

Symposium

Breakthrough or Buncombe?

In the September issue of *Liberty*, Hans-Hermann Hoppe argued that the mere fact that an individual argues presupposes that he owns himself and has a right to his own life and property. This revolutionary thesis was bound to touch off considerable controversy. Here is some of it.

The Trouble with Hoppe

by David Friedman

The argument, as I understand it, takes the following form.

1. If belief in a proposition is inconsistent with being able to defend it by argument, the proposition is false.
2. In order to argue about the truth of propositions we must have absolute self-ownership of scarce means, defined in objective, physical terms and obtained via homesteading.

Therefore

3. The denial of a libertarian ethic is false.

So far as I can see, both 1 and 2 are false.

With regard to 1, consider the proposition "One should never argue about what people should do." Belief in it is inconsistent with defending it argumentatively, but that tells us nothing at all about whether it is true or false. One could even imagine someone who did not believe in the proposition constructing a valid argument proving that it was true, although he would presumably stop speaking as soon as he had completely convinced himself.

As to 2, note that if it is literally true nobody, including Hoppe, has ever argued about the truth of propositions, since there are no completely libertarian societies in which to do so. That is obviously not true—and neither is the proposition from which it follows. One can think of an enormous number of non-libertarian ethics and non-libertarian societies consistent with people being able to argue in their defense.

Consider an ethic according to which people have absolute ownership over half their waking hours, and are obliged to spend the rest working for others—eight hours a day is enough time for quite an extensive philosophical argument. Or consider an ethic according to which we are obliged to spend all our time working for others, but defending that ethic classifies as working for others.

As a final example, consider an ethic according to which there are no rights at all; everyone is morally free to coerce everyone else whenever he can get away with it, but many people succeed in defending themselves well enough so that they control much of their own time. According to their ethic

they have no right to self-ownership, or to anything else, but they have physical control over themselves and are therefore able to make arguments. One might plausibly claim that this comes close to describing the world we now live in.

The extension of 2 to cover not only self-ownership but libertarian property rights as well, and even a particular libertarian theory of what property rights are like and how they are acquired, is if anything still less defensible—almost pure assertion, unleavened by argument. One can think of lots of other systems of property rights that would work at least well enough to keep some people alive to argue philosophy. Hoppe has somehow skipped from "your ethic must allow you to live" to "your ethic must do the best possible job of letting people live" to "you must accept Hoppe's preferred form of libertarianism" (via "Hoppe's preferred form of libertarianism does the best possible job of letting people live").

Counter-examples include all societies that have existed for as long as one generation, since in all such societies people did in fact live long enough to grow up and argue philosophy, and none of them were pure libertarian societies.

Beyond Is And Ought ✓

by Murray N. Rothbard

Prof. Hans Hoppe, a fairly recent immigrant from West Germany, has brought an enormous gift to the American libertarian movement. In a dazzling breakthrough for political philosophy in general and for libertarianism in particular, he has managed to transcend the famous is/ought, fact/value dichotomy that has plagued philosophy since the days of the scholastics, and that had brought modern libertarianism into a tiresome deadlock. Not only that: Hans Hoppe has managed to establish the case for anarcho-capitalist-Lockean rights in an unprecedentedly hard-core manner, one that makes my own natural law/natural rights position seem almost wimpy in comparison.

In the modern libertarian movement, only the natural rights libertarians have come to satisfyingly absolute libertarian conclusions. The different wings of "consequentialists"—whether emotivists, utilitarians, Stirnerites,

or whatever—have tended to buckle at the seams. If, after all, one has to wait for consequences to make a firm decision, one can hardly adopt a consistent, hard-nosed stance for liberty and private property in every conceivable case.

Hans Hoppe was schooled in the modern (in his case, Kantian) philosophic tradition, rather than in natural law, acquiring a Ph.D. in philosophy at the University of Frankfurt. He then moved to a dissertation in the philosophy of economics for his "second doctoral," or habilitation degree. Here he became an ardent and devoted follower of Ludwig von Mises and his "praxeological" approach, as well as of the system of economic theory Mises built on this approach, which arrives at

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absolute conclusions derived logically from self-evident axioms. Hans has proven to be a remarkably productive and creative praxeologist, partly because he is the only praxeologist (as far as I know) who arrived at the doctrine originally from philosophy rather than from economics. He therefore brings to the task special philosophic credentials.

Hoppe's most important breakthrough has been to start from standard praxeological axioms (e.g., that every human being *acts*, that is, employs means to arrive at goals), and, remarkably, to arrive at a hard-nosed anarcho-Lockean political ethic. For over thirty years I have been preaching to the economics profession that this cannot be done: that economists *cannot* arrive at any policy conclusions (e.g., that government *should* do X or *should not* do Y) strictly from value-free economics. In order to come to a policy conclusion, I have long maintained, economists *have* to come up with *some* kind of ethical system. Note that all branches of modern "welfare economics" have attempted to do just that: to continue to be "scientific" and therefore value-free, and *yet* to make all sorts of

cherished policy pronouncements (since most economists would like at some point to get beyond their mathematical models and draw politically-relevant conclusions). Most economists would not be caught dead with an ethical system or principle, believing that this would detract from their "scientific" status.

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And yet, remarkably and extraordinarily, Hans Hoppe has proven me wrong. He has done it: he has deduced an anarcho-Lockean rights ethic from self-evident axioms. Not only that: he has demonstrated that, just like the action axiom itself, it is impossible to deny or disagree with the anarcho-Lockean rights ethic without falling immediately into self-contradiction and self-refutation. In other worlds, Hans Hoppe has brought to political ethics what Misesians are familiar with in praxeology and Aristotelian-Randians are familiar with in metaphysics: what we might call "hard-core axiomatics." It is self-contradictory and therefore self-refuting for anyone to deny the Misesian action axiom (that everyone acts), since the very attempt to deny it is itself an action. It is self-contradictory and therefore self-refuting to deny the Randian axiom of consciousness, since some consciousness has to be making this attempt at denial. For if someone cannot attempt to deny a proposition without employing it, he is not only caught in an inextricable self-contradiction; he is also granting to that proposition the status of an axiom.*

Hoppe was a student of the famous neo-Marxist German philosopher Jürgen Habermas, and his approach to political ethics is based on the Habermas-Apel concept of the "ethics of argumentation." According to this theory, the very fact of making an argument, of trying to persuade a reader or listener, implies certain ethical precepts: e.g., recognizing valid points in an argument. In short, the fact/value dichotomy can be transcended: the search for facts logically implies that we adopt certain values or ethical principles.

Many libertarian theorists have recently gotten interested in this kind of ethics (e.g., the Belgian anarchist legal theorist Frank Van Dun, and the British Popperian Jeremy Shearmur.) But theirs is a "soft" kind of argumentation ethics, for the question may always arise why one should want to keep an argument or dialogue going. Hoppe has gone

way beyond this by developing a hard-core axiomatic, praxeological twist to the discussion. Hoppe is interested, not so much in keeping the argument going, but in demonstrating that any argument whatsoever (including of course anti-anarcho-Lockean ones) must imply self-ownership of the body of both the arguer and the listeners, as well as a homesteading of property right so that the arguers and listeners will be alive to listen to the argument and carry it on.

In a sense, Hoppe's theory is similar to the fascinating Gewirth-Pilon argument, in which Gewirth and Pilon (the former a liberal, the latter a minarchist libertarian) attempted to say the following. The fact that X acts demonstrates that he is asserting that he has the right to such action (so far so good!), and that X is also implicitly conceding to everyone else the same right. That conclusion, though soul-satisfying to libertarians, and similar to praxeology in its stress on action, unfortunately didn't make it—for, as natural rights philosopher Henry Veatch pointed out in his critique of Gewirth: why should X grant anyone else's rights? But stressing self-contradiction in the arguments of non-anarcho-Lockeans, Hoppe has solved the age old problem of generalizing an ethic for mankind.

Nevertheless, by coming out with a genuinely new theory (amazing in itself, considering the long history of political philosophy) Hoppe is in danger of offending all the intellectual vested interests of the libertarian camp. Utilitarians, who should be happy that value-freedom was preserved, will be appalled to find that Hoppean rights are even more absolutist and "dogmatic" than natural rights. Natural righters, while happy at the "dogmatism" will be unwilling to accept an ethics not-grounded in the broad nature of things. Randians will be particularly upset because the Hoppean system is grounded (as was the Misesian) on the Satanic Immanuel Kant and his "synthetic a priori." Randians might be mollified, however, to learn that Hoppe is influenced by a group of German Kantians (headed by mathematician Paul Lorenzen) who interpret Kant as a deeply realistic Aristotelian, in contrast to the Idealist interpretation common in the U. S.

As a natural rightser, I don't see any real contradiction here, or why one cannot hold to both the natural rights and the Hoppean rights ethic at the same time. Both rights ethics, after all, are grounded, like the realist version of Kantianism, in the nature of reality. Natural law, too, provides a personal and social ethic apart from libertarianism; this is an area that Hoppe is not concerned with. A future research program for Hoppe and other libertarian philosophers would be (a) to see how far axiomatics can be extended into other spheres of ethics, or (b) to see if and how this axiomatic could be integrated into the standard natural law approach. These ques-

tions provide fascinating philosophical opportunities. Hoppe has lifted the American movement out of decades of sterile debate and deadlock, and provided us a route for future development of the libertarian discipline.

Raw Assertions

by Leland Yeager

Professor Hoppe says he can justify the libertarian private-property ethic without invoking any value judgments. Anyone who proposes any alternative ethic is, in doing so, contradicting what inheres in the very act of engaging in argumentation. Nonlibertarian proposals are falsified by the reality of proposing them. Argumentation is a form of action requiring the employment of scarce means, privately owned. Discussion presupposes that the participants recognize each one's exclusive control over his own body. Furthermore, argumentation could not be sustained for any length of time without private property in things beyond one's own body, property ultimately tracing to Lockean homesteading. Without private property defined in objective, physical terms, life, acting, and proposition-making would be impossible. "By being alive and formulating any proposition, then, one demonstrates that any ethic except the libertarian ethic is invalid."

The foregoing is an honest effort to restate Hoppe's position compactly. If I have not got it exactly right, part of the blame should fall on his loose style of exposition. The remarka-

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ble thing about it is that Hoppe or anyone else should take it seriously as an argument. It just is not an argument, not a mustering of factual observations and logical connections. It is a tissue of bald assertions. One cannot pick out fallacies of argument in a jumble of assertions that does not ascend to the level of argument at all, not even of fallacious argument. Instead of feeling humiliated, this is what Denis Diderot should have recognized when, at the court of Catherine the Great, Leonhard Euler approached him and announced, in a tone of perfect conviction: "Monsieur, $(a+b^n)/n=x$, donc Dieu existe; repondez!" (De Morgan 1872/1954, II, 4, 339).

Counterexamples to Hoppe's assertions

* The Thomist philosopher R. P. Phillips calls this attribute of an axiom a "boomerang principle . . . for even though we cast it away from us, it returns to us again," and illustrates this principle by showing that an attempt to deny the Aristotelian law of noncontradiction must end by assuming it. R. P. Phillips, *Modern Thomistic Philosophy* (2 vols., Westminster, Md.: Newman Bookshop, 1934-35), II, 36-37.

are abundantly available. It is perfectly conceivable that a slave-owner and his slave might debate some point of mathematics or of political philosophy, even the desirability of slavery itself, without one or both of their positions standing in logical contradiction with the fact that an argument was taking place. Their discussion does not presuppose either man's recognizing either one's "exclusive control over his own body." (Yet Hoppe makes the remarkably preposterous assertion that "No one could possibly propose anything, and no one could become convinced of any proposition by argumentative means, if one's right to make exclusive use of one's physical body were not already presupposed.")

To engage in discussion, the slave does not need any such exclusive control; all he needs is enough time to listen and to state his points, and perhaps enough time to study and reflect in advance. And the slaveowner might willingly allow this time to his slave. Perhaps he enjoys arguing with him and learning from him. Perhaps the discussions are the by-product of the slave's chief assignment, namely, to serve as tutor to the slaveowner's children.

Over the long span of human history, cases like this one probably have arisen; and other readily conceivable counterexamples puncture Hoppe's assertions. Suppose (contrary to fact, but suppose) that I am a sincere socialist who argues for government ownership of all means of production or at least of the "commanding heights" of the economy. In doing so I would not necessarily be contradicting any presupposition of the mere fact of engaging in controversy with Hoppe. Suppose I say: "I believe that socialism would greatly promote the prosperity and happiness of all the people. I am prepared to argue my case at length, using facts and analysis from economics, political science, sociology, psychology, history, and other fields of learning."

How might Hoppe respond? I can think of three possibilities.

(1) He might maintain that his own principles or argument or dogma required sticking with libertarianism nevertheless, even if socialism did seem likely to bring greater prosperity and happiness. In rejecting such a position, I would not be committing an obvious logical blunder. If I were right and socialism would in fact bring peace, prosperity, good-fellowship, and universal happiness, would Hoppe nevertheless maintain that his argumentation ethic ruled socialism out and required us to stick with laissez-faire capitalism? If so, his alleged arguments would be proving too much. How could a warning against alleged logical incompatibilities with the presuppositions of discourse condemn mankind to forgo the bliss otherwise available?

(2) Hoppe might enter into discussion with me, showing that my supposed facts and reasoning were full of errors and that so-

cialism was in fact likely to bring less, not more, prosperity and happiness than libertarianism. But by embarking on that line of discussion—a broadly utilitarian line—Hoppe would come close to conceding that his own a priori argument is not decisive after all—which is my own point. (If a particular argument really is decisive, then tacking on further, nondecisive, arguments only weakens the case by diverting some attention away from the truly decisive one.)

(3) Hoppe might refuse to enter into discussion with me at all, which refusal would itself suggest something about his own case or method or attitude. So, presumably, would some fourth response that I cannot now imagine.

I might be wrong in my arguments for socialism, just as the slaveowner or the slave or both might be wrong in the particular arguments that one or both of them might make

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for or against the institution of slavery. But one can be wrong without falling into self-contradiction, without illogically contradicting any implications or presuppositions of the very fact of engaging in argument itself. Anyone who wants to identify certain arguments as wrong has to tackle those arguments themselves, pointing out whatever factual and logical errors they may contain (if they are in fact arguments, as opposed to mere assertions). It does not work simply to assert that the very fact of argumentation implicitly constitutes an endorsement of the objector's (i.e., Hoppe's) contrary position.

Beyond the middle of his article, somewhat shifting his ground, Hoppe appeals to what is necessary "to sustain argumentation for any length of time." But presenting an argument does not presuppose being able to sustain it. Consider a fatally ill person who has no hope of being able to continue arguing much longer. He might nevertheless take satisfaction in using his remaining time in the skillful application of his mind, trying to achieve and propagate correct arguments. The truth or fallacy of certain arguments does not hinge on their makers' being able to survive and continue to press them.

In places Hoppe veers close to a utilitarian argument, as when he appeals to the unsatisfactory consequences that would ensue if late-comers were assumed to have ownership claims to resources and if, consequently, no one were allowed to do anything with any-

thing without the prior consent of all late-comers. For these and other broadly utilitarian reasons, I agree with Hoppe on the desirability of a capitalist system and on a broadly libertarian conception of personal rights, including property rights. I am not disagreeing with Hoppe on the substance of the good society, so far as he gets into substance in the particular article under discussion. I am objecting to his presenting assertions under the false label of argumentation.

Hoppe apparently claims to get an "ought" from an "is." Yet no policy position, no recommendation, can follow purely from factual and logical analysis, without admixture of any conception whatsoever of what is desirable or undesirable. I believe that broadly libertarian positions can be derived from positive analysis combined with a tame, ~~not~~ very-controversial value judgment, namely one against human misery and in favor of survival, flourishing, happiness, fulfillment, Aristotle's eudaimonia, or however exactly one may label such a desirable condition. Even Hoppe himself, in some passages, implicitly appeals to some such broadly utilitarian criterion. One might as well not kid oneself about the dispensability of value judgments.

To summarize, Hoppe is not presenting an argument. He is making a mere bald assertion, namely, that anyone who disagrees with his libertarian conception of human and property rights is committing a logical blunder by contradicting what he must necessarily be asserting in venturing even to disagree. He does not and cannot support this assertion. Is is a pathetic example of the futile old trick (notoriously perpetrated in recent years by Alan Gewirth) of trying to get substantive conclusions out of mere formal or procedural premises. Counterexamples to Hoppe's position are readily available. I am astonished that anyone should take it seriously.

References

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- Gewirth, Alan. *Reason and Morality*. Chicago: University of Chicago Press, 1978.

Radical & Quasi-Kantian

by David Gordon ✓

Hans Hoppe's remarkable argument has already generated a great deal of controversy. In part, this stems from objections to particular steps of his argument; in part, from more general considerations. His startling claim that to deny libertarian rights is self-contradictory rivets one's critical attention, because of its very radical character. Further, the Kantian background of the argument has aroused suspicion, since largely under Randian influence many libertarians think of Kant as an opponent of reason.

I should like briefly to address these two issues. I cannot here undertake an account of each step of Hoppe's argument, but I hope

that the following brief remarks will help those who wish to evaluate the argument for themselves.

Hoppe does not contend that the statement "People have libertarian rights" is a truth of logic: its negation is not self-contradictory. Rather, if one denies the statement, one contradicts oneself. It is *asserting* the statement's negation that Hoppe claims is contradictory. Similarly, the statement "Reagan is dead" is not logically self-contradictory, but if spoken by Reagan its assertion involves paradox, since his saying it implies that he is not dead.

Paradoxes of this sort, often termed *performative contradictions*, are a lot of fun and have considerable philosophical importance. (A recent discussion is Roy Sorensen, *Blindspots*, Oxford University Press, 1988.) But although the contradiction just mentioned really is part of Hoppe's argument, it is not the whole of it. The vital core of Hoppe's case is that to claim that a statement is true is to claim that the statement can be supported by argumentation: and argumentation by its nature implies libertarian rights. The performative contradiction is just one step in Hoppe's progress.

Thus, it is not right to say that Hoppe's sole conclusion is that those who deny libertarian rights ought rationally to "shut up." However desirable this state of affairs would be, it alone would not suffice to show that anyone has libertarian rights. It is the whole argument, if successful, that demonstrates this, not the contradiction considered in itself.

On the second topic, the argument's Kantian background, one must distinguish between the argument itself and Hoppe's views of epistemology. Hoppe is a Kantian of sorts, although decidedly not a skeptic about our knowledge of the external world. But his argument about rights does not depend on any controversial positions in the theory of knowledge. It is quite compatible with any of the standard options in epistemology, including direct realism.

The argument is also neutral on another Kantian claim. Kant believed, or so, at any rate, he is usually taken to say, that the laws of morality are purely formal and involve no appeal to human nature in their derivation. To appeal to human nature was in Kant's view to rely on particular facts that might have been otherwise. Moral truths, by contrast, apply necessarily to all rational beings. Whatever one thinks of this way of looking at morality, Hoppe's argument does not involve it. To be sure, the argument itself does not appeal to human nature: but nothing in the argument rules out such appeals or requires that one accept a Kantian analysis of morality.

I said that I would leave the task of detailed evaluation of Hoppe's argument to the reader. One suggestion, however—it will be very helpful to consider exactly what Hoppe means by argumentation.

Beyond Is and Nought

by Ethan O. Waters

Prof Hoppe's seductive proof of the libertarian imperative is more limited in scope than he imagines. Hoppe argues that the mere fact of argument proves that the arguer is an owner of self and all the various rights to homestead, to own property, etc. that conventional libertarian rights advocates delineate and defend.

Since people have been arguing through all human experience, it would seem to follow that they have always been self-owners and possessors of rights. In fact, by Hoppe's logic, it is hard to imagine how any idea other than self-ownership could ever have arisen. But plainly there have been slaves through much of human history, and plainly even when some of the rights Hoppe proposes have been recognized, people have never enjoyed the society that Hoppe's view entails.

The problem with his thesis, it seems to me, is that it fails to establish context.

Consider the following argument, similar in form to Hoppe's: Life requires food; to live one must eat. Therefore all living people eat. Does this mean that all living people are constantly eating? Such a conclusion flies in the face of all experience, just as the conclusion that all men are self-owners flies in the face of experience: through much of human history, many humans have been slaves; through virtually all human history, virtually all humans have been no more than partial self-owners.

Hoppe has proven that in order to argue, one must in *some sense* be a self-owner. But virtually all of argument-filled human history demonstrates that the context of self-ownership can be very limited. An individual who "owns himself" when he is arguing with others (or himself), might in all other respects be a slave. In some sense it is impossible to argue without presuming ownership of oneself. But does this establish the libertarian ethic? No more than my argument about eating proves that one must eat constantly.

Virtually every argument I know that attempts to prove the universal moral imperative to respect others' rights (i.e. the nonaggression axiom) ultimately fails when stripped of verbiage and put into propositional form. Instead of proving that one must always respect rights, such arguments prove that rights must sometimes be respected. This conclusion has no significant impact on social or political theory.

The task of those seeking to establish the libertarian ethic is not simply to show that people possess rights that must be respected at some times and in some ways, but to show that the rights must be respected universally, in all contexts and in all ways. Hoppe fails at this task, as others have failed before him.

What course should libertarian moral thinkers pursue? Instead of attempting to prove that respect for human rights must be absolute and universal, which has been the

approach of most contemporary libertarians (e.g. Rand, Hoppe, Rothbard), libertarian thinkers should seek to demonstrate that the respect for rights should be maximized.

This approach has three advantages. First, it can avoid the traps and pitfalls that cause such arguments to fail, either because their conclusions are trivial or because they fail to follow from their premises. Second, it can

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avoid the silly moral dilemmas that intrude into so many discussions premised on the existence of mysterious "natural rights." And third, it can be pursued by economic and utilitarian arguments, an approach that promises wider acceptance, since it speaks in a vernacular that is comprehensible to most people.

The thinking that results from this approach, as exemplified by the work of such figures as Mises and Buchanan, is not only respectable, but true. And this is the greatest advantage of all.

One Muddle After Another

by David Ramsay Steele

If I have understood Hans-Hermann Hoppe's argument, it is unsound. Maybe I haven't understood it, in which case it is too obscure, and he needs to elucidate it. By pointing out some shortcomings of Hoppe's apparent argument, I may encourage him to explain precisely how his actual argument differs from his apparent argument.

Hoppe claims that "the libertarian private property ethic" is "the praxeological presupposition of argumentation." What does he mean by "praxeological presupposition"? As an illustration, he cites: "people are, and always shall be indifferent towards doing things." Hoppe contends that this proposition is "falsified" by the fact that it is uttered. I think I see his point. He defines "indifferent" so that people cannot do anything if they are indifferent to it, and he defines "doing things" so that it includes "uttering propositions." Hence, the proposition that people are always indifferent towards doing things entails that people never utter propositions, and is therefore, as he aptly puts it, "belied" by the uttering of that proposition (unless the utterer is not a person). "Praxeological presupposition" evidently means the absence of any state of affairs—in this instance, that people are always indifferent towards doing things—whose description contradicts what is being asserted.

A simpler case would be someone saying

"No one ever says anything." This assertion is, loosely speaking, refuted by the act of saying it. If someone says something (anything), he thereby provides good evidence that it is not the case that no one ever says anything. This sort of thing is usually called a "pragmatic paradox" or "performative inconsistency." It owes nothing to Mises or praxeology. One might be tempted to call it a "self-contradiction," but strictly speaking, a proposition can be contradicted only by another proposition, and the person in question has not stated: "I am saying something." ("No one ever says anything" could also be interpreted differently, as a claim, perhaps by a Buddhist, that egos or selves are not really the initiators of thoughts and propositions, that propositions are not uttered by persons, but happen to them. To avoid taking sides in that controversy, we could change the sentence "No one ever says anything" to "No proposition ever happens," retaining the self-refutation.)

Note that this "belying" would not arise if someone said: "No one ever *should* say anything." No self-refutation occurs here, since the statement "Someone says something" (tense indeterminate) or "I am saying something" doesn't contradict the statement "No one ever should say anything." (Self-refutation or "belying" would occur if someone wrote a book arguing that no one ever writes books, but no self-refutation or belying occurs if someone writes a book arguing that no one ever should write books. It would seem to follow, of course, that the author of such a book was doing something he, by his own standards, shouldn't do, but this is quite

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feasible—it happens all the time and there is nothing absurd about it—and even this "inconsistency" could be removed by changing the example so that someone—William Morris? T. S. Eliot? Marshall McLuhan?—writes a book arguing that we ought to create a state of affairs where no one writes books, i.e., "No one should ever write books" in this case means "There should prevail a state of affairs where no one ever writes books." Here there is no inconsistency of any kind—this proposition might even (along with one or two descriptive propositions) imply that a book should be written, if it happened to be the case, for instance, that writing a book was an effective way to bring about a state of affairs where no one wrote books, as voting for

Hitler in 1933 was an effective way to bring about a state of affairs where no one voted.)

Hoppe apparently holds that to say "I favor a non-libertarian ethic" is self-refuting in the same way as "No one ever says anything." But whereas it is clear that by saying something one is providing conclusive evidence for the proposition "Someone says something" which contradicts "No one ever says anything," it is far from clear that someone who merely utters any proposition is providing evidence for a proposition which contradicts "I favor a non-libertarian ethic."

In the case of "No one ever says anything," the speaker is performing an action the fact of whose performance is denied by what he says, because what he says denies the fact of the performance of an entire class of actions to which the action he is performing belongs. No such relationship holds between "I favor a non-libertarian ethic" and the performance of the action of saying this, since "I favor a non-libertarian ethic" is not a factual statement about a class of actions, and I don't see how a factual statement about a class of actions can be extracted from it.

Hoppe seems to vaguely sketch an argument something like the following. For a person to utter a proposition requires that he has exclusive control over his own body. To have exclusive control over one's body is to have a property right in one's body, and vice versa. To have private property is to be in favor of private property, and vice versa. To have private property is to be in favor of private property, and vice versa. To say "I favor a non-libertarian ethic" is to be against private property, and vice versa. There is a contradiction between being against private property and being in favor of private property. Hence, there is a contradiction between uttering a proposition and being in favor of a non-libertarian ethic. This argument is defective in several ways:

1. To utter a proposition is not to have exclusive control over one's body. Slaves may utter propositions. In many societies the bodies of wives have been in some respects under the control of their husbands, but these wives have been able to utter propositions.

2. It is correct that to have exclusive control over one's body is to have a property right in one's body; at least, I accept this as a good usage of "property right," and I am prepared to set aside the problem of defining "exclusive control" so that when two people collide we can somehow define their respective spheres of control as "exclusive." The converse is wrong, however. One can have a property right in one's body without having exclusive control over it, just as one can have a property right in any resource without exclusive control over it. (One could define property rights so that they were confined to cases of exclusive control, but, apart from the problems of defining "exclusive," this would have unwanted consequences; for instance, taken together with some of Hoppe's other usages, such as the identification of private

property with libertarianism, any instance of non-exclusive rights, such as rights of flying over land but not exclusively controlling the airspace, would prevent a society from being libertarian.)

3. It is correct that to have private property in one's body is to have (some amount of) private property, but the converse is wrong. Slaves can have their own private possessions, though they do not own their bodies. (One might want to say that in this case, they must have some element of property right in, or control over, their own bodies—they are

If it were really the case that a libertarian ethic were the praxeological presupposition of proposition-making it would follow that all societies in which propositions were uttered, including our existing society, would be libertarian.

not "pure slaves"—but this would reinforce the point that a property right doesn't necessarily or usually mean *exclusive* control.)

4. It is mistaken to hold that having private property is being in favor of private property, or vice versa. Someone who owns private property might be against private property. Someone who owns no private property might be in favor of private property. Acting so as to exercise a right is not necessarily to claim or endorse that right, and does not commit one to favor that right.

If it were true that the implementation of a non-libertarian, anti-private property ethic would somehow prevent anyone's being able to utter any proposition, this would certainly be a devastating argument against a non-libertarian ethic, though it would be an argument of the kind against which Hoppe has some unpleasant things to say, resting as it does on the "matter of subjective whim, void of any justification beyond the mere fact of being liked," to wit, that people prefer a social order in which individuals are able to utter propositions. But in any case, such an argument would be manifestly wrong: most historical and present-day societies were and are non-libertarian, but in every society individuals utter propositions. If it were really the case that a libertarian ethic were the praxeological presupposition of proposition-making, in the same sense that non-indifference is the praxeological presupposition of proposition-making, then it would follow that all societies in which propositions were uttered, including our existing society, would be libertarian, just as they are all "non-indifferent."

Hoppe also contends that uttering propositions necessarily involves the appropriation of scarce resources "through homesteading action," because otherwise one could not be alive, and thus could not utter propositions.

But many societies have enabled individuals to survive, without implementing a system of private property, and even where private property exists, it is often not customarily appropriated through homesteading, but, for instance, through a decision of the political rulers. Hoppe says: "For if no one had the right to control anything at all, except his own body, then we would all cease to exist." There are two mistakes here: 1. It is necessary that people control things to be able to continue to exist, but it is not necessary that people have a right to control things in order to control things. (A soldier may control "his" rifle, yet he may have no right to control it; that is, he controls it only as long as his superior officer says he may, and only in the ways permitted by the superior officer. If one calls even this the soldier's "right," then that renders the "right" useless for Hoppe's argument, as well as adding force to my next point.) 2. The right to control something is not necessarily appropriation of private property, let alone appropriation of private property by homesteading. Many of the historical non-private property systems have enabled people to control things, and even given individuals limited rights to control things. Thus, a hunting tribe may survive very well, giving individuals limited rights to control game, without ever permitting any individual to own outright (in the Lockean sense) a piece of land or an animal. Nothing prevents the members of such a tribe from uttering propositions, and when they do, they're not necessarily belying anything they say.

It is of course truistical that, to be able to utter a proposition, a person must have some degree of control over his body, but this degree of control is permitted to him in all historical property systems and in all property systems that have ever been proposed. Even if someone advocated a property system which did not permit all or most of its members to utter propositions, though this would be bizarre, it would not be self-refuting in the sense Hoppe wants, because the advocacy would refer to a possible future system, and not to the system within which the advocacy was being uttered.

Hoppe further claims to use his "praxeological proof" to show the "praxeological absurdity" of any "consequentialist ethic," though in fact he here simply presents a new argument, if an equally unconvincing one. It seems to me that a consequentialist is in a position analogous to that of an advocate of public health measures, such as clean water. At time T1 a certain system of rights is advocated. At time T2 this system is implemented. At time T3 it has the beneficial consequences foreseen at T1. This is, according to Misesian praxeology, the only possible pattern of rational action: the employment of means because it is foreseen that they will lead to a desired end. The idea that consequentialism somehow involves "waiting for the outcome" before assigning rights is just a very elemen-

tary misunderstanding.

The argument I have been examining throughout this article is one muddle after another and falls apart rather dramatically in several places. But this argument is perhaps not Hans-Hermann Hoppe's—it is my attempt to guess what his argument might be. However, any such argument must show that "I favor a libertarian ethic" follows from "I am saying something," and it seems obvious to me that this cannot be shown.

A Matter of Degree

by Mitchell Jones

In order to argue you must be alive. And that means you must have sufficient access to property—to food and other necessities—to maintain your life. But having some degree of access to property is not the same as having your property rights respected. Slaves in the Soviet Gulag generally have enough access to property to maintain life and the ability to argue, and they doubtless argue from time to time. Yet few would allege that their property rights are respected.

Moreover, even if being alive *did* require the enjoyment of private property without interference, that would still not be the same as *having a right* to enjoy property without interference. Being alive surely presupposes access to food; but, just as surely, it does not presuppose that you have a *right* to access to food, or even that the particular food to which you have access is yours *by right*. (Consuming *stolen* food can sustain life and the ability to argue.)

Hoppe maintains that, "Anyone who would try to justify any norm of whatever content must already presuppose an exclusive right of control of his body simply in order to say, 'I propose such and such.'" Can he really not see the difference between saying, "To speak you must have control of your vocal apparatus," and saying, "To speak, you must have a *right* to control your vocal apparatus"? Does he really intend to make no distinction between having control of a piece of property and having *the right* to control it? He repeats this error over and over. He says: "If no one had *the rights* to control anything at all, except his own body, then we would cease to exist and the problem of justifying norms—as well as all other human problems—simply would not exist" [emphasis mine].

Some degree of access to and control of property is necessary to human survival, and this applies both to the survival of individuals and to the survival of social groups. Proof of this, however, is quite a different thing from proof that the private property system contained in the theory of natural rights is necessary to human survival and, hence, is necessary to propositional argumentation. The former proof is a simple matter; the latter, most assuredly, is not.

I am a believer in the theory of natural rights. But this does not obligate me to endorse blindly every argument that is offered in its support. The cause of liberty is poorly

served when its proponents march into battle with unsound arguments. Natural rights cannot be validated by ethical argument or by economic ("praxeological") argument because they are the product of jurisprudence.

Historically, the doctrine of natural rights goes back to the tradition of English Common Law. This tradition developed over a period of some 600 years, during which English judges had an incentive, in most cases, to maintain a strict impartiality and to attempt the reasoned settlement of disputes. Natural rights are the juridical methodology

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which resulted from this attempt, and which necessarily must result whenever judges make a sustained attempt to settle disputes on the basis of reason. The same methodology arose independently, from the same cause, in the courts of the Roman Republic. To the Romans, the methodology was known as *ius naturale*, or natural justice.

A Retreat From Marginalism

by Timothy Virkkala

The striking thing about Hans Hoppe's "praxeological proof" of the libertarian, private-property ethic is not that it is a string of non sequiturs wound around an assumed ideal of "consistency"—after all, certain types of minds enjoy such things, and many libertarians have produced similarly pointless arguments. What is striking about Hoppe's contribution is that such an Un-Misesian thing could be perpetrated by a devotee of Mises, all in the name of Mises and praxeology.

Hoppe has emphasized the most controversial (and least defensible) aspect of the Misesian formulation of praxeology—the so-called "a priorism"—and allowed his obsession with this to derail his understanding of the whole point of praxeology. Praxeology is a philosophical discipline that can be used in a great variety of contexts to help us understand, interpret and explain human action. It cannot prove this or that ethical system, this or that value. Mises was very clear on this: he stated, over and over again, that the praxeologist has no scientific warrant to claim that one value a person has is superior to another value that same person has, even when those values seem to conflict. (When a person makes a long term plan and then spontaneously acts in a way that unsettles the plan, for example, Mises argued that that person, despite his *inconstancy*, has nevertheless acted *consistently* in a praxeological sense.)

Likewise, praxeologists have no warrant to prefer the values of one person over another.

By concentrating on "a priorism" Hoppe has fallen into the error of regarding ethics as *not* primarily made up of values. He has fallen short of a genuinely praxeological understanding of ethics, and has not realized that even "objective" standards must be argued for in terms of values and preferences.

(It may be true that argumentation presupposes a value system, but the normative underpinning of argumentation may be something as humdrum and as minimal as logic [this was C. S. Peirce's opinion]. And logic does not have anything very substantive to offer ethical and political theory.)

Arguing to demonstrate facts and arguing to "demonstrate" values are two very, very different things. Facts can be proven, but values cannot. The fact/value dichotomy is assumed by Mises and lies at the heart of praxeology.

When a person argues with another person for the value of something his effective arguments will resemble an argument about facts only when he is trying to demonstrate instrumental value—for instances, when he tries to show that a thing has a high marginal productivity in a given process of production, or when he expects that a certain person will fetch a good price on a slave market.

Arguing to demonstrate facts and arguing to "demonstrate" values are two very, very different things. Facts can be proven, but values cannot. The fact/value dichotomy is assumed by Mises and lies at the heart of praxeology.

These values are productive of other values, and sometimes their productivity can be measured in an objective sense. But the values which they promote cannot be measured, and arguments for those ultimate (or, for the economist, consumer) values cannot be argued for in the same manner. Values are neither "true" nor "false," but approved of or not. They vary in intensity, and they are subjective. My values are not your values, and you cannot demonstrate by a string of syllogisms that I am wrong and you are right.

People are convinced of ethical systems and values for practical reasons, reasons that are more concerned with pleasure and pain, satisfaction and dissatisfaction, than with the narrower realm of truth and facts. Effective ethical arguments tend to look like this:

"Consider the effects of acting that way—don't you see that it leads to misery?"

"Consider your longer term desires—the plan you now follow does not take into account your likely future desires. Extend your time horizon!"

"How would you like it if someone did

that to you? Just imagine what that person feels like now that you have done that!"

"If you do this, I will have no respect for you as a person."

"If you do that, I will feel perfectly justified in coercing you."

These arguments provide practical reasons for a person to act in such and such a way, to avoid this or that consequence. Praxeology can help us understand ethical reasoning, but it cannot help "prove" any particular morality. Of course, those who understand what is going on when people moralize are more apt to make better judgments (according to their own lights) about the ethical and political norms they will support and act upon. I suspect that, just as people who have a praxeological understanding of economic issues tend to support free markets, so will those who gain a praxeological understanding of ethical suasion come to favor libertarianism. But never, ever will libertarianism be "proved."

Most amusing about Hoppe's argument is how it seems to be a retreat from marginalism, the central insight of praxeology and of modern economic thought in general. The error of the classical economists was to think in terms of classes of goods: "labor" and "water" and "diamonds." Because of this, they were very confused by the reality of subjective value. They would say things like, "Surely water is more valuable than diamonds—after all, without water, we would all die of thirst!—but diamonds are nevertheless more highly valued in the marketplace." The solution to this problem that Carl Menger and other economists of the "marginalist revolution" discovered was that people choose—and thus evaluate—discrete, specific goods, not classes of goods. The scarcity of diamonds tended to make individual diamonds more valuable than ubiquitous water; in the desert, however, water becomes scarce and both its subjective value and its price tend to rise.

Hoppe seems not to have realized that theorists attempting to link praxeology with ethics by way of "argumentation" should take the hint from marginalist economics, and avoid falling into the trap of thinking in terms of whole classes of activities instead of discrete acts and particular arguments. The fact that I argue now says no more about other activities I may engage in at other times than the fact that at present I value diamonds greater than water says about how I will evaluate the two when I am dying of thirst in the desert.

A "morality" is a system of norms and deals that people articulate to influence the behavior of themselves and others. Sometimes their arguments will provide egoistic reasons for acceptance; other times they will try to promote empathy and altruism; still other times they will threaten people with the withholding of respect; other times they will threaten with initiating or retaliating with coercion. These four types of argu-

ments are very different, and all are present in every robust system of ethics, including the fairly narrow libertarian political ethics. People choose to argue as they do for reasons that are quite explicable to the praxeologist. But since Hoppe does not consider these forms of argumentation—the only types of arguments in ethics that are really relevant to praxeology—one should question how "praxeological" his reasoning is at all.

Hoppe's use of Mises is a misuse. Had Hoppe not mentioned Mises over and over, I would never thought of Mises as a forerunner to his work. Moreover, the counter-Misesian nature of his enterprise has disastrous effects: his argument for freedom is *ineffective*, unable to persuade normal people who—as every good praxeologist knows—seek advantages and satisfactions. By avoiding any appeal to values he has articulated an argument that is not merely "wrong," but pointless. Of what use is an ethics that can't convince?

Arguing and Y-ing

by Douglas B. Rasmussen

Is Jürgen Habermas really a libertarian?

The question is not exactly accurate or fair to Professor Hoppe. Hoppe's "argumentation ethics" is not exactly the same as the neo-Marxist Jürgen Habermas's famous "discourse ethics," but there can be no doubt that Hoppe is following a strategy similar to that of Habermas. Both claim that certain norms are presupposed by the activity of arguing for the truth or falsehood of propositions and that these norms are crucial to understanding not only what reason is but what indeed facts are. Further, there can be no doubt that the shadow of Kant looms over both; for they each ask in their own way this transcendental question—What are the conditions for the possibility of argumentation?

In many respects Hoppe's views are clearer than Habermas', and that, thank goodness, is all I need say here.

Hoppe seeks to show that the proposition "Lockean private property ethics is without rational foundation" is false, and it is false because the very activity of arguing for this proposition, or for that matter any other proposition, presupposes that the proposition "Every human being has a right to exclusive use of his body and his property" is true. In other words, a necessary condition for the very possibility of the activity of arguing for the truth or falsehood of any proposition is the truth of the Lockean private property ethic. Thus, anyone who engages in the activity of arguing for the truth of the proposition "Lockean private property ethics is without rational foundation" is involved in a performative self-contradiction; for the activity of arguing for this proposition could not exist unless it were true that people had Lockean rights. The contradiction involved is not semantic, but practical—it pertains to the *activity* of arguing for a proposition. The contradiction would be like someone *saying*

"Speech acts do not exist"—the truth of this proposition would be in conflict with the activity which makes its existence as a proposition possible.

Does this argument work? Transcendental arguments are always tricky, especially this one. It is tricky not only because it involves a claim about an ethics that is allegedly inherent to the activity of arguing but also because it holds that the very activity of evaluating Hoppe's argument that I am beginning to engage in here and now presupposes that people have Lockean rights. Thus, if I argue for the truth of the proposition "Hoppe's argument does not provide a rational justification for Lockean rights," he will claim that I am involved in a performative self-contradiction, and thus the claim that people have Lockean rights is justified. So, it seems that his argument is unassailable. Yet, a transcendental argument can nonetheless be evaluated. We ought not accept Hoppe's claim that Lockean rights are necessary for the possibility of argumentation merely on faith. We ought to examine his argument. I will do so by answering three questions concerning his argument: (I) Does Hoppe's transcendental argument meet the conditions that are necessary for such an argument to be successful? (II) Does he uphold his claim to justify Lockean rights without appeal to some normative premise? (III) What difference does his argument make to how someone should act?

Transcendental Meditations

A transcendental argument seeks to show that something, call it X, cannot be rejected and must be accepted as true because the very process of rejecting X depends on something else, call it Y-ing, and Y-ing could not exist unless X were the case. X is necessary for the very possibility of Y-ing. For a transcendental argument to work two things must be the case: (1) Y-ing is something that is unavoidable; and (2) X is indeed necessary for the very possibility of Y-ing. In other words, a universal negative proposition, "No Y-ing is possible unless X is the case," must be true. A transcendental argument is no better than the unavoidability of Y-ing and the truth of the universal negative proposition it implicitly affirms. In Hoppe's case, is argumentation (Y-ing) something which is unavoidable, and is there no possible way to engage in argumentation (Y-ing) other than through the acceptance of the truth of Lockean rights (X)?

Hoppe sees argumentation as the means by which we justify propositions. Argumentation is a cognitive activity. It is how we come to know what the truth is or what the facts are. It is usually an activity that involves others, but it does not have to. One can argue for a proposition in order to convince others or just oneself (in Hoppe's terms, "as an internal thought"). Argumentation does not, however, consist in free-floating propositions. Propositions do not exist unless there is an individual human being who decides to take the time and effort

to propose propositions.

Is argumentation something unavoidable? This is hard to say, because Hoppe really says very little about what argumentation is. Is it the case that we only know propositions to be true through argumentation? Are perceptual judgment, known to be true by argumentation? What of so-called "self-evident" truths? Is, for example, "A whole is greater than one of its parts," known to be true because of argumentation? I assume that Hoppe does not confine argumentation to deductive argumentation, but what are the limits on his notion of argumentation? Also, are we to assume that there is no such thing as nonpropositional knowledge? What of perception, conception, intuition, and even revelation? If there is nonpropositional knowledge or if we know some propositions to be true without argumentation, then argumentation seems not to be necessary for knowledge or justifying all truth claims and does appear to be avoidable in those cases.

Even if there is nonpropositional knowledge and nonargumentative means of justifying a proposition's truth, it might, however, be the case that the type of knowledge that is most important is just that which is acquired by argumentative means. We want to know not merely that something is so, but *why* it is so. Giving reasons as to why something is true is what cognitively matters most. Can people avoid doing this? Trying to show why what they believe is true is actually true is something that people do not have to do. My experience has been that it certainly seems possible for people to avoid engaging in any attempt to justify their beliefs. Indeed, many fervently have no desire to engage in argumentation. Further, there are others for whom there is not even a reason why they do not try to investigate the truth or falsehood of their beliefs, they just do not bother. It never enters their mind. To the extent people choose to know the what's and why's of the world, argumentation, broadly conceived, is unavoidable, but to the extent people do not choose to know the what's and why's, it seems something quite avoidable.

It seems that if Hoppe's argument works, it will work for people who care about justifying their beliefs; for those that do not care, then the argument does not succeed. Those that do not care to argue may even have beliefs that amount to a denial of Lockean rights, but since they do not engage in argumentation, they are not caught in any practical inconsistency.

Hoppe claims that no activity of arguing is possible unless people have Lockean rights, because if someone does not have exclusive use and control over his own body, e.g., his brain, mouth, tongue, and vocal cords, then arguments for propositions cannot be made. Moreover, if there is not a human being who can in general use his entire body as he sees fit, there cannot really be any argumentation. The ability exclusively to use and control one's body explains the unique

feature of propositional exchanges: the recognition that there are differing views—what Hoppe calls "agreeing on the fact that there is disagreement." A universe in which... has exclusive control over his body is a universe in which argumentation cannot occur.

It is, however, by no means clear why the ability to exercise exclusive control over one's body is necessary in order to explain the supposedly distinctive feature of propositional exchanges, namely, the agreement that there is disagreement. This claim requires further defense and development. Yet, even if it is

It seems by equivocating on the term "rights," Hoppe is guilty of smuggling a normative premise into what he claims is a "value-free" justification of the Lockean private property ethic.

granted that exclusive control not only of certain body parts but one's *entire* body is required for argumentation to occur, why is it necessary for everyone to have such control over his body? If one can argue with oneself—assert a proposition as "an internal thought"—why is it necessary that there be others who can exclusively control their bodies? Is not it possible for there to be some philosopher-king who has either absolute or partial control over what others can do with their bodies and nonetheless engages in argumentation with himself regarding what propositions are true and what are false?

It seems that Hoppe has a suppressed premise—namely, argumentation is necessarily an intersubjective process. If one did not first argue with others, one could not argue with oneself. Yet, it is not at all obvious why this must be the case. Hoppe might contend that argumentation is necessarily intersubjective because it involves language and the function of language is communication with others. This gambit does not, however, work. The primary function of language is not communication but cognition—if one is to communicate with others, one must first have something to communicate. Without language thought would be severely limited; only abstraction for which there was a direct referent would be possible. Yet, there is nothing necessarily intersubjective about cognition.

I do not think it is necessary to become a Cartesian "ego" to claim that determining the "validity" of propositions is not necessarily something intersubjective. Thus, I see no reason why *everyone* must have exclusive use and control over his entire body in order for the activity of argumentation to exist. Why not only one? Or, why not just an elite few? Finally, as I think of it, why would it be impossible for slaves to consider whether the propositions the philosopher-king proposes

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This is true—but this is enough.

are true or false? Admittedly, they might not have much of a motivation to do so, but I don't think it is impossible. But that's what Hoppe has to show. I believe there is much to Hoppe's position that is unstated. Perhaps, it is in his book.

Value-Free Presuppositions?

So far, I have spoken of whether it is necessary for everyone to have exclusive use and control of his body in order for the activity of argumentation to exist, but these are not Professor Hoppe's exact words. He speaks of "one's right to make exclusive use of one's physical body." What does he mean, however, by the term "right"? Does he mean power, ability? Or does he mean a moral entitlement that a human being has that obligates others to respect this right? I assume he means the latter, but I do not see how he justifies this sense of the term "right." Even if it is granted that everyone must have exclusive use and control over his entire body in order for the activity of argumentation to exist, that is still not the same as claiming that everyone has a *right* to have exclusive use and control over his body. The latter claim is normative in character, while the former is not. In other words, there is an equivocation in Hoppe's argument between a conception of rights which is about nothing more than a power that someone has which implies no duties on the part of others—this is a Hobbesian view of rights—and a conception of rights which expresses an entitlement that imposes a moral duty on others to respect a person's decision on how to use his body—this is, *pace* "Strausseans," a Lockean view of rights.

Perhaps Hoppe does not really mean to argue for Lockean rights but for something like Hobbesian rights. Yet, this does not seem to work. Let it be granted that if I choose to argue with others, then they must have control over their bodies; but if I do not so choose or if I no longer choose to continue the argument, why must they have the power to control their bodies? Since there is no moral duty involved and since I no longer wish to argue with them, there is nothing more that can be said on their behalf.

It seems by equivocating on the term "rights," Hoppe is guilty of smuggling a normative premise into what he claims is a "value-free" justification of the Lockean private property ethic.

So What?

Assuming that Hoppe does succeed in showing that there is a practical inconsistency involved for anyone who engages in argumentation and denies Lockean rights, what difference does any of this make to how one acts? Why ought the contradictory character of one's arguing against Lockean rights provide any reason for one to stop arguing against Lockean rights? Why ought one no longer claim that Lockean rights are unjustified? Certainly, one is caught in a performative self-contradiction, and so one cannot justifiably deny Lockean rights, but unless there is some normative premise which states

"One ought not conduct oneself in a performatively self-contradictory manner," I do not see how Hoppe's *a priori*, "value-free" argument has provided any reason why one ought to stop arguing that Lockean rights are unjustified. And if this is true at the level of argumentative acts, then I do not see how he has provided any reason why other human actions should be conducted in a manner that respects Lockean rights.

Another way of making this point is to consider the propositional exchanges between Thrasymachus and Socrates in the first book of Plato's *Republic*. If there are no normative truths, if might makes right as Thrasymachus claims, then there is no reason for Thrasymachus to participate in the dialectic and certainly no reason for him to stop advancing his claims because he seems to be defeated by Socrates. Thrasymachus's ultimate point is simply that there is no reason why he should play the argumentation "game." Coercion, violence, and intimidation are among the available options. This is one of the reasons Plato is concerned with ethics. Hoppe needs to show similar concern. Hoppe cannot ignore ethics and hope to provide anyone with a reason why they ought to act differently.

Argumentation, like any other form of human conduct, has normative preconditions. Also, we must already have a moral "must" if we are to have any reason to care about a logical "must." This is, however, a matter of ontology and not *a priori* conditions, but this is not the place to consider these issues.

Finally, I want to make it clear that I have found Professor Hoppe's argument most interesting and hope to see a more detailed presentation of it in the future.

Ethics Without Philosophy

by Tibor M. Machan

Prof. Hoppe takes the necessity of being consistent for granted. But in an age of Feyerabendian nihilists, ontological relativists, existentialist absurdists, and the like, some effort is necessary to ground this demand for consistency. Ultimately the demand has to be granted, lest we dispense with meaningfulness. I do not, however, think it can be taken as a given.

This point is important because Hoppe relies on the alleged self-referential inconsistency of the value-free stance. His own position depends on the idea that (a) one must be consistent, (b) the proposition as to the importance of the value-free stance for certain purposes might be particularized sufficiently not to imply any further truth about anything. Both of these must be demonstrated. Hoppe demonstrates neither.

Neither does he make any clear connection between justice and the making of validity-claiming propositions. By "asserting any proposition" does one in fact demonstrate "one's preference for the willingness to rely on argumentative means in convincing oneself or others of something"? This could only

be true if what one did were always a function of a preference. Yet I take medicine not because I prefer it but because, under the circumstances of having an ailment, it is something I ought to do. I definitely don't prefer doing it, except in the sense that I prefer it to having a disease. To claim that I must prefer it since I do it (the sense that is relevant to Hoppe's argument) is to rob the concept "preference" of its distinctive meaning as a type of attitude or disposition of mind.

There is yet another serious problem. The fact that people are caught in the web of proposition-assertion does not show that it has ethical value; it shows only that people treat it, perhaps quite mistakenly, as having value. They could be wrong, as some environmentalists argue, and Hoppe needs to show that they are right. This is why the neo-Aristotelian Objectivist approach to ethics *defends* the value of human life and the morality of living it. It's not enough to take that as implied by the possibly lamentable fact of people's taking actions.

Now let me focus on something Hoppe apparently shares with Ludwig von Mises, *a priori*. He says that one can rest understanding human action on "reflection (since) one does not see actions, but rather interprets certain physical phenomena as actions!" and that "it [von Mises's theory] cannot possibly be invalidated by any experience whatsoever, because any attempt to do so would already presuppose an action (after all, experiencing something is itself an intentional action)."

One can certainly "experience something"—a heart attack, an earthquake, or even the sight of an onrushing truck—without one's intending to experience it.

This last is quite implausible. One can certainly "experience something"—a heart attack, an earthquake, or even the sight of an onrushing truck—without one's *intending* to experience it.

All this talk of interpretation is disturbingly loose. Why should one interpret something as action rather than as behavior? Perhaps that interpretation results from an argument that because human action is very complicated and issues in a great variety of kinds and types or results, it *must* take a different form from that of the *behavior* of, say, monkeys. But what role does evidence play in the decision to settle on that interpretation rather than on one that invokes, say, God as puppeteer and persons as His puppets? This would be a deficient interpretation, but the problem here is the need to use evidence for our interpretations. Human *action* is not an *a priori* concept requiring no evidence for its support.

The English philosopher and scholar of

Austrian philosophy, Professor Barry Smith, has clearly shown the mistake that Mises' *a priori* makes at the epistemological level. Smith directs us to Menger rather than to Mises for the philosophical foundations of the argument for laissez-faire. Hoppe should follow in Menger's footsteps rather than Mises'.

Why do so many people prefer an *a priori* political ethics to the more sensible view that political morality must rest on personal morality? In part, the reason seems to be that a *priorism* helps libertarians evade the bothersome task of not just having to select a sound political viewpoint but actually having to adhere to some sound personal ethics. The phenomenon is yet another aspect of the bane of

classical liberalism—the escape from morality and the attempt to forge politics without it. It used to be thought that this escape was necessary so as to rebuff political authoritarianism—if no one had ethical knowledge, it was believed, one could reject regimentation of conduct. This is a mistaken view—one that leaves one without ethical arguments with which to attack authoritarianism.

Human beings require both an ethical standard and a standard of proper political organization. The latter cannot be obtained without paying attention to the former. It is not necessary for the defense of liberty to escape ethics—without liberty, ethics makes no sense; without ethics, liberty has no defense.

as implying a performative contradiction (in the sense explained by David Gordon), and hence, as ultimately falsified.

The law of contradiction is one such presupposition. One cannot deny this law without presupposing its validity in the act of denying it. But there is another such presupposition. Propositions are not free-floating entities. They require a proposition maker who in order to produce any validity-claiming proposition whatsoever must have exclusive control (property) over some scarce means defined in objective terms and appropriated (brought under control) at definite points in time through homesteading action. Thus, any proposition that would dispute the validity of the homesteading principle of property acquisition, or that would assert the validity of a different, incompatible principle, would be falsified by the act of proposition making in the same way as the proposition "the law of contradiction is false" would be contradicted by the very fact of asserting it. As the praxeological presupposition of proposition making, the validity of the homesteading principle cannot be argumentatively disputed without running into a performative contradiction. Any other principle of property acquisition can then be understood—reflectively—by every proposition maker as ultimately incapable of propositional justification. (Note, in particular, that this includes all proposals which claim it is justified to restrict the range of objects which may be homesteaded. They fail because once the exclusive control over some homesteaded means is admitted as justified, it becomes impossible to justify any restriction in the homesteading process—except for a self-imposed one—without thereby running into a contradiction. For if the proponent of such a restriction were consistent, he could have justified control only over some physical means which he would not be allowed to employ for any additional homesteading. Obviously, he could not interfere with another's extended homesteading, simply because of his own lack of physical means to justifiably do anything about it. But if he did interfere, he would thereby inconsistently extend his ownership claims beyond his own justly homesteaded means. Moreover, in order to justify this extension he would have to invoke a principle of property acquisition incompatible with the homesteading principle whose validity he would already have admitted.)

My entire argument, then, claims to be an impossibility proof. But not, as the mentioned critics seem to think, a proof that means to show the impossibility of certain empirical events so that it could be refuted by empirical evidence. Instead, it is a proof that it is impossible to propositionally justify non-libertarian property principles without falling into contradictions. For whatever such a thing is worth (and I'll come to this shortly), it should be clear that empirical evidence has absolutely no bearing on it. So what if

... and the Author Responds ...

Utilitarians and Randians vs Reason

by Hans-Hermann Hoppe

It is neither possible nor worthwhile to address all of the points brought up in the foregone discussion. I will concentrate on those critics who come out most vehemently against my argument—all of them utilitarians of sorts. I will then comment briefly on the Randian type of reaction.

Amazingly, Friedman, Yeager, Steele, Waters, Virkkala, and Jones believe I must have overlooked the fact that all existing societies are less than fully libertarian (that there is slavery, the gulag, or that husbands own wives, etc.), and that this somehow invalidates my argument. Yet obviously, I would hardly have written this article if it had been my opinion that libertarianism were already prevalent. Thus, it should have been clear that it was precisely this non-libertarian character of reality which motivated me to show something quite different: why such a state of affairs cannot be justified. Citing facts like slavery as a counterexample is roughly on a par with refuting the proof that $1+1=2$ by pointing out that someone has just come up with 3 as an answer—and about as ridiculous.

To restate my claim: Whether or not something is true, false, or undecidable; whether or not it has been justified; what is required in order to justify it; whether I, my opponents, or none of us is right—all of this must be decided in the course of argumentation. This proposition is true *a priori*, because it cannot be denied without affirming it in the act of denying it. One cannot argue that one cannot argue, and one cannot

dispute knowing what it means to raise a validity claim without implicitly claiming at least the negation of this proposition to be true.

This has been called "the *a priori* of argumentation"—and it was because of the axiomatic status of this proposition, analogous to the "action axiom" of praxeology, that I invoked Mises in my article. (Virkkala's outrage over this disqualifies itself, because I explicitly stated that Mises thought what I was trying to do was impossible. Moreover, it is his understanding of Mises that is amusing. For while it is true that praxeology talks about marginalism, it is obviously not the case that praxeology as a body of propositions is in any way affected by marginal choices. Praxeology contains universally true propositions, and whether or not we choose to accept them does not affect this at all. It is beyond me why that should be any different when it comes to ethical propositions. Virkkala might just as well attack Mises for a "retreat from marginalism" because of his claim that praxeology is true.)

With the *a priori* of argumentation established as an axiomatic starting point, it follows that anything that must be presupposed in the act of proposition-making cannot be propositionally disputed again. It would be meaningless to ask for a justification of presuppositions which make the production of meaningful propositions possible in the first place. Instead, they must be regarded as ultimately justified by every proposition-maker. And any specific propositional content that disputed their validity could be understood

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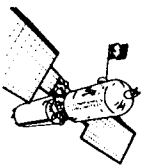
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there is slavery, the Gulag, taxation? The proof concerns the issue that claiming that such institutions can be justified involves a performative contradiction. It is purely intellectual in nature, like logical, mathematical, or praxeological proofs. Its validity—as theirs—can be established independent of any contingent experiences. Nor is its validity in any way affected, as several critics—most notoriously Waters—seem to think, by whether or not people like, favor, understand or come to a consensus regarding it, or whether or not they are actually engaged in argumentation. As considerations such as these are irrelevant in order to judge the validity of a mathematical proof, for instance, so are they beside the point here. And in the same way as the validity of a mathematical proof is not restricted to the moment of proving it, so, then, is the validity of the libertarian property theory not limited to instances of argumentation. If correct, the argument demonstrates its universal justification, arguing or not.

(Of all utilitarian critics only Steele takes up the challenge that I had particularly posed for them: that the assignment of property rights cannot be dependent on any later outcome, because in this case no one could ever know before the outcome what he was or was not justified in doing; and that in advocating a consequentialist position, utilitarianism is strictly speaking no ethic at all when it fails to answer the all-decisive question "what am I justified in doing now?" Steele solves this problem in the same way as he proceeds throughout his comment: by misunderstanding what it is. He misconceives my argument as subject to empirical testing; he misrepresents it as claiming to show that "I favor a libertarian ethic" follows from "I am saying something," while in fact it claims that entirely independent of whatever people happen to favor or utter, "the libertarian ethic can be given an ultimate propositional justification" follows from "I claim such and such to be valid, i.e. capable of propositional justification." His response to the consequentialist problem is yet another stroke of genius: No, says Steele, consequentialism must not involve a praxeologically absurd "waiting for the outcome ethic." His example: Certain rules are advocated first, then implemented, and later adjusted depending on outcomes. While this is indeed an example of consequentialism, I fail to see how it could provide an answer to "what are we justified in doing now?" and so escape the absurdities of a waiting-for-the-outcome-ethic. The starting point is unjustified [Which rules? Not only the outcome depends on this!]; and the consequentialist procedure is unjustified, too. [Why not adopt rules and stick to them regardless of outcome?] Steele's answer to the question "What am I justified in doing?" is: that depends on whatever rules you start out with, then on the outcome of whatever this leads to, and then on whether or not you care about such an outcome. Whatever this is, it is

no ethic.)

The reaction from the other—Randian—side, represented by Rasmussen is different. He has fewer difficulties recognizing the nature of my argument, but then asks me in turn "So what?" Why should an *a priori* proof of the libertarian property theory make any difference? Why not engage in aggression anyway? Why indeed?! But then, why should the proof that $1+1=2$ make any difference? One certainly can act on the belief

My entire argument is an impossibility proof. It is purely intellectual in nature, like logical, mathematical, or praxeological proofs.

that it was $1+1=3$. The obvious answer is "because a propositional justification exists for doing one thing, but not for doing another." But "why should we be reasonable?" is the next come-back. Again, the answer is obvious: For one thing, because it would be impossible to argue against it; and further, because the proponent raising this question would already affirm the use of reason in his act of questioning it. This still might not suffice and everyone knows that it does not: for even if the libertarian ethic and argumentative reasoning must be regarded as ultimately justified, this still does not preclude that people will act on the bases of unjustified beliefs either because they don't know, they don't care, or they prefer not to know. I fail to see why this should be surprising or make the proof somehow defective. More than this cannot be done by propositional argument.

Rasmussen seems to think that if I could get an "ought" derived from somewhere (something that Yeager claims I am trying to do, though I explicitly denied this), then things would be improved. But this is simply an illusory hope. For even if Rasmussen had proven the proposition that one ought to be reasonable and ought to act according to the libertarian property ethic this would still be just another propositional argument. It could no more assure that people will do what they ought to do than my proof can guarantee that they will do what is justified. So where is the difference; and what is all the fuss about? There is and remains a difference between establishing a truth claim and instilling a desire to act upon the truth—with "ought" or without it. It is great, for sure, if a proof can instill this desire. But even if it does not, this can hardly be held against it. And it also does not subtract anything from its merit if in some or even many cases a few raw utilitarian assertions prove to be more successful in persuading of libertarianism than the proof itself. A proof is still a proof; and socio-psychology remains socio-psychology. □