write a rebuttal to Callahan (2012) if he wishes to do so. And, who better to articulate Block's perspective than the present author, who is a fan of Block's?

In section II I defend Rothbard against the intellectual onslaught aimed at him by Callahan. Section III is given over to a defense of Block, in an attempt to refute Callahan's attack on him. I conclude in section IV.

Why should anyone care about any of this? For people not already interested in the freedom philosophy, this debate is important because libertarianism is the last best hope for a free and prosperous society, and most people are concerned about those utilitarian considerations. For those already involved in this perspective, the debate is important because it reaches to the very heart and soul of what free enterprise is all about, how can it be justified, defended. On the one side are the utilitarians, of whom Callahan is broadly representative. On the other side are the deontologists, of which Rothbard is the most prominent. So, sit back in your seats

and be prepared to witness a knock-down, drag-out battle for the underpinnings of the free enterprise philosophy.

II. ROTHBARD

Let us begin with Callahan (2012, p. 8) on Rothbard. The former begins with a citation from the latter to the effect that "rights *cannot* conflict with one another." What is the basis for Callahan's claim that rights *can* conflict with each other? It consists of a quote from Aristotle to the effect that "the 'admitted goods' of a society must be weighed one against another in sound, practical political reasoning." But "rights" are not at all the same thing as "goods." Surely, Rothbard would acquiesce in the notion that *goods* may conflict with one another in the sense that people must choose between goods like ice cream and shoes, when their budgets do not allow for the purchase of both. This is but the logical implication of the economic concept of scarcity, something that all economists recognize.

In logic, there are three main principles: the law of identity; the law of non-contradiction; and the law of excluded middle. The first means that a thing is itself; it is not something else. The second states that something cannot both be, and not be. The third establishes that either a proposition is true, or its negation is true; there is no other alternative. Rothbard's view that "rights cannot conflict with one another" is merely an extension, from logic to ethics, of these three laws.

Suppose A and B are having an argument over the ownership of X. If both A and B own 100% of X, there is a logical contradiction involved. It is more than passing curious that Callahan should object to this basic element of political philosophy.

Callahan's (2012) next attempt to show that rights do conflict, and/or that Rothbard's deductivist libertarianism cannot be accepted, is the view of the latter that *if* the police engage in brutality against a suspected criminal who later is proven to be murderer, then they are not themselves guilty of violating the non aggression principle (NAP) of libertarianism, since they have not battered an innocent person. Callahan (2012, p. 8) rejects this line of reasoning on the ground that there is a "practical downside of permitting police torture so long as the tortured party is ultimately convicted, which is that it gives law-enforcement officers a strong motive to frame anyone they have tortured."

But this hardly shows any conflict in rights. Surely, murderers do not have the right to go unpunished. Nor has the punishment been excessive, Rothbard assures us, since the police "have only ladled out to the murderer a parcel of what he deserves in return; his rights had already been forfeited by more than that extent" (Rothbard, 1998, p. 82; cited in Callahan, 2012, p. 8). Nor is there much "practical downside" to this deduction for police already have a motive to frame suspects, many of them.

Let us suppose, however, that cops now have an *increased* motive to create "evidence" inculcating innocent suspects. Still, Callahan's criticism of Rothbard fails. For the latter is discussing *justice*, not utilitarianism. In order to see this point, let us posit that the best way to achieve justice and peace in post apartheid South Africa was via the "truth and reconciliation" process actually adopted in that country.[3] And, also, let us posit that this initiative allowed people guilty of actual crimes to go free. Now, *justice* requires that the guilty be punished, let us stipulate. So, yes, there is indeed a conflict between justice and civil harmony. But Rothbard never denied this; his contention was, rather, that *rights* do not conflict. So Callahan and Rothbard are passing each other as ships in the night. They have not achieved real disagreement. Or to put this more accurately, Callahan has not laid a glove on the Rothbard thesis.

Let us consider another example. A black man has been falsely accused of raping a white woman in Alabama in 1920. He is in jail, awaiting trial. A white lynch mob demands that the sheriff hand over his prisoner to them. The lawman refuses and the mob attacks. The sheriff, the prisoner, most of the mob, and dozens of innocent bystanders die in the ensuing melee. Justice is clearly on the side of the jailor's decision. It is unjust that the innocent black prisoner be lynched for a crime he did not commit. But social peace is incompatible with justice in this case.

Rothbard is concerned with justice; Callahan, with mere utilitarianism. The latter's critique of the former fails, because it falls in an entirely different realm of discourse. Rothbard would have no difficulty at all agreeing with Callahan that the most utilitarian result would be for the lynch mob to be assuaged.[4]

But wait. Callahan has a possible response to the foregoing open to him. If the police have an additional incentive to frame innocents, to save themselves from criminal charges, is this not, too, unjust? Of course it is. But Rothbard was concerned not with ensuing acts, but *only* with the one concerning whether or not police who brutalize actual murderers are themselves criminals.

What may or may not occur later on is beside the point.

Let us go back to the case where the Alabama sheriff dies valiantly protecting his prisoner from the lynch mob. He acted justly. But, suppose that as a result of this just act of his, a later injustice occurs. Mr. X an innocent bystander who perished in the conflagration, would have on the next day foiled a robbery, but cannot do so because he was killed. Does this amount to a conflict in rights as Callahan avers, since the one just act, the sheriff protects his innocent inmate on day 1, disenables another just act from occurring on day 2, Mr. X cannot foil this robbery. Of course not. No more than Rothbard supporting a just act on day 1, the cops beat up a person who is later proven to be a murderer, which leads, on day 2 to other or the same cops unjustifiably framing an innocent man. The sheriff's act on day 1, and the police brutalizing a murderer on day 1, are both just, no matter *what* are the consequences afterward. Justice is timeless. Consequences are utilitarian considerations, very far removed from issues of justice.[5]

Here is another objection. "Consider the territorial dispute in the South China Sea between China and Japan; the two countries cannot agree on the standard for the claim. These islands were once part of Okinawa, which certainly belonged to Japan; but they are part of China's continental shelf and were acknowledged as Chinese on at least one Japanese map. To say that what is in conflict here are not rights but rights claims seems simply to be question begging, because it fails to address the fact that there is simply no internationally agreed deductive standard according to which the conflict can be adjudicated; yet if deductive libertarianism were correct, there ought to be."

Well, there is. According to the libertarian doctrine of homesteading,[6] neither maps nor continental shelves are pertinent. Rather, the solution lies on the basis of who was the first to mix their labor with this land. I am no expert on this bit of geography, but it is my understanding that no one has yet done so. Therefore, neither China nor Japan is the rightful owner of these islands.[7]

What about the niqab? Surely, there is a conflict[8] here? Stipulate that religious freedom requires that women wear this garment, which hides the face. But if such a woman is a plaintiff in a lawsuit, her wearing of it would conflict with the right of the defendant to "face" his accuser. This may indeed be a conflict for a statist system of monopoly courts, but presents no challenge at all for the libertarian institution of competing courts (Benson, 1990, 2002; Friedman, 1979, 1989; Hoppe, 2001; Osterfeld, 1989; Peden, 1977; Rothbard, 1973a, 1973b, 1982, 1991; Stringham, 1998-1999; Tannehill and Tannehill, 1984; Woolridge, 1970): each judicial system would decide for itself whether a niqab garbed person would be allowed to be heard on its premises.[9] Some might rule one way, and others disagree. Again, there is no conflict in rights, Callahan to the contrary notwithstanding.

One last example, again arising in Canada. A feminist wanted to get her hair cut. She attempted to become a customer of a Muslim barber, whose religion did not allow him such close contact with a woman who was a stranger to him.[10] This is an easy one for libertarians: he is in the right, she is in the wrong. The libertarian notion of free association would rule here: no one may be forced to associate with anyone against his will.

Callahan's next sally against Rothbard concerns parents allowing children to die. Since there are no positive obligations in libertarianism based on the NAP, Callahan (2012, p. 8) charges Rothbard with overlooking "the moral reprehensibility of a parent idly watching her six-month-old child slowly starve to death in its crib." But here this critic errs, again. Rothbard is not at all discussing the *morality* of such action, or, rather, inaction. Instead, he focuses, only, on whether or not it is compatible with the NAP. Callahan fails to appreciate that libertarianism is a theory of just law, *not* ethics or morality. For example, libertarians, all libertarians presumably included if they adhere to any even watered-down version of this philosophy, would agree that the laws prohibiting consenting adult interactions regarding pornography, prostitution, drugs, gambling, are unjust. But advocates of this philosophy need not maintain that these victimless criminal behaviors are *moral* (Block, 1994). Rather, in the view of most if not all libertarians,[11] these acts are indeed unethical, and yet just law would not prohibit them.

Does the mother have any obligation, not to feed the baby, but to notify others (church, orphanage, hospital, synagogue, etc.) that she is no longer willing to do so? Of course she does, and this is *not* a violation of the no-positive-obligations principle of libertarianism. Here, Callahan ignores a rather large literature (Block, 2001a, 2003, 2004, 2008; Block and Whitehead, 2005) making precisely this case: that the obligation to notify is compatible with the NAP. Why? Because, contrary to Callahan's understanding of libertarianism, children cannot be owned in this perspective. Rather, the only aspect of ownership with regard to them concerns guardianship rights. And these must be "earned" every day. Once the mother stops feeding and caring for the infant, she immediately[12] loses her status as guardian. If she allows her baby to starve in its crib, she is engaging in forestalling, which would

be equivalent to homesteading land in a bagel or donut format, which would give control of the "hole" in the middle to such a homesteader, without ever having mixed his labor Given these considerations, Rothbard's "morally reprehensible deduction from the NAP" does not sound quite so callous as Callahan makes it out to be.

Callahan next taxes Rothbard forthe latter's refusal to equate promises and contracts. Or, more to the point, Callahan confuses the two, and, to add insult to injury, again conflates morality and just law. If A contracts to give to B an apple in return for B's banana, and A follows through with his end of the deal but B reneges, then B has stolen a banana from A.[13] This is a crime. But, if B merely *promises* to give A a banana, and does not do so, then while B may well be acting immorally, he is not a criminal, even if A makes plans for his utilization of the banana, which now much come to naught. Callahan (2012, p. 9) quotes Rothbard (1998, p. 133): "mere promises are not a transfer of property title." Does the former tell us *why* he thinks the latter wrong in this eminently reasonable contention? He does not. Callahan contents himself with merely quoting Rothbard to this effect, presumably thinking that his audience will see the error of Rothbard's ways.

Callahan employs the same tactic with regard to blackmail, which Rothbard does not see as a crime, either, since it does not violate the NAP. This one sentence constitutes the entirety of Callahan's (2012, p. 9) objection to Rothbard on this matter: "In addition, he (Rothbard, 1998, pp. 124-126) contended that blackmail must be legally permissible in a just polity, since the victim has no exclusive property right in his reputation."

This really will not do, neither in the case of promises or blackmail or anything else. It might well suffice for the New York Times or MSNBC merely to *mention* that someone takes thus and such as position as if this alone would be sufficient to condemn him for it,[14] but in a scholarly refereed journal such as the one in which Callahan (2012) appears it really is incumbent on critics to give *reasons* for rejecting a philosophical thesis. Indeed, this aspect of Callahan's approach is highly problematic and indicates possible intellectual malpractice on the part of the editors and referees of the journal in which his article appeared for not insisting that this author do so. Why does Rothbard maintain that blackmail is not a criminal offense? It is because all this practice consists of is a threat, coupled with a demand/request for money or other valuable consideration, to become a gossip. But if the latter is legal, and no one suggests that it is not, then to *threaten* something otherwise licit should not be a crime. This is in sharp contrast to extortion, which couples a demand/request for money or other valuable consideration with a threat to violate the NAP.[15]

Callahan's (2012, p. 9) parting shot at Rothbard is that he "displays a cavalier and reckless disregard for the fact that the existing social arrangements, however far they may fall short of fulfilling one's idealized visions for society, possess at least the virtue of having demonstrated that they enable most of those whose affairs they guide to lead reasonably tolerable lives." This defense of "existing social arrangements" is difficult to defend in view of the fact that there is massive human misery under their aegis (Block, 2006a; Conquest, 1986, 1990; Courtois, et. al. 1999; DiLorenzo, 2006; Pinker, 2011; Rummel, 1992, 1994, 1997), due mainly to NAP violations that Rothbard inveighs against, and that Callahan upbraids him for doing. I applaud Callahan's intellectual courage in making such an outlandish statement, but I hope and trust he will forgive me for regarding it as "cavalier and reckless."

No truer words were ever said than by Callahan (2012, p. 9) when he asserts: "Rothbard is not an instance of an idiosyncratic thinker whose ideas dies with him; indeed, he has more disciples today than he did when he passed away (in 1995) and there are currently a number of think-tanks in the USA and Europe dedicated to advancing his political programme."

III. BLOCK

Block must be deeply honored by Callahan (2012) when he says: "Hoppe's main contestant for the title of 'Rothbard's heir,' Walter Block, takes great pride in carrying the principles of Rothbard to their logical extremes." Just to be mentioned in the same sentence as Hoppe in this context is a great compliment, for I regard Hoppe as having made among the most brilliant contributions to libertarian theory and Austrian economics too, in the history of mankind.

Callahan (2012, p. 10) starts off his criticism of Block's contribution with the example of the man precariously perched on the flagpole owned by someone else, 15 stories above the ground, hanging on for dear life. He wants more than anything else in the world to hand-walk his way down and off the flag pole, go through the owner's apartment and out of it, and then to live the rest of his life. But the condominium owner threatens to shoot him as a trespasser unless he lets go of her flagpole and drops to his death. Would this private property rights holder be guilty of murder? I say no. Callahan (2012, pp. 10-11) responds:

> Once again, we see the embrace of an idealization obliterating any consideration of countervailing concerns that most people would find relevant in deciding the proper legal response to a situation, and, as with Rothbard, it is property rights that are the trump card. The fact that the property rights 'violation' is trivial and the response draconian means nothing to Block; only by holding the singled principle of private property to be absolute can he reach deductive, definitive 'solutions' to such dilemmas.

Before criticizing Callahan on this matter, let me first thank him for having the perspicacity to see that Block's views indeed constitute accurate deductions from the viewpoint so brilliantly laid out by Rothbard. No greater compliment to Block is possible.

Now for the rejoinder. "Trivial?" Says who?[16] Suppose that this woman with the gun was raped only the day before by a man who resembles the flagpole holder.[17] She is in not unreasonable fear of further bodily injury, and even death. Who is Callahan to deprecate her subjective assessment of the situation in which she now finds herself? Either we maintain that property rights are sacrosanct, or we do not. If not, all sorts of logical implications arise, that will discomfort Callahan's perspective on this matter. At any given time, there are starving, or drowning, or seriously hurt people somewhere in the world. If we may with impunity violate this woman's private property rights to her flagpole, in effect hold that her castle is no longer her castle, then, if we are to be logically consistent,[18] we may not object when all of us are compelled by law to become Good Samaritans.[19] All sorts of people in trouble may trespass on others' property. What, then, occurs to laissez faire capitalism, to limited government, to libertarianism? If Callahan is so concerned with the plight of the flagpole holder, let *him* hire a helicopter to go to the rescue.[20]

I also find objectionable Callahan's hiding behind the views of "most people." Of course his assessment of popular opinion is correct. The man in the street would likely take Callahan's side in this criticism of principled libertarianism. Is this supposed to count as a valid argument in a scholarly journal?

Callahan (2012) also does not support Block's contention that if no one in the entire world is willing to care for a severely handicapped child, the father, as a last act of benevolent guardianship, may engage in a mercy killing rather than allow his daughter to suffer from a slow and painful death. Here is Callahan's (2012, p. 11) take on this matter:

> How thoughtful that it is only permissible to murder the kids you have 'homesteaded' (a word Block used earlier in the same essay to describe creating children) if you have first offered them to others. In another work Block (2004) describes children as merely another form of property, which can be abandoned like an old sofa or TV.

What is the alternative, given no positive obligations? Mercy killing[21] would appear to be the least callous option. But perhaps we should open up that Pandora's Box of positive obligations? Then, we would all become our brothers' keepers; then, many, many more of us would die if the history of socialist regimes is any guide. Can Callahan still characterize himself as some sort of libertarian if he accepts such an anti freedom prescription?

Callahan objects to Block's use of the word "homesteaded" when applied to children. But Lockean (1948), Rothbardian (1973a) and Hoppean (1993) notions of homesteading merely imply that in order to attain guardianship rights over progeny, one must first create them through pregnancy, and then care for them. Guardianship is indeed "merely another form of property." This means that as long as a parent continues to care for a child, no one else may take him away, even if it can be proven that someone else—a rich man such as Bill Gates—can do a better job. Of course that child may also be abandoned, if proper authorities (hospital, orphanage, church) are notified, or if the child is adopted by another parent-guardian.[22] This scenario is supposed to be shrunk from in horror, as Callahan urges? Where do old sofas and TVs come into the picture? Such rhetorical flourishes on that author's part really are not conducive to sound philosophizing.

Block does indeed employ the concept of a "libertarian Nuremberg trial" much to Callahan's (2012, p. 11) consternation. This does not at all imply that he sees present candidates for such events as bad as Nazis, nor that Block favors an actual such event, nor, even, that he thinks the original trails were justified. Rather, this is an intellectual device that allows us to better focus on legal issues, I contend. Given that violations of the NAP are a criminal activity, and that government,[23] or excessive government[24] is an NAP violator, it follows ineluctably that the persons responsible for them ought to be considered criminals. Callahan vouchsafes us no reason to reject this claim, contenting himself with a mere mention of it, as if that would alone suffice to undermine it. But this *New York Times*—MSNBC style of proceeding hardly constitute a cogent, let alone a valid argument.

It cannot be denied that Block does indeed "equate 'the Marxist professor in a public university' to Hitler" in that he regards both as criminals. Block also equates, in precisely the same manner, the person who steals a newspaper and a mass murderer—both violate the law. I also "equate" Hitler and Mother Teresa in that they are both human beings. There are, however, also dramatic *differences* in all of these pairs. But the ability to make such fine distinctions might be beyond a scholar such as Callahan, who wields a bludgeon in a situation that calls for a scalpel. Why is the Marxist in a public university a criminal? Because he is the recipient of stolen tax money, who supports this very system, and argues for its extension. Why not the libertarian professor who ostensibly does the same thing? Because he counsels against this anti NAP system, and works in effect to end it.[25]

Does this imply that Block is "opposed to freedom of thought" as Callahan (2012, p. 11) maintains? Of course not. As far as the libertarian Nuremberg Trials are concerned at least as I understand them, the Marxist intellectual is perfectly free to express his malevolent views, on his own dime. He is not free to do so at the cost of people victimized by the type of tax theft he advocates. He can do so at a private university, none of whose funds are mulcted from unwilling tax payers. He can think as freely as he wishes, when he does so on this basis.

Callahan (2012) disputes "rationalist libertarianism." But he is as guilty of this train of thought as much as any of the scholars he criticizes in this article. For example, in Block, Barnett and Callahan (2005) he along with his two co-authors,[26] opine: "free markets are desirable precisely because, and to the extent that, they are free. That is, they are beneficial, of necessity, no matter what their assumed efficiency."

And in Block and Callahan (2003) both authors are guilty of the following example of "rationalist libertarianism"[27]:

> (We) … take the position that any compromise whatsoever with free and unrestricted immigration must perforce be ruled incompatible with libertarianism. After all, the immigrant, merely by appearing at our shores, particularly at the invitation of a citizen and property owner, cannot be said by that fact alone to have initiated violence against an innocent person. Not being guilty of a violation of the libertarian axiom, it would be improper to visit any violence upon him. Since forceful removal from our shores would indeed constitute an initiation of force against him, this would be improper. Hence, there can be no libertarian argument in favor of immigration restrictions.

It therefore ill behooves Callahan (2012) to reject a philosophical tradition to which he has so importantly contributed.[28]

IV. CONCLUSION

I am grateful to Callahan (2012) and I think all other libertarians must share this sentiment with me. For all too long libertarianism has been avoided by mainstream philosophers, economists, political theorists; any critique of this philosophy which does so much as spell its name correctly is to be welcomed. But Callahan (2012) obviously, does much more than that: it is a critique of this viewpoint by an "insider"; that is, by someone who has studied it, and has the intelligence to understand it. There are grave flaws in Callahan's (2012) rejection of the philosophy of liberty, as I have attempted to show above. Nonetheless I acknowledge this author's critique is a far better one than most of those that usually come tumbling down the pike. What does not kill us makes us stronger. This criticism of his does not kill us.[29]

NOTES

1 For example, see Schwartz, 1986; for a rejoinder, see Block, 2003.

2 See any of Krugman's critiques of libertarianism.

3 http://www.justice.gov.za/trc/; Slovo, 2002;

4 In order to obviate the objection that this would set a bad precedent, and thus utilitarianism, too, is on the side of the sheriff, we may posit that the entire world ends right after this episode, so that there are no negative utilitarian precedents at all. The only just behavior is still on the side of the sheriff.

5 I cannot resist adding one more example; I owe this one to Brian Caplan. The Holocaust was an unjust act. Presumably, it reduced utility also, since the suffering of the Jews and others (blacks, homosexuals, Gypsies) was greater than the enjoyment of the Nazis. But, suppose that there were a *trillion* Nazis, all enjoying the murder and torture of these "vermin." Then, this mass killing is still unjust, at least according to the NAP of libertarianism, but it is no longer clear that utility has decreased, as a result. Rather, abstracting from the insoluble problem of interpersonal comparisons of utility, one is tempted to say that utility has *increased* as a result of the Holocaust.

6 Block, 1990, 2002A, 2002B; Block and Edelstein, 2012; Block and Yeatts, 1999-2000; Block vs Epstein, 2005; Bylund, 2005, 2012; Hoppe, 1993, 2011; Kinsella, 2003, 2006; Locke, 1948; Paul, 1987; Rothbard, 1973A, 32; Rozeff, 2005

7 Under pure libertarian theory, anarcho capitalism (Rothbard, 1973A; Hoppe, 1993; Huebert, 2010; Stringham, 2007), states cannot own property; they are illicit entities. On that ground alone neither China nor Japan is the rightful owner of these islands. Where the distinction arises between "rights" and "rights claims" is beyond comprehension. And as for Okinawa "belonging" to Japan, this too is incompatible with libertarian anarchism, and thus cannot be the subject of rights conflict under this philosophy.

8 For several cases in Canada on this point, see http://www.cbc.ca/news/canada/story/2012/12/19/f-niqab-list.html

9 My prediction is that the wearing of the niqab would tend to make the testimony of its wearer less reliable, since people determine truth in part on the basis of facial expressions.

10 http://www.thestar.com/news/gta/article/1288023--woman-denied-haircut-goes-to-human-rights-tribunal-of-ontario; http://english.alarabiya.net/articles/2012/11/16/249931.html; http://news.nationalpost.com/2012/11/30/gender-vs-religion-woman-refused-haircut-by-muslim-barber-highlights-problem-of-colliding-rights/

11 At least the socially conservative ones

12 Here is an objection to the text: "How many feeds must the baby miss before this status is revoked? What if she's just having a bad day? Can she regain the status if she promises to feed it again? What if she stops feeding it, but the father does so instead? How is the law to be applied; three strikes and she's out? Once one starts to consider the complexities of turning this position into actual legislation, the libertarian position seems no less absurd (possibly more absurd), and no simpler, than any other way of ordering the parent-child relationship." I regard this as a superficial pedantic objection; I mention it only because a reader of an earlier draft of this paper was insistent upon it. We are talking about starving a baby, not feeding it off schedule, or having the father, or the baby sitter, taking on this task.

13 Some might say that B has stolen an apple from A, since B now has A's apple, and A has nothing. But this would not be quite true, since, according to the contract, it is entirely alright for B to have the apple. B's contractual "sin" is in keeping the banana from A, since the contract requires B to hand over this tropical fruit to A.

14 For example, the major media often condemns a libertarian for opposing the minimum wage law or favoring the legalization of drugs, as if taking that position constitutes a per se proof that the advocate is wrong. Callahan does much the same thing against Rothbard in this case.

15 For a further explanation and explication of Rothbard's position on blackmail, see Block, 2001B, 2002C, 2002-2003, 2009; Block and Anderson, 2001; Block, Kinsella and Whitehead, 2006.

16 For an Austrian economics analysis of subjectivism, which would tend to undercut Callahan's claim of "trivial," see Barnett, 1989; Buchanan and Thirlby, 1981; Buchanan, 1969; Butos and Koppl, 1997; Cordato, 1989; DiLorenzo, 1990; Garrison, 1985; Gunning, 1990; Kirzner, 1986; Mises, 1998; Rizzo, 1979, 1980; Rothbard, 1979, 1997A; Schmidtchen, 1993; Thirlby, 1981

17 After that horrid experience, she went out and purchased a weapon for her defense, thanks to the fact that the Second Amendment to the U.S. Constitution has not yet been completely obliterated.

18 Something about which Callahan is not intent

19 For example, we could support the decision in *Kelo* where the property of a Connecticut woman was taken away from her through eminent domain, because it was thought that the new owners would pay higher taxes (Block, 2006B; Epstein, 2005; *Kelo*, 2005; Kinsella, 2005).

20 However, I acquiesce in the notion that a good swimmer not legally go off to the proximity of a drowning person only to watch him die. Once he initiates such a procedure—unless he explicitly indicates to the contrary—his actions signal to other would-be rescuers that help is on its way, and their services are no longer needed.

21 Under proper legal supervision, to preclude actual murder

22 If money changes hands during such a transfer, it would not violate the NAP. If act X is righteous, it does not lose that status when it is done for money, not benevolence.

23 For the anarcho-capitalist Hasnas, 1995; Higgs, 2009; Hoppe, 2008; Kinsella, 2009; Long, 2004; Murphy, 2005; Rothbard, 1973A, 1998; Stringham, 2007; Tannehill, 1984; Tinsley, 1998-1999.

24 For the minimal government libertarian, or minarchist Machan, 1982, 1990A, 1990B, 2002

25 This applies, too, to a libertarian professor of a subject irrelevant to political economy, such as math, physics, music, etc. As a libertarian, he still uses (at least part of) his salary to undermine this practice.

26 I assume that all co-authors of a scholarly article agree with each and every word of it. Certainly, Callahan never explicitly objected to anything written in either of the two articles I co-authored with him.

27 Footnote deleted.

28 Unless, of course, he renounces his contributions to these two articles. He has not done so as of the present date, to the best of my knowledge.

29 Editor's note: Block writes of himself, throughout this article, in the third person. He was required to do so by our refereeing process, which mandated that he remain anonymous all throughout it.

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