

# Libertarian Preferences: A Comment on Callahan and Block

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**Bio-sketch:** Marek Hudík is a postdoctoral research fellow at the Center for Theoretical Study at Charles University in Prague. His research focuses on price theory, history of economic thought, and the philosophy of economics.

In his article “Liberty versus libertarianism”, Callahan (2013) criticizes some versions of libertarianism for a single-minded exaltation of a narrowly-defined liberty above all other values. Referring to Oakeshott, he attributes this position to rationalism and discusses works of Rothbard, Hoppe, Block, Nozick, Buchanan and Tullock to illustrate his point. He then calls for a broader concept of liberty than the one advocated by the rationalist libertarians. Block (2015) attempts to clarify possible misunderstandings regarding his and Rothbard’s version of libertarianism and defends it against Callahan’s critique.

This comment also focuses on Rothbard-Block libertarianism: I argue that this version of libertarianism is characterized by a specific preference structure which does not allow for substitutability between justice and other political goods. I hypothesize that this preference structure is motivated by an attempt to build a logically consistent system; however, it is shown that the preference structure describing Rothbard-Block libertarianism is but one of many possible logically consistent preference structures. Therefore, commitment to logical consistency does not imply Rothbard-Block libertarianism. In the light of my argument, I show that Callahan’s critique of this version of libertarianism as a manifestation of rationalism misses the main point.

## 1 SINGLE-VALUE AND LEXICOGRAPHIC LIBERTARIANISM

Both Rothbard and Block agree that there may be a conflict between libertarian concept of justice and other goods (such as civil harmony) (Block, 2015, pp. 4-5). However, according to them, law should be concerned merely with justice and not with other goods.<sup>1</sup> This in particular means that justice should never be sacrificed in favor of something else.

To put it more technically, Rothbard’s and Block’s concept of law either treats commodities other than justice as neuters, or it lexicographically prefers justice to these other commodities. I refer to these two alternatives as single-value libertarianism and lexicographic libertarianism respectively. They are graphically represented in Figs. 1 and 2.

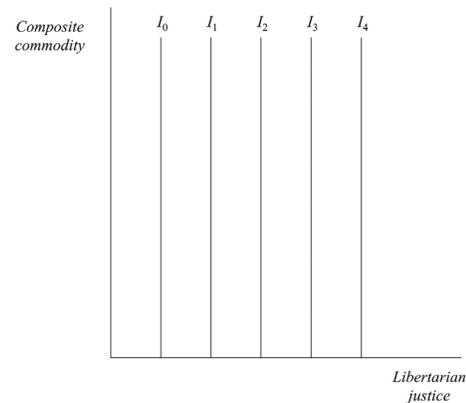


Fig. 1: Single-value libertarianism

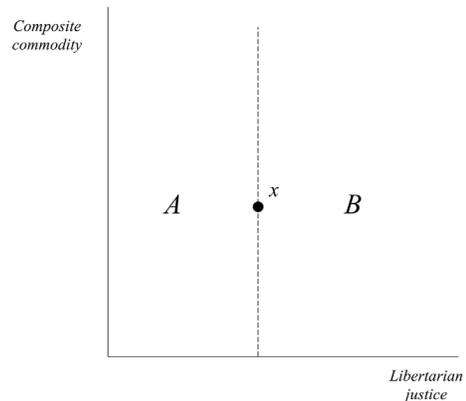


Fig. 2: Lexicographic libertarianism

Fig. 1 shows indifference curves<sup>2</sup> under the assumption that justice is a good and a composite commodity representing other possible concerns of a legal system (civil harmony, welfare, etc.), is a neuter. Libertarian justice is thus considered as the only value that should be taken into account by the system of law; hence the label single-value libertarianism. Fig. 2 represents lexicographic libertarianism: Outcomes preferred to  $x$  are all outcomes in the area  $B$  including those on the line going up from the point  $x$ . Outcomes to which  $x$  is preferred, are all outcomes in the area  $A$  including those on the line going down from the point  $x$ . Unlike single-value libertarianism, lexicographic libertarianism takes into account more goods than justice; however, these other goods are relevant only if justice is not an issue. Hence, according to both single-value and lexicographic libertarianism, justice can never be compensated by an increase in other commodities.

## 2 LOGICAL CONSISTENCY

Why should law disallow substitution between libertarian justice and other commodities? I believe the answer given by Block and Rothbard is twofold: firstly, they simply consider justice as more important (both absolutely and marginally) than anything else; secondly, they seem to think that such substitution would involve logical inconsistency. As put by Rothbard:

Dedicated to justice and to logical consistency, the natural rights libertarian cheerfully admits to being “doctrinaire,” to being, in short, an unabashed follower of his own doctrines (Rothbard, 2006, p. 32).<sup>3</sup>

Block illustrates this dedication to logical consistency with his example of a man perched on the flagpole owned by someone else, fifteen stories above the ground:

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 (something about which Callahan is not intent), we may not object when all of us are compelled by law to become Good Samaritans (Block, 2015, p. 9).

However, Block’s argument is a *non sequitur*: a violation of property rights in one situation does not imply that in order

to be logically consistent one has to violate property rights always. To use an analogy with consumption behavior, if you drink coffee in the morning you do not have to drink coffee the whole day to preserve logical consistency of your choices. In some situation you prefer coffee to tea, while in other situation you prefer tea to coffee (for instance because marginal importance of coffee diminishes with its quantity). Likewise, a legal system may sometimes sacrifice libertarian justice to other commodities, and vice versa at other times, without compromising logical consistency.<sup>4</sup> For example, law may reflect preferences represented with standard indifference curves such as the ones in Fig. 3 (this particular case can be referred to as convex libertarianism).

To summarize, my critique of Rothbard and Block is not that their position is logically inconsistent; my critique is that they present it as the *only* logically consistent position.

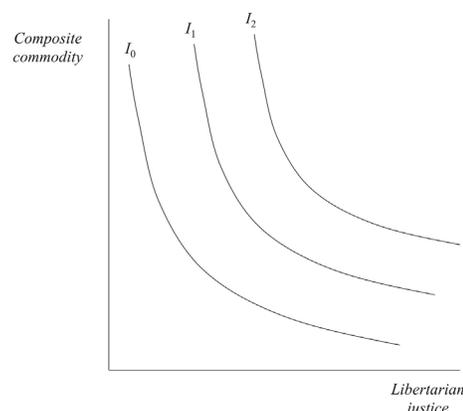


Fig. 3: Convex libertarianism

## 3 CALLAHAN’S CRITIQUE

Callahan (2013) argues that a narrow definition of liberty and its exaltation above other values, typical for Rothbard and Block, is a manifestation of rationalism. Although one can advocate single-value or lexicographic libertarianism without being a rationalist, Callahan is perhaps right in the sense that this preference structure is rather untypical and it is therefore unlikely that we would observe it among non-rationalists.

However, Callahan’s critique of Rothbard and Block in my view misses the main point: As Callahan himself illustrates with reference to Buchanan and Tullock, rationalism does not always produce exaltation of liberty (Callahan, 2013, p. 60). More to the point, one may agree with Rothbard’s and Block’s view on what counts as just (as I did in this paper),

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and yet be sometimes willing to sacrifice libertarian justice in favor of other goods. Ultimately, specificity of Rothbard's and Block's libertarianism consists primarily in its preference structure rather than in their rationalist concept of justice.

#### 4 CONCLUDING REMARKS

I agree with Block (2015, p. 12) that Callahan's critique does not kill the Rothbard-Block version of libertarianism: If one thinks that law should reflect single-value or lexicographic preference structure, so be it. But there is also nothing irrational about convex preference structure which allows for substitutability between libertarian justice and other goods. The principle *de gustibus non est disputandum* is perfectly applicable here. The only way how Rothbard-Block version of libertarianism can be "killed", is that no one finds it attractive. My aim was to show that one may find it unattractive without accepting logical inconsistency.<sup>5</sup>

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#### 54 NOTES

- 1 Callahan criticizes Rothbard's and Block's narrow definition of justice; my view is that the issue of definition is of minor importance: It does not make a difference whether the argument is framed as: "law should take into account more broadly defined justice" or as: "law should take into account also other goods than narrowly defined justice". I choose the latter route accepting Rothbard's and Block's concept of justice.
- 2 Austrian criticism of indifference (e.g. Block, 1980; Hudík, 2011) is irrelevant here, since the indifference curves can be interpreted as behavioral lines in Samuelson's (1948) sense.
- 3 Or as put by Block (2008, xiv): "The uniqueness of Libertarianism is found not in the statement of its basic principle but in the rigorously consistent, even maniacal manner with which the principle is applied".
- 4 An alternative way how to interpret Block's argument is that he is afraid of a slippery slope effect: if liberty is sacrificed in one situation, it is in practice more difficult to defend it in other situations. This interpretation is precluded by Block's statement that he (and Rothbard) are concerned only with justice, regardless of consequences (Block, 2015, p. 5).
- 5 I am grateful to Petr Bartoň, Walter Block, and Gene Callahan for their helpful comments. Any mistakes are, of course, mine alone.