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Matt Zwolinski*

Freedom, Property, and Self-ownership in Rothbardian Libertarianism

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Abstract

Murray Rothbard's theory of self-ownership is foundational to his libertarianism, serving as the basis from which he derives conclusions about the impermissibility of aggression, the legitimacy of homesteading, and the injustice of taxation. Yet self-ownership is a more complex concept than Rothbard's arguments acknowledge. This article examines the philosophical adequacy of Rothbard's two principal arguments for self-ownership – the argument from natural control and the eliminative trilemma – and evaluates Walter Block's recent defense of those arguments. The research proceeds by means of conceptual analysis and logical evaluation. I argue that Block's defenses do not succeed. His distinction between de facto and de jure ownership concedes rather than refutes the charge that Rothbard conflates descriptive control with normative ownership. His analogies to basic categories miss the eliminative structure of Rothbard's argument. And his reductio against partial self-ownership relies on treating all obligations as unlimited. I further argue that Rothbard's identification of freedom with property undermines the libertarian ideal of a free society, rendering conflicts between freedom and property invisible and making the concept of freedom compatible with conditions

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indistinguishable from authoritarian rule. The analysis has implications for debates about the foundations of libertarianism and the relationship between freedom and ownership.

Keywords

self-ownership, property rights, libertarianism, freedom, ownership

Introduction

The concept of self-ownership occupies a central place in libertarian political philosophy. The idea that each individual has an exclusive moral right over his or her own body – a right that others are bound to respect – serves as the foundation from which libertarian conclusions about the impermissibility of aggression, the legitimacy of homesteading, and the injustice of taxation are characteristically derived. Murray Rothbard, perhaps more than any other thinker, is responsible for placing self-ownership at the center of the libertarian system.¹

Yet, the apparent simplicity of self-ownership is deceptive. As Wesley Hohfeld demonstrated over a century ago, what we call “property rights” actually consist of a set of distinct functional relations, each of which can be understood in terms of correlative rights and duties.² Each of these is like a stick in a bundle, and the particular mix of sticks that compose any given property right can vary considerably from object to object and context to context. This insight, as Barbara Fried has argued, generates a vast range of possible positions on the ownership of one’s person that cannot be captured by simple binary distinctions.³ The philosophical terrain surrounding self-ownership is considerably more complex than Rothbard’s framework allows.

In this context, a debate has emerged between Walter Block and myself about the adequacy of Rothbard’s arguments for self-ownership. I first raised criticisms of these arguments in a series of blog posts in 2012, and later developed them more fully in an article titled “Libertarianism, Oversimplified,” published in *The Independent Review*.⁴ Block has recently responded in “Contra Matt Zwolinski on Murray Rothbard on Ownership and Property,” published in this journal.⁵ Block’s response engages primarily with the blog posts rather than with the journal article, which presents more carefully worked-out versions of the criticisms he addresses and also develops significant additional

1. Rothbard’s two most influential statements of his libertarianism are: M.N. Rothbard, *The Ethics of Liberty*, Humanities Press 1982; M.N. Rothbard, *For a New Liberty: The Libertarian Manifesto*, Collier Macmillan 1973. On Rothbard’s place in the history of libertarian thought, see: M. Zwolinski, J. Tomasi, *The Individualists: Radicals, Reactionaries, and the Struggle for the Soul of Libertarianism*, Princeton University Press 2023.

2. W.N. Hohfeld, *Some Fundamental Legal Conceptions as Applied in Judicial Reasoning*, “Yale Law Journal”, 1913, Vol. 23, No. 1, pp. 16–59.

3. B.H. Fried, *Left-Libertarianism: A Review Essay*, “Philosophy and Public Affairs”, 2004, Vol. 32, Issue 1, pp. 66–92, DOI: [10.1111/j.1467-6486.2004.00005.x](https://doi.org/10.1111/j.1467-6486.2004.00005.x).

4. M. Zwolinski, *Libertarianism, Oversimplified*, “The Independent Review”, 2024, Vol. 28, No. 4, pp. 539–551. The blog posts appeared at Bleeding Heart Libertarians between 2012 and 2013. The most relevant are “Reading The Ethics of Liberty, Part 3: Rothbard’s Confusion About Self-Ownership” and “Reading The Ethics of Liberty, Part 4: Rothbard’s Second Argument for Self-Ownership.”

5. W.E. Block, *Contra Matt Zwolinski on Murray Rothbard on Ownership and Property*, “Polish Journal of Political Science”, 2025, Vol. 11, Issue 1, pp. 50–62, DOI: [10.58183/pjps.03012025](https://doi.org/10.58183/pjps.03012025).

arguments, particularly regarding Rothbard's identification of freedom with property, that the blog posts did not contain.

In what follows, I address Block's responses to the arguments he does engage with (sections 3.1 through 3.3), and then turn to those he does not (sections 4.1 and 4.2). My aim is not merely to rebut Block but to advance a broader inquiry into the concept of ownership and its role in libertarian political philosophy.

Research Methodology

The aim of this article is to evaluate the philosophical adequacy of Rothbard's arguments for self-ownership and of Block's recent defense of those arguments. The central research questions are as follows. First, do Rothbard's two principal arguments for self-ownership, the argument from natural control and the eliminative trilemma, succeed in establishing the strong thesis of self-ownership that his libertarianism requires? Second, do Block's defenses of these arguments against my earlier criticisms succeed? Third, does Rothbard's identification of freedom with property yield an adequate conception of freedom for libertarian purposes?

The research proceeds by means of conceptual analysis and the logical evaluation of philosophical arguments. This method, standard in analytic political philosophy, involves close reading of the relevant texts, reconstruction of the arguments they contain, assessment of those arguments for validity and soundness, and the development of counterexamples and alternative analyses where the arguments are found wanting. The primary texts under examination are Rothbard's *For a New Liberty* and *The Ethics of Liberty*, Block's response to my earlier criticisms, and my own treatment in "Libertarianism, Oversimplified." The analysis draws on the broader philosophical literature on property rights, self-ownership, and the concept of freedom.

Analysis of Block's Defenses of Rothbard

Ownership, Control, and the is-Ought Gap

My original criticism targeted the way Rothbard moves from a descriptive observation about Crusoe, that he naturally controls his own body and the resources he has worked on, to the normative conclusion that Crusoe owns these things. Ownership, I argued, is an essentially interpersonal and normative concept. To own something requires more than mere control. To own something

is to have the right to control it, and a right to exclude others from it. A thief may control the purse he has stolen, but he does not own it. What distinguishes ownership from mere possession is precisely its normative dimension.

Block's response is revealing. He writes: "Ownership means control over the item and the ability to prevent others from interfering with it. Right now, the criminal has both. He, not the rightful owner, is the owner *de facto*." But, Block continues, "the thief is not the rightful owner *de jure*, and that is an entirely different matter."⁶

Itake it that Block intends this as a correction of my analysis. But, in fact, it concedes the central point. If *de facto* ownership (control) and *de jure* ownership (rightful control) are, as Block says, "entirely different matters," then establishing the former does not settle the latter. Rothbard's argument in the *Crusoe* passages establishes at most that he has *de facto* control over his body. It shows, in Rothbard's words, "the natural fact of his mind's command over his body and organs." It does not by itself establish whether *Crusoe* has any moral right to that control. Yet it is *de jure* ownership, not *de facto* control, that does all the normative work in Rothbard's theory. It is *de jure* self-ownership that is supposed to ground the impermissibility of aggression, the right to homestead, and the entire edifice of libertarian rights. If Rothbard's argument establishes only *de facto* control, then it does not establish the foundations his position requires.

Block accuses me of confusing the normative and the positive. But my argument was precisely that Rothbard makes this confusion. It is Rothbard who slides from a positive claim about *Crusoe*'s control to a normative claim about *Crusoe*'s rights. Block's own distinction between *de facto* and *de jure* ownership, far from undermining this criticism, gives it sharper expression. The question was never "who has *de facto* control?" The question was "who has the moral right to control?" This is a question that Rothbard's *Crusoe* argument does not answer.

The Tripartite Distinction and the Structure of Eliminative Arguments

Rothbard's second and more elaborate argument for self-ownership takes the form of a trilemma. There are, Rothbard claims, three and only three possible positions on self-ownership: (1) full self-ownership, (2) equal quotal ownership of everyone by everyone, and (3) ownership of some peo-

6. Ibidem, p. 52.

ple by others. Since the second option leads to paralysis (no one can act without everyone else's permission) and the third is unjustifiably discriminatory, we are left with the first.⁷

I argued that this trilemma is a false one. It ignores a vast range of intermediate possibilities in which individuals have robust but not unlimited rights over their own bodies. Block responds with a barrage of analogies. My objection, he says, is like rejecting the distinction between left- and right-handedness because ambidextrous people exist, or rejecting the categories of male and female because intersex people exist, or rejecting basic colors because gradations between them can be found.⁸

These analogies are instructive, but they do not support the conclusion Block draws from them. In each of his examples, the existence of intermediate cases does not undermine the usefulness of the basic categories for classificatory purposes. No one denies that "left-handed" and "right-handed" are useful concepts, even though some people are ambidextrous. But Rothbard is not merely classifying possible positions on self-ownership. He is running an eliminative argument. He is claiming that there are exactly three options, that two are unacceptable, and that therefore the third must be correct. And in an eliminative argument, the exhaustiveness of the options is not a peripheral detail. It is the essential premise. If the options are not in fact exhaustive, the argument is deductively invalid, regardless of how useful the categories might be for other purposes.

To see why the analogies fail, one need only plug them into the eliminative form. "Everyone is either left-handed or right-handed. Being left-handed is unacceptable. Therefore, everyone must be right-handed." The existence of ambidextrous people defeats this argument, not because the concepts of left- and right-handedness are somehow invalid, but because the claimed exhaustiveness is false. The same point applies, with appropriate adjustments, to each of Block's other analogies. Basic categories can coexist perfectly well with intermediate cases for purposes of classification. They cannot coexist with them for purposes of elimination.

What I argued in the blog posts, and more carefully in the journal article is that there are many possible configurations of rights over one's body that do not fit neatly into any of Rothbard's three categories. An individual might possess strong rights of self-ownership while also being subject to a duty to provide assistance in situations of dire emergency. She might have the right to use and sell her labor as she sees fit but lack the right to sell her kidneys. She might have robust bodily autonomy but face modest taxation on the income from her labor. These are not exotic philosophical

7. M.N. Rothbard, *For a New Liberty...*, op. cit., pp. 34–35.

8. W.E. Block, *Contra Matt Zwolinski...*, op. cit., p. 56.

inventions. They are the positions actually occupied by most people in most societies, and they correspond to none of Rothbard's three options. The eliminative argument therefore fails.

I should note that Block seems to recognize the existence of such intermediate positions when he discusses, at some length, a hypothetical scenario in which we each own 99% of ourselves and everyone else owns 1%.⁹ But he treats this as merely a variant of Rothbard's second option, as communism with different percentages. This characterization is misleading. A system in which individuals have robust rights over their own bodies, subject to narrowly defined duties to assist others in emergencies, is structurally quite different from a system of equal quotal ownership, even if one can describe both using the language of percentages. The whole point is that the structure of the rights matters at least as much as the arithmetic.

Dire Emergencies, Correct Answers, and the Concession of Incompleteness

Block raises several further objections that, while distinct, share a common difficulty.

The dire emergency reductio. Block argues that even a modest duty to assist others in emergencies would be ruinous, because "there is always at least one person on the planet who is undergoing 'dire necessity.'" He concludes that under any partial self-ownership scheme, "none of us can call our lives our own" and our lives would be "nasty, brutish, and short."¹⁰

This argument has a certain rhetorical force, but it succeeds only by treating all obligations as unlimited and undifferentiated. The vast majority of ethical theories that recognize duties to assist hold that such duties are constrained by proximity, capacity, cost, and other morally relevant factors. A duty to rescue a drowning child at your feet is not the same as a duty to devote your life to relieving famine in a distant country. The fact that someone, somewhere, is always in dire need does not mean that you are always under an obligation to help that particular person, at any cost to yourself.¹¹

Block's reductio works only if one assumes that any departure from full self-ownership must be total and unconditional. It assumes that if others have any claim on us, they must have an unlimited claim. But this is precisely what needs to be argued, not assumed. It is, in a sense, a restatement of the very oversimplification I was criticizing: the assumption that ownership must be all-or-nothing,

9. Ibidem, pp. 54–55.

10. Ibidem, p. 55.

11. Peter Singer famously argues for a more demanding view, on which geographical and social distance are morally irrelevant to one's duty to prevent suffering, see: P. Singer, *Famine, Affluence, and Morality*, "Philosophy and Public Affairs", 1972, Vol. 1, No. 3, pp. 229–243. But Singer's position is widely regarded as a striking and radical challenge to common moral intuition, not as a restatement of it. That Block's reductio requires something like Singer's demanding view in order to generate its conclusion is itself evidence of how much the reductio depends on assumptions that most ethical theories reject.

that there is no coherent middle ground between absolute self-ownership and communal ownership of persons.

The “perhaps one correct answer” defense. Block responds to my observation that different answers to questions about the content of ownership will yield different theories of what ownership means by asserting that “perhaps there is only one unique, correct answer to all of them. If so, they fail.”¹² But this misses the point of the criticism. I was not claiming that there is no correct theory of ownership. I was claiming that Rothbard’s eliminative argument cannot establish which theory is correct, because it considers too few options. Asserting that one of those options might turn out to be the right one does nothing to vindicate the argument. An argument can reach a true conclusion by means of invalid reasoning.

The concession of incompleteness. Finally, Block defends Rothbard against my litany of unanswered questions by noting that Rothbard was “setting the stage, laying the foundations of the edifice” and that “word limits imposed by editors and publishers prohibit him from filling in every interstice.”¹³ He then gestures toward the considerable secondary literature that has attempted to address questions about mineral rights, air pollution, easements, and the like.

I have no doubt that Rothbard faced practical constraints, and I do not fault him for failing to write a longer book. But Block’s defense, understandable as it is, concedes the very criticism it is meant to rebut. My claim was that Rothbard’s foundational arguments are radically incomplete. Block’s response, in effect, is that yes, they are incomplete, but other scholars have attempted to fill the gaps. This may well be true. But it does not rescue Rothbard’s argument from the charge that, as presented, it is insufficient to establish what it claims to establish. The question is not whether someone, somewhere, has written about the ad coelum doctrine. The question is whether Rothbard’s argument for self-ownership is valid without those supplements. I have argued that it is not, and Block’s response does not give me reason to revise that judgment.

12. W.E. Block, *Contra Matt Zwolinski...*, op. cit., p. 56.

13. Ibidem, p. 55.

Arguments not Addressed by Block

The arguments I have discussed so far all appeared, in some form, in my 2012 blog posts. But “Libertarianism, Oversimplified” develops two further lines of criticism that Block does not engage with and that bear directly on the adequacy of Rothbard’s libertarianism. I raise them here not as a complaint about Block’s paper but because they address what I take to be the most consequential weaknesses in Rothbard’s framework.

Freedom and Property

In the journal article, I argue that Rothbard’s understanding of freedom, which he defines as “a condition in which a person’s ownership rights in his own body and his legitimate material property are not invaded, are not aggressed against,”¹⁴ effectively collapses freedom into respect for property rights. This collapse has several consequences that should trouble even those broadly sympathetic to Rothbard’s project.

First, it renders invisible any conflict between freedom and property. If freedom just is the non-violation of property rights, then by definition property rights can never restrict freedom. But this is plainly false as a matter of ordinary language and, more importantly, as a matter of moral substance. An easement across beachfront property restricts the rights of the property owner while enhancing the freedom of beachgoers. More generally, all property rights restrict the freedom of non-owners by excluding them from certain uses of the unowned resource. This is, after all, precisely how property rights serve their economic and moral function.¹⁵ This restriction of freedom might be more than compensated for by other moral gains. But neither conceptual clarity nor sound moral reasoning is served by defining freedom in a way that makes such trade-offs invisible.

Second, the collapse makes it impossible to state one of classical liberalism’s most important empirical insights. Societies with greater respect for property rights tend to enjoy greater freedom of occupational choice, geographic mobility, religious freedom, freedom of expression, and political freedom. This is a substantive discovery about the relationship between two different things. But if freedom and property are conceptually identical, then the claim that property promotes freedom is a tautology, not an empirical finding. It is precisely by maintaining the distinction between freedom

14. M.N. Rothbard, *For a New Liberty...*, op. cit., p. 50.

15. See: D. Schmidtz, *The Institution of Property*, “Social Philosophy and Policy”, 1994, Vol. 11, No. 2, pp. 42–62. On property rights as solutions to coordination problems, see also: M. Zwolinski, *Property Rights, Coercion, and the Welfare State: The Libertarian Case for a Basic Income for All*, “The Independent Review”, 2015, Vol. 19, No. 4, pp. 515–529, on the freedom-restricting dimension of property.

and property that classical liberals have been able to make the powerful case that the two are deeply, if contingently, connected.

The Company Town Problem

The second argument concerns the practical implications of Rothbard's conception of freedom for the ideal of a free society. If freedom is simply a condition in which property rights have not been violated, then whether a society counts as "free" depends entirely on the history of its property arrangements, not on the actual condition of its members at any point in time. This makes freedom, to borrow a distinction from Robert Nozick, a "historical" rather than an "end-state" concept.¹⁶ And this means that Rothbard's conception of freedom is, in principle, compatible with almost any objective state of affairs, however constrained.

In "Libertarianism, Oversimplified," I asked readers to consider a society in which the vast majority of citizens have virtually no choice in where they live, where they work, how they dress, or what they can read or say because their landlords and employers forbid it. Imagine that entire cities come to be owned, through perfectly legitimate transactions, by a single entity that imposes extensive and constraining rules on anyone who resides in its territory. By all external appearances, such a society would be indistinguishable from authoritarian rule. But on Rothbard's account, so long as this state of affairs came about through voluntary transactions and without violation of property rights, it must be judged "free."

The point I am making here is a conceptual one. I am not claiming that libertarian institutional arrangements would likely produce such an outcome. What I am claiming is that a conception of freedom that cannot distinguish such an outcome from genuine human liberty is not a conception that anyone concerned with freedom – including, and perhaps especially, libertarians – should endorse. Samuel Freeman has made a related charge against libertarianism more generally, though I believe the critique applies with considerably greater force to Rothbard's version than to, say, Nozick's.¹⁷

This concern is not without historical precedent. The "company towns" of nineteenth- and early twentieth-century America, in which employers owned the housing, the stores, the schools, and sometimes even the currency, represented precisely the kind of arrangement in which sweeping

16. R. Nozick, *Anarchy, State, and Utopia*, Basic Books 1974, pp. 153–154.

17. S. Freeman, *Illiberal Libertarians: Why Libertarianism Is Not a Liberal View*, "Philosophy and Public Affairs", 2001, Vol. 30, No. 2, pp. 105–151. I discuss the applicability of Freeman's critique to different versions of libertarianism in M. Zwolinski, *Libertarianism, Oversimplified*, op. cit., p. 549.

control over individuals' lives was exercised through the medium of property rights. Whether we describe such arrangements as "free" is not a merely verbal question. It goes to the heart of what we think libertarianism is for.

Conclusions

Block and I share more than we disagree about. We both believe that individual liberty is a foundational political value, that private property and free markets are essential to human flourishing, and that the state's claim to authority over the individual deserves far more skepticism than it typically receives. Our disagreement concerns whether Rothbard's particular way of grounding and articulating these values is philosophically adequate.

The analysis presented in this article yields the following findings. First, Rothbard's argument from natural control does not establish self-ownership in the morally relevant (*de jure*) sense, and Block's defense of that argument – which introduces the very *de facto/de jure* distinction that makes the problem explicit – concedes rather than rebuts the criticism. Second, Rothbard's eliminative trilemma fails because it is not exhaustive: there are many possible configurations of rights over one's person that fit none of his three categories, and Block's analogies to handedness, sex, and color miss this point because they address classificatory rather than eliminative contexts. Third, Block's *reductio* against partial self-ownership succeeds only by treating all obligations as unlimited and undifferentiated – an assumption that most ethical theories reject. Fourth, Rothbard's identification of freedom with property has consequences that undermine the libertarian ideal: it obscures conflicts between freedom and property, renders the empirical connection between them a tautology, and is in principle compatible with conditions indistinguishable from authoritarian rule.

These findings have broader implications for the foundations of libertarian political philosophy. If Rothbard's arguments for self-ownership do not succeed, then libertarians who wish to ground their position in self-ownership must look elsewhere for supporting arguments – to the broader philosophical literature on property, autonomy, and rights that scholars such as Hohfeld, Nozick, and others have developed. None of this means that libertarianism is false, or that the insights Rothbard articulated are without value. I believe they have considerable value. But insights deserve to be put on secure philosophical foundations, and part of that process involves honest reckoning with the places where existing arguments fall short. I take Block's engagement as evidence that such reckoning is both possible and productive within the libertarian tradition, and I look forward to his continued contributions to it.

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