

## A Tour through Walter Block's Oeuvre

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I dare say no single person has ever read all of Walter Block's massive *corpus* of publications. There are just too many. Walter's writing spans a large number of topics in Austrian economics and libertarianism as well as in other areas, published over a more than fifty year period. This includes innumerable popular articles, 32 or so books, and hundreds of scholarly journal articles. His first articles were published in 1969; his first piece in a refereed journal was published in 1971,<sup>1</sup> a year before he received his Ph.D. As Walter tells his friends, one of his goals is to publish 1,000 articles in refereed journals and law reviews,<sup>2</sup> and by his count, he's currently at about 700. So he is on track to meet his goal in about twelve years. He's only 83 now, after all.

Even Walter has trouble keeping track of his own publications. Years ago, he sent me a draft book review for comments, and I thought it sounded oddly familiar. I was sure I had read it before, even though it had never been published. So I pored through his publications (I was then helping him run his website, [walterblock.com](http://walterblock.com)) and found he had previously published a review of the very same book. Apparently, Walter had written the book review, published it, then forgot he had done so; and then later, decided, "This book needs to be reviewed!", so he wrote a new review. The reason the second version sounded familiar to me was that both reviews were almost identically structured and argued, even though written independently. I'm assuming he abandoned publication of the second instantiation, though probably with regret.

On some topics he has generated so much output that he has collected some of his articles into standalone books. For example, he has assembled his articles on blackmail, abortion theory/evictionism, and privatized roads into specialized tomes.<sup>3</sup> At one point I co-authored an article on blackmail with Walter<sup>4</sup> and asked him why he had published so many articles on this one topic. His response was something like, "*Smash 'em!*", cackling gleefully à la Rothbard.<sup>5</sup>

Walter is so prolific and has co-authored with so many other libertarians that there is a joke: What's the definition of a libertarian? A: Someone who has co-authored an article with Walter Block. But

this doesn't mean he always agrees with his co-authors on other topics. For example, he criticizes Hans-Hermann Hoppe on immigration and other issues<sup>6</sup> but praises, or defends, or even co-authors articles with Hoppe on other topics.<sup>7</sup> He disagrees with me on inalienability<sup>8</sup> but has co-authored with me on blackmail and other issues.<sup>9</sup> He even sometimes seems to disagree with himself. For instance, in one paper, co-authored with William Barnett and published in 2005, Block and Barnett write: "We conclude that money is not a present good. Therefore, it must be a future good ..."<sup>10</sup> Yet in a previous paper, published in 1998, co-authored with Hans-Hermann Hoppe and Jörg Guido Hülsmann, Block *et al.* write: "Yet money is demonstrably *not* a future good."<sup>11</sup> I'm with Block I.

In any case, as noted above, Walter has contributed to numerous areas of libertarian theory and Austrian economics, offering corrections or expansions of previous Austro-libertarian work. On many topics he has pioneered or offered original insights and arguments or elaborated and defended more obscure and controversial positions. His articles are littered with colorful examples—such as the life-sucking machine invoked in an argument for restitution; the father who needs to sell himself into slavery to save his child; using transparent bridges to avoid blocking a sunlight easement, and so on. For this *festschrift*, I thought it would be appropriate to survey a few of his notable and interesting contributions from his vast body of work, although this survey must necessarily be selective and eclectic, and will focus mostly on libertarian rather than economic issues. So let's dive in. For some of these, I'll be very brief; for others, I'll go into more detail, sometimes agreeing, and sometimes offering brief critical commentary. For each of them, I'll provide citations and links for those wishing to explore the topic further.

### *The Life-Sucking Machine*

Let's start with Walter's example of the life-sucking machine, which he "created" to argue for the right of a victim to kill the aggressor, if necessary, to obtain full restitution. As I wrote elsewhere:

The following thought-experiment, from the ever-fertile libertarian mind of Walter Block (as relayed to me by Joe Salerno), illustrates why a proponent of restitution must, in principle, be willing to support capital punishment as well. Block asks, what if it were possible to actually provide true restitution to a murder victim—to restore his life—by connecting a "life-sucking" machine to the

murderer, and transferring his life essence to the dead victim? This would bring the dead victim back at the cost of the killer's life. Surely, a restitutionist would have to be in favor of this, as it is simply a type of force used to enforce restitution, and the purpose of restitution is to "restore" the victim. But what is the difference, in principle, between killing the aggressor to "restore" the victim, and killing the aggressor as punishment? In both cases, the aggressor is intentionally killed, against his will, in response to his earlier aggression. It would seem that in this case, the restitutionist, like the retributionist, supports executing murderers, and thus cannot claim that a murderer has, in principle, an inalienable right to life.<sup>12</sup>

I myself tend to favor a non-punitive, restitution-based legal or criminal justice system,<sup>13</sup> despite acknowledging the legitimacy of retribution,<sup>14</sup> but it is hard to find fault with Walter's reasoning here, as unrealistic as the hypothetical is.

### *The Father Selling Himself into Slavery to Save His Son*

In defending alienability and voluntary slavery contracts, Walter sometimes invokes the specter of a father who desperately wants to be able to enter into a binding slavery agreement with a sadistic rich man who will then, in exchange, fund his son's medical care. As he writes in one piece:

[L]et us return to our canonical example of the poor father who wants to save his child from a death threatening illness which will cost \$1 million, and the rich man who wants this father as his property, and will pay this amount of money. If the law on this matter were as Kinsella advocates, this business arrangement could not be consummated. The rich would-be slave owner is officially put on notice that if and whenever the slave-father decides to run away, any force used to prevent him from doing so would be illegal. Without being able to resort to compulsion, though, he would have no way to ensure continued ownership over the human slave he has purchased, so he won't pay the \$1 million in the first place, and the sick child dies. The reason for this state of affairs is that self-ownership can be alienated not by contract but only through forfeit, by committing a crime. If someone wants to become a slave, the only way he can do it is to commit murder and be found guilty; then, at least under libertarian law, he will become the slave of the heir of the victim. If

he wants to be paid for becoming a slave (e.g., in order to save his child), he is simply out of luck.<sup>15</sup>

Note that Walter characterizes the father as being “out of luck” as if this is supposed to have some relevance. Walter is right. The father *is* out of luck since slavery agreements are not enforceable. But what is this supposed to show? That we have to come up with some reason to enforce slavery contracts so that people won’t be “out of luck”? What kind of reasoning is this? I’m unaware of any libertarian principle saying, “We determine whether laws are justified by asking if someone would be out of luck.”

The fact that the father *wants* to be bound by slavery contract, in order to save his son, is simply not relevant to the question of whether such agreements are, or should be, legally binding. Suppose duress is a defense to contractual liability in a given legal system—as it should be; contractual transfers of title by the owner must be *consensual*, after all, not coerced. Now suppose someone is kidnapped and held for ransom. Something goes wrong, and the kidnapper wants to scuttle the deal and release the victim but is afraid of the risk. He tells his victim, “I’d like to release you, but if I do, you’ll identify me, and I’ll be captured.” The victim says, “No, I *promise* you I will not reveal your identity; please release me! I agree to pay you \$10M if I ever breach this contract!” The kidnapper says, “But you can’t promise not to identify me, as you cannot control your future self’s actions; and the agreement to pay me will not be legally binding since it is under duress.” In this case, the victim might *want* to be able to bind his future self’s actions, and to be able to waive his duress defense, but ... he can’t. He’s “out of luck.” Sometimes reality is the way it is, and wishing for things to be otherwise doesn’t make it so.

Likewise, the fact that the father wants to sell himself to the demented millionaire whose money can save his son does not change the fact that it is aggression to use force against a “slave” who wants to quit the job.<sup>16</sup>

*Transparent, Permeable Bridges and Sunlight and Rain Easements*  
Walter favors private roads<sup>17</sup> and tries to anticipate and rebut various objections. One objection to private roads is that they could create barriers to travel. As he writes:

Suppose ... that a single firm were to own a [private] highway stretching from Boston to Los Angeles. One objection to such a state of affairs is that it would

effectively cut off the northern and southern parts of the United States from one another, something that even the Civil War was unable to accomplish.<sup>18</sup>

But this criticism is easily surmountable, since:

[A]nother road entrepreneur can build an overpass above this limited-access highway, or a tunnel, burrowing underneath it. This will nip in the bud any incipient fear that private property rights in roads is so impractical, so untenable, that it can rip the nation into two parts.<sup>19</sup>

Alas, according to one interpretation of the *ad coelum* doctrine, the road owner owns the space far above and far below the surface:

In this view, if a person owns an acre of land on the surface of the earth, he possess[es] a narrowing cone extending down to the very center of the planet, and a widening cone extending upward into the heavens.<sup>20</sup>

Thus, any attempt to cross the surface road using under- or overpasses would amount to trespass.<sup>21</sup> In response to this possible objection, Walter first rejects the *ad coelum* doctrine, since actors who homestead a portion of the surface of the earth do not mix their labor with the region far above or far below.<sup>22</sup> They do own a certain amount of the space above and below the surface area homesteaded, but it does not extend to infinity (in the case of the heavens) or to the center of the earth (in the case of subsurface rights). For example, “if the landowner put in a three-story house, he also owns a ‘penumbra’ of air above it, enough so as to enjoy the ordinary amenities of home ownership”.<sup>23</sup>

Thus, someone could cross the road by flying in an aircraft above the surface owner’s space. But what if someone tries to cross the road with a bridge that is closer to the surface? Walter argues:

Well, how high must the overpass be so as to not interfere with the road owner’s amenities? According to homesteading theory, it can be as low as the builder desires, provided only that it does not interfere with rights homesteaded by the highway company.<sup>24</sup>

So, as long as the overpass is more than, say, 35 feet above the ground, it is not within the airspace homesteaded by the road or homeowner.

But the hypothetical critic of private roads is not done yet. What if the overpass blocks more than a *de minimus* amount of sunlight or rain, thus again trespassing on property rights (“easements” of rain, view, and so on) homesteaded by the surface owner? Well, again Walter provides another solution: the bridge could be made of a transparent material, to avoid blocking sunlight. And it could be made porous or permeable, so as not to block rain:

Suppose the bridge were not opaque, but built of glass. This would allow the sun to come shining through. There would of course still be a problem with the rain. Suppose, further, then, that the bridge were not built of solid material, but rather a mesh, or grid; as long as the holes were not too big, a roadway constructed in this manner could both support vehicular traffic and also allow the rain to fall on the highway below pretty much as it otherwise would have. Further, the whole structure could be made in the form of a drawbridge, in case the initial road owner wanted to transport an oversize (overheight) parcel.<sup>25</sup>

By use of these creative responses to various possible objections to privatized roads, Walter manages to debunk the case for public provision of roads.

Oddly, Walter also seems to think that owners of private roads, if shaped like a “donut,” so as to encircle an unowned tract in the center, *would* be committing the crime of “forestalling,” unless would-be homesteaders of the donut hole could get there by helicopter or tunnel. I discuss this in the following section.

*Libertarianism “Abhors” Unowned Resources: Forestalling, Blockian Donuts, and the Blockian Proviso*

### **Forestalling and the Blockian Proviso**

One of Walter’s most interesting arguments involves donuts. Well, not actual donuts, but homesteaded strips of land that encircle an unowned center region—think of it as a bagel or donut-shaped parcel—such that the homesteaded strip prevents people on the outside from reaching the inside, because they would need the donut-strip-shaped owner’s permission to cross, to access the middle part.

Walter argues that libertarian law would not permit people to homestead in a way that blocks others from homesteading unowned resources. He argues that just as nature abhors a vacuum, libertarianism abhors unowned property; that “[t]he whole purpose of

homesteading is to bring hitherto unowned virgin territory into private ownership.”<sup>26</sup> One cannot prevent or “forestall” someone from homesteading unowned resources.

Block imagines someone who homesteads a donut-shaped circle of land, who won’t let anyone cross his land to get to the unowned property in the middle of his donut. He argues that libertarian homesteading theory “abhors” land that cannot be claimed nor owned because of the land ownership pattern of a “forestaller”—a person who has encircled the land. In other words, if your property is somehow “necessary” for others to use to get to unowned property, they have a sort of easement over it. I have referred to this as the Blockean (Walter prefers Blockian) proviso, a term which Walter has adopted: the idea that someone may only homestead a resource that is a potential means of access to other unowned resource so long as “enough and as good” access to the unowned resource remains available.<sup>27</sup>

### **Some Objections**

There are various objections one might raise to this entire argument. First, let’s note that in terms of the geometry of the surface of a spherical object, there is no difference in kind between the “inside” and “outside” of a circular strip of land. Imagine the donut is the equator. Then the northern hemisphere is one “hole” of a donut, compared to the southern hemisphere “outside”, and vice-versa. If the donut is smaller than the equator, then the only difference is that the inside is smaller than the outside in terms of area. People living in the donut hole would be unable to homestead property outside the donut.

Or imagine a large island or continent. If someone homesteads a road from the east to the west coast, this is not a donut, but people on the south side would be prevented from homesteading unowned property on the north side, and vice-versa. And yet this situation would be topologically identical to the homesteaded “donut” strip around the equator, separating the two hemispheres. So Walter’s theory is not really about donuts or bagels; it’s about having ownership of a resource that prevents others from crossing it—that is, from using it—to achieve some goal (such as reaching or homesteading unowned land). But the very purpose of property rights is to allow the owner to exclude others from using it.<sup>28</sup> So the entire objection to owning a plot of land due to its shape is a bit odd.

Second, notice that the entire argument is not a rigorous, systematic one, but is based on metaphors and appeals to intuition. From the

bromide, “Nature abhors a vacuum,” which is not any kind of moral or normative truth, Walter argues that libertarianism “abhors” unowned property. What libertarianism abhors is aggression, which means use of someone’s owned resource without his consent. Libertarianism has rules about property acquisition; and it allows and recognizes the homesteading of unowned resources, but it does not “abhor” unowned property.<sup>29</sup>

### **Van Dun’s “Hostile Encirclement”**

Libertarian legal theorist Frank van Dun makes an argument opposing “hostile encirclement,” which to my mind is similar to Walter’s forestalling reasoning. I have criticized both of these arguments.<sup>30</sup> So I find it curious that Walter tries to thread the needle by criticizing Van Dun’s thesis, even though, to my mind, his and Van Dun’s arguments are similar (and similarly flawed).<sup>31</sup>

### **Forestalling and Evictionism/Abortion**

Also interesting is that Walter tries to connect his forestalling theory to his abortion and evictionism views (discussed below). As noted above, he argues that the donut-parcel homesteader prevents or “forestalls” someone from homesteading the land enclosed by the donut-shaped land. He is controlling this land, as if he was an owner, even though he did not bother actually homesteading it, thus committing the libertarian “crime” of forestalling. And likewise, he argues, the parent of a baby, although he has no positive obligations to support the child, must permit third parties to rescue the child. Otherwise he is also “forestalling” the homesteading of the “now unowned” baby.<sup>32</sup>

### *Homesteading Misery and Human Shields and Missiles*

In one interesting paper, Walter tries to solve an interesting conundrum. From his abstract:

When a bad guy throws one innocent person against another, or uses one as a body shield so as to facilitate murdering the other, or is in the process of bashing in the heads of two such people, what are the rights and responsibilities of each of these latter two victimized parties *vis a vis* each other? The concept of negative homesteading is introduced in an attempt to shed light on these legal puzzles.<sup>33</sup>

If I am not mistaken, this hypothetical stems from conversations Walter and I had at Mises Institute conferences where I came up with the example of the Hulk (*B*) throwing innocent person *C* at innocent person *A*; what may *A* do to save himself from injury by *C*, the human missile? At first glance, it might seem *A* may not swat *C* aside to protect himself, since *C* is innocent and the swat would be the initiation of force against *C*. Walter also considers a case where a bad guy *B* uses an innocent person *C* as a human shield when attacking another innocent person, *A*. May *A* shoot through *C* to defend himself against *B*?

Walter disagrees with Rothbard's solution, which is that *C*'s own agent, or *C* himself, would have the right to shoot *A* in self-defense, since *C* is not committing aggression against *A*—*B* is. Walter's solution involves employing the concept of "homesteading misery" or "negative homesteading." Under positive or normal homesteading, the first user to mix his labor with an unowned resource comes to own it. The homesteaded good is something desirable, or positive. In negative homesteading, someone gets "ownership" or "retention" of something undesired, something negative. If something bad is about to happen to you, say, a lightning strike that you could shunt onto another person with a lightning rod, then you have homesteaded the misery. Would it be justified to shunt this misery onto another person? "No, says the theory of homesteading bads, or misery: the first victim of the tragedy, lightning in this case, must retain it, may only keep it to himself, may not transfer it to someone else."<sup>34</sup>

Likewise, in the human shield example above, *A* is preferred to *C*, so that *A* may shoot *C* in self-defense, because *C* was the first to homestead misery (by being kidnapped by *B*). In the human missile example, where *C* has been hurled at *A*, again, Walter takes *A*'s side, since *B* (say, the Hulk) grabbed *C* first, and thus *C* has "already" homesteaded the bad or misery.

### *Defending the Undefendable*

In addition to his pioneering 1976 work *Defending the Undefendable*, he added even more examples of undefendable positions that need defending in two subsequent volumes.<sup>35</sup> In volume II he comes out against IP. 'Nuff said.

### *Blackmail*

Walter has also done yeoman's work arguing against blackmail law from many angles, resulting in a whole book (*Legalize Blackmail*, cited previously, and a chapter in *Defending the Undefendable*).

### *Defamation and Libel*

As I discuss in other publications, I strongly oppose defamation law, as it is unjust and similar to other types of IP law.<sup>36</sup> Many libertarians favor defamation law, but Walter was one of the only early libertarians, after Rothbard, to publicly oppose defamation law. Rothbard first wrote on defamation in a brief passage in 1962 in *Man, Economy and State*, and then elaborated on this in *For a New Liberty*, first published in 1973, and again in *The Ethics of Liberty* (1982). Block criticized defamation law and reputation rights in his chapter "The Slanderer and Libeler," in *Defending the Undefendable*, first published in 1976, and in subsequent writing.<sup>37</sup>

As I have argued, any consistent libertarian should oppose both defamation law and other types of IP law such as patent and copyright. Moreover, the case against defamation is similar to the case against some types of IP law, such as trademark law. Thus, any libertarian who opposes defamation also ought to logically oppose all (other) forms of IP law. Rothbard opposed defamation law and parts of IP law but could not go all the way, and unfortunately defended some type of contractual or "common law" "copyright," misapplying his own revolutionary theory of contract.<sup>38</sup> Block, however, to his credit, opposes not only defamation law but also IP law.<sup>39</sup>

### *Evictionism and Abortion*

One of Walter's more controversial arguments concerns abortion. His theory, evictionism, argues that the fetus inside a pregnant woman is a trespasser, and she is entitled to "evict" it, using the least harmful means possible.<sup>40</sup> If this means killing it, so be it, but Walter claims he is not pro-abortion or pro-choice.

His argument, in sum, is that fetuses have rights from the moment of conception, since they have "life" (here, his argument is similar to that of Doris Gordon and others at Libertarians for Life (l4l.org), who argue that fetuses have the same rights as adults, since they are all "human," and thus all have the same "human rights"). But pregnant mothers have rights too, and the mother has the right to evict the fetus since it's a trespasser. The eviction must be done in the gentlest way possible; but with current technology, it is not possible to evict a fetus

without killing it, so it's permissible to kill it, but only for the purpose of evicting it. If we ever had technology that permitted eviction without killing, then the mom could not kill the fetus.<sup>41</sup> But in today's world, she has the right to evict it even if that means killing it, i.e., abortion. So he is *de facto* pro-choice, or what he calls "free choice," which he views as lying between the extreme pro-choice and pro-life positions.

In response to the counterargument that the fetus is not a trespasser but instead is an invitee,<sup>42</sup> Walter responds that there can be no invitation "contract" formed with the fetus during the act of copulation since the fetus does not exist yet. I disagree with Walter and Doris Gordon that rights come from being human; a murderer is a human, but has forfeited all, or some, of his rights; and an intelligent space alien would also have rights even though it's not human. I also disagree that a fetus is a trespasser and that it cannot be an invitee since there is no person for the mom to make a contract with at the moment of conception. I believe this argument is based on a faulty view of contract that is at odds with Rothbard's title-transfer theory of contract, which Walter elsewhere expresses agreement with.<sup>43</sup> Contracts are not binding promises; they are transfers of title to owned resources. The reason the fetus is not a trespasser is not because there is "a contract" with it, it is because of the causal role played by the mother in causing the fetus to exist inside her.

Incidentally, my own "solution" to the abortion issue is to simply recognize that until the baby is born, the legal *jurisdiction* over this issue should lie with the mother and the family, instead of the broader legal community, due to the private nature of this issue and surveillance and other concerns. Just as a legal community in Kansas would have no jurisdiction over crime in, say, Turkey, so outsiders ought to have no jurisdiction over criminal matters related to pregnant mothers within their own homes.

### *The Less Evil Concentration Camp Guard*

Another quite provocative argument Walter makes concerns how much punishment is deserved for working for the state. His thesis:

[I]t is neither a necessary nor a sufficient condition for guilt (e.g., a violation of libertarian principles) and thus justification for punishment by the libertarian Nuremberg trials ... that a person be a state official.<sup>44</sup>

To support his thesis, he argues thusly:

It is even possible to take a job as a concentration camp guard, charged with torturing and then murdering the inmates. How could a person guilty of such crimes come out of a libertarian Nuremberg trial relatively unscathed? Simple. All he need do is prove that he functioned as a sort of Schindler: he saved more people than would otherwise have escaped.<sup>45</sup>

I leave it as an exercise for the reader as to how to evaluate this argument.

### *Murder Park*

In one fun paper, Walter noted that under libertarianism, a “murder park ... where people may shoot one another, provided only that all of them had agreed to take part in this game, and there are thick walls so that no outsiders are shot,”<sup>46</sup> would be legal. The point, of course, is that the basis of all political norms is private property, which permits property owners to establish the rules of use of their property. And that people have the right to consent to force applied to their bodies, such as being hunted in a murder park. This paper also explores other fun conundrums.

### *Hayek and Friedman*

Walter has had the *chutzpah* to read Milton Friedman and F.A. Hayek out of the libertarian movement. But he always gives his reasons.<sup>47</sup> (He’s also critiqued Milton’s anarchist libertarian son, David Friedman.)<sup>48</sup> I agree with Walter’s criticisms of Milton Friedman and Hayek, though being the generous sort, I am willing to include minarchists, or mini-statists, under the libertarian umbrella. So I would consider Milton Friedman to be a libertarian, though a flawed one.<sup>49</sup> Hayek, though, I am not sure he is even a minarchist, so ....<sup>50</sup>

### *Argumentation Ethics*

One of the most provocative and controversial libertarian arguments in recent years is Hans-Hermann Hoppe’s argumentation ethics. Here, Hoppe argues that libertarian rights are the only ones that can be justified since any contrary political ethic—some form of socialism—cannot be coherently defended argumentatively, since socialist and aggressive ethics contradict the inherently peaceful and self-ownership *grundnorms* implicit in all sincere justification.<sup>51</sup>

Again, to his credit (I say this as a huge fan of argumentation ethics), Walter has wholeheartedly endorsed and defended this theory.<sup>52</sup>

### *Libertarian Legalism*

Walter has also defended himself from charges of “libertarian legalism” made by our mutual colleague Frank Van Dun (whom we side with in defending Hoppe’s argumentation ethics).<sup>53</sup> Van Dun criticizes both me and Walter for excessive libertarian legalism, for example, for favoring property rights over freedom or for opposing blackmail, and so on.<sup>54</sup> In response, Walter admirably rebuts Van Dun’s charges, sticking to his principled libertarian guns.<sup>55</sup>

### *Objectivist Criticisms*

Before the Ron Paul phenomenon, which started in 2008 or so, drastically expanded libertarian numbers, the primary entrance point was Ayn Rand and her pro-capitalist philosophy of Objectivism. From the libertarian point of view, the Randians are minarchist libertarians; yet they eschew the term libertarian and have long attacked and criticized libertarianism as an enemy of liberty.<sup>56</sup> This was one reason I myself was initially skeptical of libertarianism, since Rand and her followers condemned it so vehemently.

Both Walter and I had our early libertarian origins in Objectivism, but then moved on to Rothbardian anarcho-capitalism. Walter has done yeoman’s work swatting down inane attacks by Objectivists on we libertarians, their close cousins.<sup>57</sup>

### *The Optimal Supply of Money*

Most of the issues I have highlighted here are matters of libertarian theory. This one has to do with economic theory. In 1912, in *The Theory of Money and Credit*, Ludwig von Mises argued that money is neither a producer good nor a consumer good, but a special type of good, which, following Karl Knies, he called media of exchange goods.<sup>58</sup> Nowadays, some Austrians refer to money as a *sui generis* good (*sui generis* meaning “of its own kind”), to highlight its unique character,<sup>59</sup> although Mises and Rothbard apparently never used this exact term. It appears to have first been introduced in a 2005 paper by Walter and his longtime collaborator William Barnett III.<sup>60</sup>

Accompanying this understanding of money as a *sui generis* good, Mises, Rothbard, and other Austrians hold the view that any supply of money is optimal. Unlike consumer and producer goods, where more

supply correlates to more wealth, the unique nature of money as a medium of exchange means that an increase in the supply of money does not increase wealth.<sup>61</sup>

Trotting out his ultra-subjectivist Austrian *bona fides*, Walter begs to differ. Contra Rothbard and Mises, he argues that creating more money is good (so long as it takes place on the free market) because it makes the money supply more granular and thus enables more transactions.<sup>62</sup> It's an intriguing argument, but another case of where I disagree and side with the other Austrians.<sup>63</sup> But hey, I'm no economist.

### *Fractional-Reserve Banking*

Fractional-reserve banking (FRB), another economic topic, has been another contentious issue for many Austrians, with Rothbardians taking the anti-FRB side, on both economic and normative grounds, and with others arguing that FRB is both moral and economically necessary to avoid various shocks to the system when wages cannot adjust to deflationary pressures because of sticky downward wages or some other gobbledygook.<sup>64</sup> Walter here argues forcefully against FRB.<sup>65</sup>

### *Spam as a Tort*

In another intriguing foray that I had a little to do with, Walter argues that spam can sometimes be a tort, that is, an invasion of property rights. The idea is that if you use someone's property without their consent, this is trespass.<sup>66</sup> And this is what spammers do. Seems obvious, but lots of libertarians have a hard time with this one. Yet another difficult issue that Walter helps shed light on.

### *Incitement*

The issue of "incitement" is also controversial among libertarians. Rothbard argues that "mere incitement" is a pure free speech exercise, and the speaker is not liable for the actions of those incited to commit a crime.<sup>67</sup> Walter agrees.<sup>68</sup> As I tried to argue in a previous article, I think the error made by Walter and Rothbard here, and by others who would argue that, say, Hitler was actually innocent because he "just gave orders,"<sup>69</sup> is that they ignore the causal reality in favor of a formality about "speech." Those who are uncomfortable in attributing responsibility to the order-giver typically make a couple of arguments. One, they assume that the middle-man, the direct actor, has free will, and therefore, if someone tells him to commit a crime, the free will of the middle-man "breaks the chain of causation." Second, they assume

that *if* you make the boss or order-giver responsible, *then* the underling or middle-man is off the hook.

Both assumptions are false, in my view. Just as cooperative action in a free market is possible—firms, partnerships, corporations, for example—so people can cooperate or conspire to commit crime. Each actor has free will, but this does not mean that they are not acting together to jointly cause harm to some innocent people. Second, even if the order-giver is liable for the crime directly committed by his underling, this does not absolve the underling. The law in this case quite rightly holds each principal and each co-conspirator 100% liable, under principles of joint and several liability.

I understand the concern of Walter and Rothbard that holding an inciter liable could impinge on free speech rights, and that there could be a “slippery slope.” But we all agree, for example, that a victim of a threat may respond to the threat before the aggressor pulls the trigger. If the threat is “overt and immediate” or “direct and immediate,” then the recipient of the threat is justified in responding with preventative force.<sup>70</sup> The danger of the “slippery slope” or the concern for “free speech” does not prevent Rothbard from realizing that at a certain point, we can consider threats to be a type of aggression.<sup>71</sup> Likewise, we can recognize that in some cases, depending on the context, the inciter plays a causal role in the harm done to the victim by those incited.

### *Punishment and “Two Teeth for a Tooth”*

To my knowledge, Walter pioneered the concept of “two teeth for a tooth” libertarian punishment theory, which Rothbard later relied upon in *The Ethics of Liberty*. As he wrote there, the “principle of libertarian double punishment has been pithily described by Professor Walter Block as the principle of ‘two teeth for a tooth.’”<sup>72</sup> As explained by Rothbard:

Let us return to the theft of the \$15,000. Even here, simple restitution of the \$15,000 is scarcely sufficient to cover the crime (even if we add damages, costs, interest, etc.). For one thing, mere loss of the money stolen obviously fails to function in any sense as a deterrent to future such crime (although we will see below that deterrence itself is a faulty criterion for gauging punishment). If, then, we are to say that the criminal loses rights *to the extent that he deprives the victim*, then we must say that the criminal should not only have to return the \$15,000, but that he must be forced to pay the victim *another* \$15,000, so that

he, in turn, loses those rights (to \$15,000 worth of property) which he had taken from the victim. In the case of theft, then, we may say that the criminal must pay *double* the extent of theft: once, for restitution of the amount stolen, and once again for loss of what he had deprived another.<sup>73</sup>

### *Voting*

And one final issue. Some libertarians oppose voting on principle, believing that it somehow legitimizes the state. The primary critic of voting is my good friend Wendy McElory.<sup>74</sup> Other libertarians do not object to voting, *per se*.<sup>75</sup> They might recognize that voting is mostly useless, but do not see it as inherently aggressive. As Walter argues in one paper:

Suppose we were slaves, and the master offered us a vote for either Overseer Baddy, who beat the crap out of us all the time, or Overseer Goody, who only beat us once in a while, and then more gently.’ Block concludes that voting for Goody would be an act of self-defense and not an endorsement; voting is morally justified ....<sup>76</sup>

I have only touched here on a few of the many topics Walter has contributed to, based on my own eclectic interests. The above provides an indication of Walter’s creative, imaginative, and fertile mind. I look forward to further controversial and provocative ideas and insights coming from his pen in the years to come.<sup>77</sup>

### NOTE

The author thanks Brian Martinez for helpful comments. This chapter is published under a Creative Commons Zero (CC0) 1.0 License.

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1. According to Walter’s CV (available at <https://perma.cc/U837-EWZF>), his first articles, published in 1969, were: “Voluntary Slavery,” *The Libertarian Connection* I, no. 3 (April 13, 1969; <https://perma.cc/SY3E-PW8U>): 9–11; “Against the Volunteer Military,” *The Libertarian Forum* (August 15, 1969; <https://perma.cc/5ZZK-CEZL>): 4; and “The Pledge of Allegiance,” *The Libertarian Connection* (1969). His first article in a refereed journal was in 1971, according to his website (see “Articles in Refereed Journals,” *WalterBlock.com*, <https://perma.cc/R8YN-89SE>), to wit: “Book review of Thomas Victorisz and

Bennett Harrison, *The Economic Development of Harlem*, New York: Praeger Publishers, 1970,” in *Growth and Change* 2, no. 2 (April 1971): 41.

2. Law journals, sometimes called law reviews, traditionally have not been peer-reviewed or refereed, unlike other scholarly journals, such as those in the natural sciences, social sciences, or humanities. Instead, submissions are vetted by student editors who are on the school’s law review. Although this may be starting to change. See Nancy McCormack, “Peer Review and Legal Publishing: What Law Librarians Need to Know about Open, Single-Blind, and Double-Blind Reviewing,” *Law Library J.* 101, no. 1 (2009; <https://perma.cc/8RP6-GB4X>). And unlike with journals in the humanities and other social sciences, it is acceptable to submit an article to a large number of law reviews simultaneously.

3. See Walter Block, *Legalize Blackmail* (Straylight Publishing, 2013); *idem*, *Evictionism: The compromise solution to the pro-life pro-choice debate* (Springer 2021); and *idem*, *The Privatization of Roads and Highways: Human and Economic Factors* (Auburn, Ala.: Mises Institute, 2009; <https://perma.cc/2LHU-LA5E>).

4. See Walter Block, Stephan Kinsella & Hans-Hermann Hoppe, “The Second Paradox of Blackmail,” *Business Ethics Q.* 10, no. 3 (July 2000; [www.stephankinsella.com/publications](http://www.stephankinsella.com/publications)): 593–622.

5. I should not be surprised Walter writes many articles on a given topic, given my own voluminous publications on intellectual property, or IP. See, e.g., chapters 14–18 of *LFFS* and Stephan Kinsella, *You Can’t Own Ideas: Essays on Intellectual Property* (Houston, Texas: Papinian Press, 2023; [www.stephankinsella.com/own-ideas](http://www.stephankinsella.com/own-ideas)).

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7. Walter Block, “Rejoinder to Murphy and Callahan on Hoppe’s Argumentation Ethics,” *J. Libertarian Stud.* 22, no. 1 (2011; <https://perma.cc/4AUB-HC8M>): 631–39; Walter Block, Stephan Kinsella & Hans-Hermann Hoppe, “The Second Paradox of Blackmail,” *Business Ethics Q.* 10, no. 3 (July 2000; [www.stephankinsella.com/publications](http://www.stephankinsella.com/publications)): 593–622; Hans-Hermann & Walter Block, “Property and Exploitation,” *Int’l J. Value-Based Mgt* 15, no. 3 (2002; <https://perma.cc/UQ8U-UM35>): 225–36; Walter Block, Hans-Hermann Hoppe & Guido Hülsmann, “Against Fiduciary Media,” *Q. J. Austrian Econ.* 1, no. 1 (1998; <https://mises.org/library/against-fiduciary-media-0>): 19–50, also in Hans-Hermann Hoppe, *The Economics and Ethics of Private Property: Studies in Political Economy and Philosophy* (Auburn, Ala.: Mises Institute, 2006 [1993]; [www.hanshoppe.com/epp](http://www.hanshoppe.com/epp)).

8. Walter Block, “Rejoinder to Kinsella on Ownership and the Voluntary Slave Contract,” *Management Education Science Technology Journal* (MESTE) 11, no. 1 (Jan. 2023; <https://perma.cc/H3AL-WBQJ>): 1-8; *idem*, “Toward a Libertarian Theory of Inalienability: A Critique of Rothbard, Barnett, Gordon, Smith, Kinsella and Epstein,” *J. Libertarian Stud.* 17, no. 2 (Spring 2003; <https://perma.cc/79AC-34BZ>): 39–85; Stephan Kinsella, “A Libertarian Theory of Contract: Title Transfer, Binding Promises, and Inalienability,” “Inalienability and Punishment: A Reply to George Smith,” and “Selling Does Not Imply Ownership, and Vice-Versa: A Dissection,” all in *LFFS*; *idem*, “KOL004 | Interview with Walter Block on Voluntary Slavery and Inalienability,” *Kinsella on Liberty Podcast* (Jan. 27, 2013).

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12. See Kinsella, “Inalienability and Punishment,” pp. 246–47 n.18, citing Walter Block & Roy Whitehead, “Taking the Assets of Criminals to Compensate Victims of Violence: A Legal and Philosophical Approach,” *Wayne State U. L. Sch. J. Law Soc.* 5 (2003; [www.walterblock.com/publications](http://www.walterblock.com/publications)): 229–53, at 249–51 and Walter E. Block, “The Death Penalty,” *LewRockwell.com* (November 11, 2003; <https://perma.cc/DN7T-Y5CE>).

13. Stephan Kinsella, “Fraud, Restitution, and Retaliation: The Libertarian Approach,” *Mises Economics Blog* (Feb. 3, 2009).

14. See *idem*, “A Libertarian Theory of Punishment and Rights,” and “Dialogical Arguments for Libertarian Rights,” in *LFFS*.

15. Block, “Toward a Libertarian Theory of Inalienability,” p. 74; see also similar discussion in *idem*, “Rejoinder to Kinsella on Ownership and the Voluntary Slave Contract,” pp. 4–5.

16. For more on this, see Kinsella, “A Libertarian Theory of Contract,” *idem*, “Inalienability and Punishment,” *idem*, “Selling Does Not Imply Ownership, and Vice-Versa,” and *idem*, “KOL004 | Interview with Walter Block on Voluntary Slavery and Inalienability.”

17. As he sometimes includes in his email signoff, “If it moves, privatize it; if it doesn’t move, privatize it. Since everything either moves or doesn’t move, privatize everything.”

18. See Walter Block, “Roads, Bridges, Sunlight, and Private Property Rights,” and *idem*, “Roads, Bridges, Sunlight and Private Property: Reply to Tullock,” each in *idem*, *The Privatization of Roads and Highways: Human and Economic Factors* (Auburn, Ala.: Mises Institute, 2009; <https://mises.org/>

library/privatization-roads-and-highways), pp. 307–308; previously published, respectively, as Walter Block & Matthew Block, “Roads, Bridges, Sunlight and Private Property Rights,” *J. Des Economistes Et Des Etudes Humanes* VII, no. 2/3 (June–September 1996; [www.waterblock.com/publications](http://www.waterblock.com/publications)): 351–62 and Walter Block, “Roads, Bridges, Sunlight and Private Property: Reply to Tullock,” *J. Des Economistes Et Des Etudes Humanes* VIII, no. 2/3 (June–September 1998; [www.walterblock.com/publications](http://www.walterblock.com/publications)): 315–26.

19. Block, “Roads, Bridges, Sunlight, and Private Property Rights,” p. 296.

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28. On property rights as a *right to exclude*, see Kinsella, “What Libertarianism Is,” in *LFFS*, Appendix I.

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<http://c4sif.org/aip>); *idem*, “KOL118 | Tom Woods Show: Against Fuzzy Thinking,” *Kinsella on Liberty Podcast* (March 31, 2014; [www.stephankinsella.com/kinsella-on-liberty-podcast](http://www.stephankinsella.com/kinsella-on-liberty-podcast)).

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31. See Block, “Van Dun on Freedom and Property: A Critique.”

32. This is discussed further in the “Evictionism and Abortion” section below. See Block, “Libertarianism, Positive Obligations and Property Abandonment: Children’s Rights,” pp. 281–82. See also other articles by Block on abortion, such as “Terri Schiavo,” *J. Libertarian Stud.* 22, no. 1 (2011); <https://mises.org/library/terri-schiavo>: 527–36; Walter Block & Roy Whitehead, “Compromising the Uncompromisable: A Private Property Rights Approach to Resolving the Abortion Controversy,” *Appalachian J. L.* 4, no. 1 (2005): 1–45; “Stem Cell Research: The Libertarian Compromise,” *LewRockwell.com* (Sep. 3, 2001); and “Toward a Libertarian Theory of Abortion,” *The Libertarian Forum* 10, no. 9 (Sep. 1977): 794–95.

33. Walter E. Block, “Human shields, missiles, negative homesteading and libertarianism,” *Ekonomia—Wroclaw Economic Review* 25, no. 1 (2019); <https://wuwr.pl/ekon/article/view/8520>: 9–22, p. 9. See also *idem*, “The human body shield,” *J. Libertarian Stud.* 22, no. 1 (2011; <https://mises.org/library/human-body-shield>): 625–30. Walter’s theory is also summarized on the Walter Block Wikipedia page (<https://perma.cc/9V9G-Q3D9>).

34. Block, “Human shields, missiles, negative homesteading and libertarianism,” p. 13.

35. Walter E. Block, *Defending the Undefendable* (2018; <https://mises.org/library/defending-undefendable>); *Defending the Undefendable II: Freedom in All Realms* (UK and USA: Terra Libertas Publishing House, 2013; reprint edition Auburn, Ala.: Mises Institute, 2018; <https://mises.org/library/defending-undefendable-2>); *idem*, *Defending the Undefendable III* (Springer Publishing Company, 2021).

36. See Stephan Kinsella, “Defamation Law and Reputation Rights as a Type of Intellectual Property” (forthcoming); *idem*, “Law and Intellectual Property in a Stateless Society,” in *LFFS*, p. 357 *et pass*.

37. See Murray N. Rothbard, *Man, Economy, and State, with Power and Market*, Scholar’s ed., 2d ed. (Auburn, Ala: Ludwig von Mises Institute, 2009; <https://mises.org/library/man-economy-and-state-power-and-market>), chap. 2, § 12, pp. 182–83 (p. 157 of the Institute for Humane Studies 1962/1970 version); *idem*, *For a New Liberty*, 2d ed. (Auburn, Ala.: Mises Institute, 2006; <https://mises.org/library/new-liberty-libertarian-manifesto>) (first published in 1973); *idem*, “Knowledge, True and False,” in *The Ethics of Liberty* (New York: New York University Press, [1982] 1998; <https://mises.org/library/>

knowledge-true-and-false); Walter E. Block, “The Slanderer and Libeler,” in *Defending the Undefendable*; and Walter E. Block & Jacob Pillard, “Libel, Slander and Reputation According to Libertarian Law,” *J. Libertarian Stud.* 24 (2020; <https://perma.cc/9CMD-45UC>). In recent years, other libertarians have also criticized defamation law, such as libertarian legal scholar Gary Chartier, in his book *Anarchy and Legal Order: Law and Politics for a Stateless Society* (Cambridge University Press, 2013), chap. 5, § II.C.2.vi (pp. 278–79), subsection entitled “*Compensation should not ordinarily be available for the non-fraudulent dissemination of false information.*” See also Ryan McMaken, “The Dangers of Defamation Laws,” *Mises Wire* (Aug. 14, 2019; <https://mises.org/wire/dangers-defamation-laws>).

38. See *AIP*, the section “Contract vs. Reserved Rights”; Kinsella, “Law and Intellectual Property in a Stateless Society,” Part III.C; *idem*, “Richard O. Hammer: Intellectual Property Rights Viewed As Contracts,” *C4SIF Blog* (June 13, 2021; <https://c4sif.org/2021/06/richard-o-hammer-intellectual-property-rights-viewed-as-contracts>).

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lci/objections-walter-block-evictionism). See also Walter's SohoForum debate on Evictionism with Kerry Baldwin (Dec. 8, 2019; <https://www.thesohoforum.org/walter-block-vs-kerry-baldwin>; Youtube: [https://youtu.be/OKU\\_xutF-eQ?si=i2H9OIHe3Hg5czer](https://youtu.be/OKU_xutF-eQ?si=i2H9OIHe3Hg5czer)). See also J. Daniel Hammond's critical, "Book Review" [of Block, *Evictionism*], *Independent Review* 27, no. 1 (Summer 2022; <https://www.independent.org/publications/tir/article.asp?id=1735>); and also the Wikipedia entry for Evictionism (<https://perma.cc/UYW3-X73G>).

41. The possibility of such a "transoption" is the premise of libertarian sci-fi author Victor Koman's book *Solomon's Knife* (Franklin Watts, 1989).

42. See, e.g., Stephan Kinsella, "How We Come to Own Ourselves," in *LFSS*, pp. 50–51 (arguing for positive parental obligations), and *idem*, "Objectivists on Positive Parental Obligations and Abortion," *The Libertarian Standard* (Jan. 14, 2011; <https://stephankinsella.com/2011/01/objectivists-on-positive-parental-obligations-and-abortion>).

43. For more on this theory, see Stephan Kinsella, "A Libertarian Theory of Contract: Title Transfer, Binding Promises, and Inalienability," in *LFSS*.

44. Walter Block, "Libertarian Punishment Theory: Working for, and Donating to, the State," *Libertarian Papers* 1, art. no. 17 (2009; <http://libertarianpapers.org/17-libertarian-punishment-theory-working-donating-state>), p. 1.

45. *Ibid.*, p. 3 (footnotes omitted). Note that in other papers, Walter invokes a similar utilitarian calculus. For example, in his argument about human missiles and human shields, discussed above, regarding a situation where two innocent lives are in jeopardy, Walter opines that a solution where only one of them dies rather than both would be preferable: "Libertarians are by no means all utilitarians. However, other deontological things being equal, surely, we are to prefer a situation where only one innocent person dies, rather than both of them." Block, "Human shields, missiles, negative homesteading and libertarianism," p. 11.

46. Walter E. Block, "Radical Privatization and Other Libertarian Conundrums," *The International Journal of Politics and Ethics* 2, no. 2 (2002; <https://www.walterblock.com/publications>): 165–75, also published in *idem*, *Property Rights: The Argument for Privatization* (Palgrave Macmillan, 2019).

47. Walter Block, "Is Milton Friedman a Libertarian?," *Laissez-Faire*, No. 32 (March 2010; <https://www.walterblock.com/wp-content/uploads/2009/06/Is-Milton-Friedman-a-Libertarian-.pdf>): 9–22; *idem*, "Hayek's Road to Serfdom," *J. Libertarian Stud.* 12, no. 2 (Fall 1996; <https://mises.org/library/hayeks-road-serfdom>): 327–50, also in Block, *Property Rights: The Argument for Privatization*; see also *idem*, "Fanatical, Not Reasonable: A Short Correspondence Between Walter Block and Milton Friedman (on Friedrich Hayek)," *J. Libertarian Stud.* 20, no. 3 (Summer 2006; <https://mises.org/library/fanatical-not-reasonable-short-correspondence-between-walter-block-and-milton-friedman>): 61–80, republished as "Block vs. Friedman on Hayek," in Block, *Property Rights: The Argument for Privatization*; and *idem*, "Milton Friedman, RIP," *Mises Daily* (Nov. 17, 2006; <https://mises.org/library/milton-friedman-rip>).

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48. Walter Block, “David Friedman and Libertarianism: A Critique,” *Libertarian Papers* vol. 3, art. no. 35 (2011; <http://libertarianpapers.org/35-david-friedman-libertarianism-critique>): 1–34.

49. See Stephan Kinsella, “Milton Friedman on Intolerance, Liberty, Mises, Etc.,” *Mises Economics Blog* (Nov. 9, 2009; <https://stephankinsella.com/2009/11/milton-friedman-on-intolerance-liberty-mises-etc>). Rothbard had similar criticism of Friedman. As he wrote:

In some cases the approach is taken that knowledge of ethical truth would necessarily require coercion, so that freedom can only rest on the impossibility of knowing what virtuous action might be. In this way the classical liberal, or moral “libertine,” agrees from the other side of the coin with the traditionalists: they acknowledge that if we only knew what the good might be we would have to enforce it upon everyone. ...

The free market economist Milton Friedman, from the classical liberal perspective, has explicitly taken that very position.

Murray N. Rothbard, “Frank S. Meyer: The Fusionist as Libertarian Manqué,” *Modern Age* (Fall 1981; <https://mises.org/library/frank-s-meyer-fusionist-libertarian>): 352–63, at n.6 and accompanying text, reprinted in George W. Carey, ed., *Freedom and Virtue: The Conservative/Libertarian Debate* (Lanham, MD: University Press of America, 1984).

And I have done my share of expelling people from libertarianism. See, e.g., Stephan Kinsella, “I hereby expel Bill Maher from the libertarian movement,” *StephanKinsella.com* (June 17, 2009; <https://stephankinsella.com/2009/06/i-herely-expel-bill-maher-from-the-libertarian-movement>).

50. See criticism by various Misesian Austrians of Hayek’s “knowledge” approach to the calculation problem, collected in Stephan Kinsella, “Knowledge vs. Calculation,” *Mises Economics Blog* (July 11, 2006; <https://stephankinsella.com/2009/07/knowledge-vs-calculation>). See also *idem*, “The Great Mises-Hayek Dehomogenization/Economic Calculation Debate,”

*StephanKinsella.com* (Feb. 8, 2016; <https://stephankinsella.com/2016/02/the-great-mises-hayek-dehomogenizationeconomic-calculation-debate>).

51. See Stephan Kinsella, “Dialogical Arguments for Libertarian Rights,” “Defending Argumentation Ethics: Reply to Murphy & Callahan,” and “The Undeniable Morality of Capitalism,” all in *LFFS*. See also *idem*, “Argumentation Ethics and Liberty: A Concise Guide,” *Mises Daily* (May 27, 2011; <https://stephankinsella.com/2015/01/argumentation-ethics-and-liberty-a-concise-guide-2011>).

52. See, e.g., Walter Block, “Rejoinder to Murphy and Callahan on Hoppe’s Argumentation Ethics,” *J. Libertarian Stud.* 22, no. 1 (2011; <https://mises.org/library/rejoinder-murphy-and-callahan-hoppes-argumentation-ethics>): 631–39.

53. For my and Walter’s contributions in this regard, see notes 51 and 52, above; and Frank Van Dun, “Argumentation Ethics and the Philosophy of Freedom,” *Libertarian Papers* 1, art. no. 19 (2009; <http://libertarianpapers.org/19-argumentation-ethics-philosophy-freedom>).

54. Frank van Dun, “Against Libertarian Legalism: A Comment on Kinsella and Block,” *J. Libertarian Stud.* 17, no. 3 (Summer 2003; <https://mises.org/library/against-libertarian-legalism-comment-kinsella-and-block-0>): 63–90, commenting on an earlier version of Kinsella, *AIP*, Walter Block, “Toward a Libertarian Theory of Blackmail,” *J. Libertarian Stud.* 15, no. 2 (Spring 2001; <https://mises.org/library/toward-libertarian-theory-blackmail>): 55–88.

55. See Walter Block, “Reply to ‘Against Libertarian Legalism’ by Frank van Dun,” *J. Libertarian Stud.* 18, no. 2 (Spring 2004; <https://mises.org/library/reply-against-libertarian-legalism-frank-van-dun>): 1–30. For my response to Van Dun’s criticisms, see Stephan Kinsella, “Reply to Van Dun: Non-Aggression and Title Transfer,” in *LFFS*.

56. See Peter Schwartz, “Libertarianism: The Perversion of Liberty,” in Ayn Rand, *The Voice of Reason: Essays in Objectivist Thought* (Meridian, 1990) and the “Libertarians” entry in *The Ayn Rand Lexicon* (<http://aynrandlexicon.com>).

57. See Walter Block, “Libertarianism vs. Objectivism: A Response to Peter Schwartz,” *Reason Papers* no. 26 (Summer 2003): 39–62.

58. Ludwig von Mises, *The Theory of Money and Credit* (New Haven: Yale University Press, 1953; <https://mises.org/library/theory-money-and-credit>), chap. V, § 1; see also Stephan Kinsella, “Walter Block on Money as a *Sui Generis* Good,” *StephanKinsella.com* (July 12, 2023; <https://stephankinsella.com/2023/07/walter-block-on-money-as-a-sui-generis-good>).

59. Thorsten Polleit, “Why Governments Hate Currency Competition,” *Mises Wire* (July 1, 2020; <https://mises.org/wire/why-governments-hate-currency-competition>).

60. William Barnett II & Walter Block, “Money: Capital Good, Consumers’ Good, or (Media of) Exchange Good?,” *Rev. Austrian Econ.* 18, no. 2 (June 2005; <https://perma.cc/YS23-BHM5>): 179–94.

61. In this connection, also note Walter's disagreement with other Austrians about whether money is a present or future good. See notes 10 and 11, above, and accompanying texts.

62. See William Barnett II & Walter Block, "On the Optimum Quantity of Money," *Q. J. Austrian Econ.* 7, no. 1 (2004; [www.walterblock.com/publications](http://www.walterblock.com/publications)): 39–52; *idem*, "The Optimum Quantity of Money, Once Again," *Economics, Management, and Financial Markets* 7, no. 1 (March 2012; <https://perma.cc/LT7G-JWNM>): 9–24.

63. See Stephan Kinsella, "Comments on Block and Barnett on the Optimum Quantity of Money," *StephanKinsella.com* (March 26, 2021; <https://perma.cc/BE5T-YWMG>); *idem*, "Walter Block on Money as a *Sui Generis* Good."

64. See Stephan Kinsella, "The Great Fractional Reserve/Freebanking Debate," *StephanKinsella.com* (Jan. 29, 2016; <https://stephankinsella.com/2016/01/the-great-fractional-reserve-freebanking-debate>).

65. See Walter Block, "Fractional Reserve Banking: An Interdisciplinary Perspective," in Walter Block & Llewellyn H. Rockwell, Jr., *Man, Economy and Liberty: Essays in Honor of Murray N. Rothbard* (1988; <https://mises.org/library/man-economy-and-liberty-essays-honor-murray-n-rothbard>); Hans-Hermann Hoppe, with Walter Block & Jörg Guido Hülsmann, "Against Fiduciary Media," *Q. J. Austrian Econ.* 1, no. 1 (1998; <https://mises.org/library/against-fiduciary-media-0>): 19–50; Walter Block & Kenneth Garschina, "Hayek, Business Cycles and Fractional Reserve Banking: Continuing the De-Homogenization Process," *Rev. Austrian Econ.* 9, no. 1 (1996; <https://mises.org/library/hayek-business-cycles-and-fractional-reserve-banking-continuing-de-homogenization-process>); Walter Block, "Walter Block versus Bryan Caplan on Fractional Reserve Banking," *LewRockwell.com* (Nov. 1, 2008; <https://archive.lewrockwell.com/block/block110.html>); and *idem*, "Is Fractional Reserve Banking Fraudulent?," *LewRockwell.com* (Nov. 6, 2008; <https://archive.lewrockwell.com/block/block111.html>). I will add that I have always agreed with the economic case against FRB but have never believed it was *inherently* fraudulent. I believe in "capitalist acts between consenting adults," in Nozick's phrasing, and also in *caveat emptor*, or, as applied to this area, to *caveat depositor*. See Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), p. 163 ("The socialist society would have to forbid capitalist acts between consenting adults.").

66. Walter Block, Roy Whitehead & Stephan Kinsella, "The Duty to Defend Advertising Injuries Caused by Junk Faxes: An Analysis of Privacy, Spam, Detection and Blackmail," *Whittier L. Rev.* 27, no. 4 (2006; [www.walterblock.com/publications](http://www.walterblock.com/publications)): 925–49. See also Stephan Kinsella, "Why Spam is Trespass," *StephanKinsella.com* (Jan. 18, 2010; <https://stephankinsella.com/2010/01/why-spam-is-trespass>).

67. I discuss Rothbard's and Walter's views in this respect in "Causation and Aggression," in *LFFS*, p. 182 *et seq.*

68. See Block, "Reply to 'Against Libertarian Legalism' by Frank van Dun," p. 13 *et seq.*

69. See discussion in “Causation and Aggression,” p. 182 *et seq.*

70. Murray N. Rothbard, “Self-Defense,” in *The Ethics of Liberty* (New York: New York University Press, 1998; <https://mises.org/library/right-self-defense>), p. 78.

71. I discuss the issue of why threats are a type of aggression in “A Libertarian Theory of Punishment and Rights,” in *LFFS*, Part IV.F. And again, I criticize Walter’s and Rothbard’s views on this in “Causation and Aggression,” p. 182 *et seq.*

72. Murray N. Rothbard, “Punishment and Proportionality,” in *The Ethics of Liberty* (<https://mises.org/library/punishment-and-proportionality-0>), p. 88 n.6. For Walter’s writings on this, see, e.g., Walter Block, “Toward a Libertarian Theory of Guilt and Punishment for the Crime of Statism,” *J. Libertarian Stud.* 22, no. 1 (2011; <https://mises.org/library/toward-libertarian-theory-guilt-and-punishment-crime-statism>): 665–75; *idem*, “Radical Libertarianism: Applying Libertarian Principles to Dealing With the Unjust Government, Part I,” *Reason Papers* No. 27 (Fall 2004; <https://reasonpapers.com>): 113–30; *idem*, “Radical Libertarianism: Applying Libertarian Principles to Dealing with the Unjust Government, Part II,” *Reason Papers* No. 28 (Spring 2006; <https://reasonpapers.com>): 117–33; and *idem*, “Libertarian Punishment Theory: Working for, and Donating to, the State,” *Libertarian Papers* vol. 1, art. no. 17 (2009; <https://perma.cc/F84U-ZQFD>).

73. Rothbard, “Punishment and Proportionality,” p. 88.

74. See, e.g., Wendy McElroy, “Why I Would Not Vote Against Hitler,” *Liberty* 9, no. 5 (May 1996; <https://perma.cc/5NE3-BWES>): 46–47; *idem*, “The Faux Slavery Analogy to Voting,” *Daily Anarchist* (July 31, 2013; <https://web.archive.org/web/20131025012707/https://dailyanarchist.com/2013/07/31/the-faux-slavery-analogy-to-voting>). See also other arguments against voting collected at “I Don’t Vote,” *Openly Voluntary* (<https://perma.cc/YKJ-VWZ9>).

75. See, e.g., Walter E. Block, “Voting: Rejoinder to Casey, McElroy, Ward, Pugsley, Konkin and Barnett,” *Political Dialogues: Journal of Political Theory* (2018; <https://apcz.umk.pl/DP/article/view/DP.2018.002>): 23–38, and *idem*, “If You Have To Vote for a President,” *LewRockwell.com* (June 28, 2004; <https://www.lewrockwell.com/2004/06/walter-e-block/if-you-have-to-vote-for-a-president/>). See also Stephan Kinsella, “Libertarian Answer Man: Voting, for Libertarians,” *StephanKinsella.com* (Sep. 7, 2023; <https://stephankinsella.com/2023/09/libertarian-answer-man-voting-for-libertarians>).

76. Walter E. Block, “Ron Paul for President, 2016: A Few Questions, Concerning the Present Ron Paul Campaign Situation,” *LewRockwell.com* (June 14, 2012; <https://www.lewrockwell.com/2012/06/walter-e-block/ron-paul-for-president-2016>). See also similar arguments in *idem*, “Hey, Libertarians: An Open Letter to Libertarians On Behalf of Ron Paul, Part II,” *LewRockwell.com* (Dec. 27, 2007; <https://www.lewrockwell.com/2007/12/walter-e-block/hey-libertarians>), and McElroy’s response: Wendy McElroy, “Response to Walter Block,” *WendyMcElroy.com* (Dec. 28, 2007; <https://www.wendymcelroy.com/news.php?extend.1268>).

77. A number of Walter’s notable positions are highlighted on his Wikipedia page under the “Viewpoints” category (<https://perma.cc/9V9G-Q3D9>).

There are two topics Walter has written on that I have not commented on here: on Covid lockdowns and related matters, and on the Israel-Gaza issue. On the former, see Walter Block, “Forced Vaccinations,” *LewRockwell.com* (Feb. 4, 2013; <https://www.lewrockwell.com/2013/02/walter-e-block/forced-vaccinations/>); *idem*, “Libertarianism and Compulsory Vaccinations,” *LewRockwell.com* (Jan. 19, 2013; <https://www.lewrockwell.com/lrc-blog/libertarianism-and-compulsory-vaccinations/>); *idem*, “A Libertarian Analysis of the COVID-19 Pandemic,” *J. Libertarian Stud.* 24 (2020; <https://mises.org/journal-libertarian-studies/libertarian-analysis-covid-19-pandemic>): 206–37. Jeff Tucker has criticized Walter for some of these views. See, e.g. Jeffrey Tucker Interviewed on The Savvy Street Show, *The Savvy Street Show* (Youtube, Jan. 25, 2024; <https://youtu.be/0W50p-riEuY?si=pvQ0n8lf7M3cndEC>); a few days later the same program had Walter on to defend his pro-Covid lockdown/mandate views he had expressed at the height of the pandemic lockdown period. See Walter Block on the Savvy Street Show, *The Savvy Street Show* (Youtube, Feb. 23, 2024; <https://youtu.be/nV-5M56qXHQ?si=fM0A9-yI5CgaAbWm>). Tucker also rightly called out Block for his illiberal and unlibertarian views on infectious diseases, including his bizarre defense of jailing “Typhoid Mary.” See Jeffrey A. Tucker, “The Downfall of the Gurus,” *Epoch Times* (Jan. 23, 2023; <https://www.theepochtimes.com/opinion/the-downfall-of-the-gurus-5004053>); Walter Block, “My Response to Jeffrey Tucker on COVID,” *Epoch Times* (Feb. 8, 2023; <https://www.theepochtimes.com/opinion/my-response-to-jeffrey-tucker-on-covid-5035421> and <https://walterblock.substack.com/p/my-response-to-jeffrey-tucker-on>); also *idem*, “Rejoinder to Slenzok on COVID,” *J. Libertarian Stud.* 25 (1) (2021; <https://jls.mises.org/article/57297-rejoinder-to-slenzok-on-covid>): 264–68.

On the Israel-Gaza issue, see Walter E. Block & Alan G. Futerman, “Rejoinder to Hoppe on Israel vs. Hamas,” *MEST Journal* 12, no. 2-SE (July 2024; [https://www.meste.org/mest/MEST\\_Najava/XXIV\\_Block\\_Futerman.pdf](https://www.meste.org/mest/MEST_Najava/XXIV_Block_Futerman.pdf)): SE-30–86, which is a response to Hans-Hermann Hoppe, “An Open Letter to Walter E. Block,” *LewRockwell.com* (Jan. 31, 2024; <https://www.lewrockwell.com/2024/01/hans-hermann-hoppe/breaking-up-is-hard-to-do-but-sometimes-necessary/>). See also David Gordon and Wanjiru Njoya, “The Classical Liberal Case For Israel,” *Mises Wire* (Feb. 2, 2024; <https://mises.org/mises-wire/review-classical-liberal-case-israel>) and Walter’s response, Alan G. Futerman and Walter E. Block, “Rejoinder to Gordon and Njoya on Israel and Libertarianism,” *MEST Journal* 12, no. 2 (July 2024; [https://www.meste.org/mest/MEST\\_Najava/XXIV\\_Futerman.pdf](https://www.meste.org/mest/MEST_Najava/XXIV_Futerman.pdf)): 26–35. I agree with Tucker, and with Hoppe, on the Covid/infectious disease lockdown and Israel-Gaza issues, but it would be inappropriate of me to discuss these matters further, with the necessary criticism it would entail, in a book of essays in Block’s honor.

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