

WALTER E. BLOCK

LOYOLA UNIVERSITY NEW ORLEANS, USA

E-MAIL: WBLOCK@LOYNO.EDU

ORCID: 0000-0003-2215-4791

Libertarianism and Original Appropriation Homesteading: Response to Dominiak

Abstract: What is the ultimate justification for private property rights? How do they first legitimately come into being? Both Dominiak and I reject the usual explanation: they come into existence based upon a grant of executive privilege, based upon the will of the king or the democratic legislature. For this leaves open the issue of why either of them have the right to grant private property rights in the first place. Dominiak claims this is based upon first or prior possession. In the present paper I will criticize that alternative, and defend the John Lockean notion of “mixing labor” with land and natural resources as a means of coming to own them via homesteading.

Keywords: homesteading, possession, property titles, John Locke, appropriation

I. Introduction

Dominiak¹ makes an important contribution to our attempt to understand the genesis of private property rights. The present paper has been written in

¹ Łukasz Dominiak, “Libertarianism and Original Appropriation,” *Historia i Polityka* 22(29) (2017): 43–56, DOI: 10.12775/HiP.2017.026, access 20.3.2023, <https://apcz.umk.pl/HiP/article/>

order to compare and contrast this author's theory with that of Locke's (1980), which is predicated upon mixing one's labor with hitherto unowned, or virgin, territory. My hope is to thus provide even more insight into this vital process which Dominiak analyzes.

There are two main contending principles which are used to explain and account for the patterns of ownership: what our author calls "the labour principle of justice in original appropriation"; and the "first possession principle of justice in original appropriation." He plumps for the latter; I, for the former. Thus, although he makes important contributions to our understanding of libertarian theory, the present paper emphasizes the few points we have of disagreement, not the many of agreement.

In section II we consider the specific instances in which the two of us diverge. We conclude in section III.²

II. The specifics

Dominiak starts by "draw(ing) a crucial distinction between possessing a thing and owning it. To possess a thing is to have a possibility to deal with it at will, to control it for oneself or as an owner and therefore to exclude others from dealing with it... Possession is thus a threefold, factual relation between the possessor, the thing possessed and the rest of mankind such as the possessor can control the thing to the exclusion of others. Possession is therefore a descriptive concept."³

He continues to set the stage: "Property, on the other hand is a normative concept. to own a thing is to have a right to possess it, i.e. to be in such a juridical position that one's claim to deal with the thing at will is a justified claim whereas claims of other persons are unjustified or less justified than the owner's... Thus, ownership is a threefold normative or juridical relation between the owner, the thing owned and the rest of mankind such as the owner may

view/HiP.2017.026; <https://apcz.umk.pl/HiP/article/view/HiP.2017.026/13714>. All references to this author will be to this one publication of his, unless otherwise specified.

² I am grateful to two referees of this journal for suggesting that I dig deeper into this paper. All remaining errors and infelicities are of course my responsibility, not theirs.

³ Dominiak, "Libertarianism and Original Appropriation": 44.

control the thing to the exclusion of others because he has the best title to do it. Hence, the distinction between possession and ownership is a distinction between factual and normative relation.”⁴

However, the two are not all that far apart from one another, at least not in the view of this author. For, it is his contention that the proper, legitimate way to obtain ownership is first, via possession.

In my perspective, in contrast, “possession” is a reasonable way to describe the relationship of a person and very small objects. For example, a gold nugget or a diamond may be “possessed” by placing them in one’s pocket. All well and good so far, apart from the fact that bending down, grabbing such a relatively tiny object, and placing it in a pocket can also, without too much of a stretch of the imagination, be described as mixing one’s labor with it.

However, what are we to make of “possessing” 100 acres of land? That territory would be way too large to place in a pocket. How, then, could a person “possess” such an acreage? By continually marching around on it with a gun? By placing a fence around it, and hanging “do not trespass” signs every hundred yards or so on this fence? One could then be said to possess the fence, and the signs, but, hardly, all the land in between. If one did so regarding the periphery of a large country, such as the U.S., China, Russia, or Brazil, would then one own the entire country, even though one had not come within thousands of miles of all of it? That would seem to be the highly problematic implication of this theory.

In sharp contrast, mixing one’s labor with a plot this size places no similar insuperable barriers. Tasks such as these have been accomplished all throughout history. True, one cannot do so in an hour, a day or maybe, even, a week. But a month’s labor, on the part of millions of people, even without modern technology such as a tractor, could easily be done.

The score so far: one point for Lockean homesteading theory, zero for “possession.”⁵

⁴ Ibidem: 45.

⁵ Locke is hardly the only advocate of the labor theory of homesteading virgin territory. For more in this vein see Walter E. Block, “Earning Happiness Through Homesteading Unowned Land: A Comment on ‘Buying Misery with Federal Land’ by Richard Stroup,” *Journal of Social Political and Economic Studies* 15(2) (1990): 237–253; Walter E. Block, “Homesteading City Streets; An Exercise in Managerial Theory,” *Planning and Markets* 5(1) (2002): 18–23, access 20.3.2023,

At this point Dominiak moves on to a consideration not of converting un-owned items into ownership status, but what may be done with already owned property. He states: "Principles of justice in property transfers concern such issues as the ways in which an owner may transfer his property title to other

<http://www-pam.usc.edu/volume5/v5i1a2s1.html>; <http://www-pam.usc.edu/>; Walter E. Block and Michael R. Edelstein, "Popsicle Sticks and Homesteading Land for Nature Preserves," *Romanian Economic and Business Review* 7(1) (2012): 7–13; Walter Block and Guillermo Yeatts, "The Economics and Ethics of Land Reform: A Critique of the Pontifical Council for Justice and Peace's "Toward a Better Distribution of Land: The Challenge of Agrarian Reform,"" *Journal of Natural Resources and Environmental Law* 15(1) (1999–2000): 37–69; Walter Block v. Richard Epstein, "Debate on Eminent Domain," *NYU Journal of Law & Liberty* 1(3) (2005): 1144–1169; Per Bylund, "Man and Matter: A Philosophical Inquiry into the Justification of Ownership in Land from the Basis of Self-Ownership," master thesis, Lund University, spring semester 2005, access 20.3.2010, <http://www.uppsats.se/uppsats/a7eb17de8f/>; http://perbylund.com/academics_polsci_msc.pdf; <http://www.essays.se/essay/a7eb17de8f/>; <http://www.lunduniversity.lu.se/o.o.i.s?id=24965&postid=1330482>; Per Bylund, "Man and Matter: How the Former Gains Ownership of the Latter," *Libertarian Papers* 4(1) (2012): 73–118, access 20.3.2010, <http://libertarianpapers.org/articles/2012/lp-4-1-5.pdf>; Hugo Grotius, *Law of War and Peace*, 3 volumes, transl. A.C. Campbell (London, 1625); Hans-Hermann Hoppe, *The Economics and Ethics of Private Property: Studies in Political Economy and Philosophy* (Boston: Kluwer, 1993); Hans-Hermann Hoppe, "Of Private, Common, and Public Property and the Rationale for Total Privatization," *Libertarian Papers* 3(1) (2011): 1–13, access 20.3.2023, <http://libertarianpapers.org/2011/1-hoppe-private-common-and-public-property/>; N. Stephan Kinsella, "A Libertarian Theory of Contract: Title Transfer, Binding Promises, and Inalienability," *Journal of Libertarian Studies* 17(2) (2003): 11–37, access 20.3.2023, http://www.mises.org/journals/jls/17_2/17_2_2.pdf; N. Stephan Kinsella, "How We Come to Own Ourselves," *Mises Institute*, 7.9.2006, access 20.3.2023, <http://www.mises.org/story/2291>; N. Stephan Kinsella, "Homesteading, Abandonment, and Unowned Land in the Civil Law," *Mises Institute*, 22.5.2009, access 20.3.2023, <http://blog.mises.org/10004/homesteading-abandonment-and-unowned-land-in-the-civil-law/>; N. Stephan Kinsella, "What Libertarianism Is," *Mises Institute*, 21.8.2009, access 20.3.2023, <https://mises.org/library/what-libertarianism>; John Locke, *An Essay Concerning the True Origin, Extent and End of Civil Government*, in: *Social Contract*, ed. E. Barker (New York: Oxford University Press, 1948), 17–19; John Locke, *Second Treatise of Civil Government* (Chicago: Henry Regnery, 1955, chapter 5); Paul Ellen Frankel, *Property Rights and Eminent Domain* (Livingston, New Jersey: Transaction Publishers, 1987); Samuel Pufendorf, *Natural Law and the Law of Nations (De officio hominis et civis prout ipsi praescribuntur lege naturali) De officio hominis et civis juxta legem naturalem libri duo*, 2 vols., volume 1: Text (Buffalo, NJ, 1673); Murray N. Rothbard, *For a New Liberty* (New York: Macmillan, 1973), 32, access 20.3.2023, <http://mises.org/rothbard/newlibertywhole.asp>; Michael S. Rozeff, "Original Appropriation and Its Critics," *LewRockwell.com*, 1.9.2005, access 20.3.2023, <http://www.lewrockwell.com/rozeff/rozeff18.html>; Carl Watner, "The Proprietary Theory of Justice in the Libertarian Tradition," *Journal of Libertarian Studies* 6(3–4) (1982): 289–316, access 20.3.2023, http://mises.org/journals/jls/6_3/6_3_6.pdf.

persons, facts that may invest a new owner with the title, possible constraints on types of titles that may not be transferred etc.”⁶

One of the most important of these “constraints” is the transfer of the entire human person from self to other ownership. That is, are rights of self-ownership unalienable? There are numerous authors who claim that these are inalienable: no one, for example, may sell oneself into slavery.⁷ Why not? They rely on the positive, not the normative claim, that it is impossible to give up one’s will. This may well be true.⁸

⁶ Dominiak, “Libertarianism and Original Appropriation”: 46.

⁷ For example, see: Randy E. Barnett, “Contract Remedies and Inalienable Rights,” *Social Philosophy & Policy* 4(1) (1986): 179–202; Randy E. Barnett, *The Structure of Liberty: Justice and the Rule of Law* (Oxford: Clarendon Press, 1988); Guido Calabresi and Melamed Douglas, “Property Rules, Liability Rules, and Inalienability: One View of the Cathedral,” *Harvard Law Review* 85(6) (1972): 1089–1128; Richard Epstein, “Why Restrain Alienation,” *Columbia Law Review* 85 (1985): 970–990; Williamson Evers, “Toward a Reformulation of the Law of Contracts,” *Journal of Libertarian Studies* 1 (1977): 3–13, access 20.3.2023, http://mises.org/journals/jls/1_1/1_1_2.pdf; N. Stephan Kinsella, “Reply to George Smith: A Victim’s Right to Punish,” *Journal of Libertarian Studies* 14(1) (1998): 79–93; N. Stephan Kinsella, “Inalienability and Punishment: A Reply to George Smith,” *Journal of Libertarian Studies* 14(1) (1999): 79–93; N. Stephan Kinsella, “A Libertarian Theory of Contract: Title Transfer, Binding Promises, and Inalienability,” *Journal of Libertarian Studies* 17(2) (2003): 11–37, access 20.3.2023, http://www.mises.org/journals/jls/17_2/17_2_2.pdf; Anthony Kronman, “Paternalism and the Law of Contracts,” *The Yale Law Journal* 92(6) (1983): 763–798; Arthur Kuflik, “The Inalienability of Autonomy,” *Philosophy and Public Affairs* 13(4) (1984): 271–298; Arthur Kuflik, “The Utilitarian Logic of Inalienable Rights,” *Ethics* 97(1) (1986): 75–87; Roderick Long, “Slavery Contracts and Inalienable Rights: A Formulation,” *Formulations* 2 (1995), 2, access 20.3.2023, <http://libertariannation.org/a/f2211.html>; Terrance McConnell, “The Nature and Basis of Inalienable Rights,” *Law and Philosophy* 3(1) (1984): 25–59; Terrance McConnell, “The Inalienable Right of Conscience: A Madisonian Argument,” *Social Theory & Practice* 22(3) (1996): 397–416; Margaret Jane Radin, “Time, Possession and Alienation,” *Washington University Law Quarterly* 64(3) (1986): 739–758; Margaret Jane Radin, “Market-Inalienability,” *Harvard Law Review* 100(8) (1987): 1849–1937; George Reisman, *Capitalism* (Ottawa, IL: Jameson Books, 1996), 455f., 634–636; Murray N. Rothbard, *The Ethics of Liberty* (New York: New York University Press, 1998), access 20.3.2023, <https://cdn.mises.org/The%20Ethics%20of%20Liberty%20191108.pdf>; George Smith, “A Killer’s Right to Life,” *Liberty* 10(2) (1996): 46–54; George Smith, “Inalienable Rights?,” *Liberty* 10(6) (1997): 51–56; Unknown Author, “But What About Voluntary Slaves?,” *The Voluntarist reader*, no date, access 20.3.2023, <https://voluntaristreader.wordpress.com/2012/12/29/but-what-about-voluntary-slaves/>.

⁸ My own knowledge of psychology is insufficient to be certain about this, one way or the other.

The other side of the debate, in contrast, is normative. It is a matter of rights. If there is a voluntary slave, may the master whip and even kill him, legally? This issue entirely eschews the issue of whether the will may be alienated or not. Why might a person sell himself into such a position? Possibly, to raise the necessary funds to save his child's life; he would then value the life of his child more than his own freedom. The buyer, too, would gain, at least *ex ante* as is always the case in all voluntary commercial interactions, bar none: he places greater weight on the benefits of owning a slave compared to the money he spends for the purchase thereof.⁹

⁹ In the view of Boldrin and Levine: "Take the case of slavery. Why should people not be allowed to sign private contracts binding them to slavery? In fact economists have consistently argued against slavery – during the 19th century David Ricardo and John Stuart Mill engaged in a heated public debate with literary luminaries such as Charles Dickens, with the economists opposing slavery, and the literary giants arguing in favor." (Michele Boldrin and David K. Levine, *Against Intellectual Monopoly* (Cambridge: Cambridge University Press, 2008), access 20.3.2023, <http://mises.org/store/Against-Intellectual-Monopoly-P552.aspx>). For others on the pro side of this debate, see: Anna-Karin Andersson, "An Alleged Contradiction in Nozick's Entitlement Theory," *Journal of Libertarian Studies* 21(3) (2007): 43–63, access 20.3.2023, http://mises.org/journals/jls/21_3/21_3_3.pdf; Walter E. Block, "Voluntary Slavery," *The Libertarian Connection*, 1(3) (1969): 9–11; Walter E. Block, "Book Review of Nancy C. Baker, *Baby Selling: The Scandal of Black Market Adoptions*" (New York: The Vanguard Press, 1978)," *Libertarian Review* 7(12) (1979): 44–45; Walter E. Block, "Rent-a-womb Market," *Thunder Bay Ontario Daily*, 26.6.1988; Walter E. Block, "Market Inalienability Once Again: Reply to Radin," *Thomas Jefferson Law Journal* 22(1) (1999): 37–88; Walter E. Block, "Alienability, Inalienability, Paternalism and the Law: Reply to Kronman," *American Journal of Criminal Law* 28(3) (2001): 351–371, access 20.3.2023, http://www.walterblock.com/publications/reply_to_kronman.pdf; Walter E. Block, "On Reparations to Blacks for Slavery," *Human Rights Review* 3(4) (2002): 53–73; Walter E. Block, "Toward a Libertarian Theory of Inalienability: A Critique of Rothbard, Barnett, Gordon, Smith, Kinsella and Epstein," *Journal of Libertarian Studies* 17(2) (2003): 39–85; Walter E. Block, "Are Alienability and the Apriori of Argument Logically Incompatible?," *Dialogue* 1 (2004): 1–10, access 20.3.2010, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1889440; Walter E. Block, "Ayn Rand and Austrian Economics: Two Peas in a Pod," *The Journal of Ayn Rand Studies* 6(2) (2005): 259–269; Walter E. Block, "Epstein on Alienation: A Rejoinder," *International Journal of Social Economics* 33(3–4) (2006): 241–260; Walter E. Block, "Secession," *Dialogue* 4 (2007): 1–14; Walter E. Block, "Alienability: Reply to Kuflik," *Humanomics* 23(3) (2007): 117–136; Walter E. Block, "Yes, Sell Rivers! And Make Legal Some Slave Contracts," *The Tye*, 25.7.2009, access 20.3.2010, <http://theyee.ca/Opinion/2009/07/24/SellRivers/>; Walter E. Block, "Privatizing Rivers and Voluntary Slave Contracts," *LewRockwell.com*, 27.7.2009, access 20.3.2023, <http://www.lewrockwell.com/block/block134.html>; Michele Boldrin and David K. Levine, *Against Intellectual Monopoly* (Cambridge: Cambridge University Press, 2008), access 20.3.2023, <http://mises.org/store/>

I think our author is very incisive when he avers: “[...] the subject-matter of principles of justice in transfers is not a factual, physical act of transferring things between persons but identifying licit transfers of existing property titles to these things; a thing or possession thereof can be transferred without the title to it being transferred as e.g. in the case of theft when even though possession is transferred, the title is only violated and stays where it was.”¹⁰

Dominiak then addresses himself to the important question of rectification of committed injustices. In this area relevant questions include issues connected with forfeiture of rights, kinds of liability, sorts of rectification, viz. retribution, restitution, compensation or deterrence, etc.

An important issue now confronting many societies is whether any reimbursement is due to the great grandchildren of slaves.¹¹ Some commentators claim that all whites owe a debt to all blacks in response to this horrendous rights violation.¹² Others maintain that no white is obligated to pay any black

Against-Intellectual-Monopoly-P552.aspx; Danny Frederick, “Voluntary Slavery,” *Las Torres de Lucca* 4 (2014): 115–137, access 20.3.2023, http://www.lastorresdelucca.org/index.php?option=com_k2&view=item&id=145:laesclavitud-voluntaria&Itemid=24&lang=en; Stephen Kershner, “A Liberal Argument for Slavery,” *Journal of Social Philosophy* 34(4) (2003): 510–536; Jan Clifford Lester, *Escape from Leviathan. Liberty, Welfare and Anarchy Reconciled* (St. Martin’s Press, 2000); Bionic Mosquito, “The Sanctity of Contract,” *Bionic mosquito*, 19.4.2014, access 20.3.2023, <http://bionicosquito.blogspot.com/2014/04/the-sanctity-of-contract.html>; Robert Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974), 58, 283, 331; Hillel Steiner, *An Essay on Rights* (Oxford: Blackwell, 1994), 232–233; Hillel Steiner, “Directed Duties and Inalienable Rights,” *Ethics* 123(1) (2013): 230–244; Judith Jarvis Thomson, *The Realm of Rights* (Cambridge, MA: Harvard University Press, 1990), 283–284.

¹⁰ Dominiak, “Libertarianism and Original Appropriation”: 46.

¹¹ We are now of course discussing the abominable coercive slavery, not the legitimate voluntary variety.

¹² Richard America, *Paying the Social Debt: What White America Owes Black America* (New York, N.Y.: Praeger, 1993); Boris I. Bittker, *Reparations: The Case for Black Reparations* (Boston: Beacon Press, 1972); Ta-Nehisi Coates, “The Case for Reparations,” *The Atlantic*, June 2014, access 20.3.2023, <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>; Kimi Forde-Mazrui, “Taking Conservatives Seriously: A Moral Justification for Affirmative Action and Reparations,” *California Law Review* 92(3) (2004): 683–753, access 20.3.2023, <https://www.jstor.org/stable/3481453>; Randall Robinson, *Defending the Spirit: A Black Life in America* (Middlesex, England: Penguin, 1998); Randall Robinson, *The Debt: What America Owes to Blacks* (New York, N.Y.: Dutton, 2000); Randall Robinson, *The Reckoning* (Middlesex, England: Penguin, 2002).

any amount at all, since these vicious crimes took place almost 200 years ago, and the crimes of the fathers do not redound to their sons.¹³

Both are incorrect.¹⁴ Suppose my grandfather stole a wrist watch from your grandfather. He then passed it on to his son, my father, from whom I inherited

¹³ Richard A. Epstein, “The Case against Black Reparations,” *Boston University Law Review* 84 (2004): 1177–1191, access 20.3.2023, https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2323&context=journal_articles; Richard A. Epstein, “The Case Against Reparations for Slavery. For True Racial Justice, Let’s Promote the Rule of Law, Deregulate the Labor Market, and Embrace the Charter School Movement,” *The Libertarian*, 27.5.2014, access 20.3.2023, <https://www.hoover.org/research/case-against-reparations-slavery>; David Horowitz, “The Latest Civil Rights Disaster: Ten Reasons Why Reparations for Slavery Are a Bad Idea for Black People – and Racist Too,” *The Black Scholar* 31(2) (2000): 48, DOI: 10.1080/00064246.2001.11431145, access 20.3.2023, <https://www.tandfonline.com/doi/abs/10.1080/00064246.2001.11431145>; David Horowitz, *Uncivil Wars: The Controversy over Reparations for Slavery* (San Francisco, CA: Encounter Books, 2002); Walter E. Williams, “Reparations for Slavery,” *Creators*, 26.6.2019, access 20.3.2023, <https://www.creators.com/read/walter-williams/06/19/reparations-for-slavery>; Kevin D. Williamson, “The Case against Reparations. A Reply to Ta-Nehisi Coates,” *National Review*, 24.5.2014, access 20.3.2023, <https://www.nationalreview.com/2014/05/case-against-reparations-kevin-d-williamson/>.

¹⁴ Here is the libertarian case for reparations from whites to blacks for slavery: Wilton D. Alston and Walter E. Block, “Reparations, Once Again,” *Human Rights Review* 9(3) (2007): 379–392, access 20.3.2023, <http://tinyurl.com/2b75fl>; Jon-Paul Amos and Walter E. Block, “Contra Horowitz: A Case for Reparations to Blacks for Slavery,” *Medjunarodne studije (International Studies)* 22(2) (2022): 37–57, access 20.3.2023, <https://hrcak.srce.hr/medunarodnestudije>; <https://hrcak.srce.hr/en/broj/21807>; <https://hrcak.srce.hr/file/416288>; <https://hrcak.srce.hr/clanak/416288>; Tanieca Arceneaux, “Reparations for Slavery: A Cause for Reparations, A Case Against David Horowitz,” *The Review of Black Political Economy* 32(3–4) (2005): 141–148, access 20.3.2023, <http://www.springerlink.com/content/u25j345346645485/>; <http://sumaris.cbuc.es/cgis/sumari.cgi?issn=00346446&idsumari=A2005N0003-4V000032>; <http://link.springer.com/article/10.1007%2Fs12114-005-1010-1#page-1>; <http://link.springer.com/journal/12114/32/3/page/1>; <http://link.springer.com/article/10.1007/s12114-005-1010-1>; Walter E. Block, “Malcolm X,” *Fraser Forum*, January 1993: 18–19, access 20.3.2023, <http://mises.org/Community/forums/t/5361.aspx>; Walter E. Block, “The Moral Dimensions of Poverty, Entitlements and Theft,” *The Journal of Markets and Morality* 4(1) (2001): 83–93; Walter E. Block, “On Reparations to Blacks for Slavery,” *Human Rights Review* 3(4) (2002): 53–73; Walter E. Block, “A Libertarian Theory of Secession and Slavery,” *LewRockwell.com*, 10.6.2002, access 20.3.2023, <http://www.lewrockwell.com/block/block15.html>; Walter Block and Guillermo Yeatts, “The Economics and Ethics of Land Reform: A Critique of the Pontifical Council for Justice and Peace’s ‘Toward a Better Distribution of Land: The Challenge of Agrarian Reform,’” *Journal of Natural Resources and Environmental Law* 15(1) (1999–2000): 37–69; Lucas Nouveau and Walter E. Block, “A Comment on Reparations for Slavery,” *Libertas: Segunda Epoca* 2020, access 20.3.2023, <https://journallibertas.com/files/2020/5.2%20-%2004%20-%20Nouveau%20and%20Block%20-%20>

“How, if at all, do things change if the beneficiaries and those made worse off are not the direct parties in the act of injustice, but, for example, their descendants?”¹⁸

This is irrelevant. No one now living is a “direct party.” As we have seen, that matters not in the slightest. The grandfathers’ stolen watch must be returned, if justice is to prevail, and this goes, as well, for stolen labor, e.g., slavery.¹⁹ But suppose the “watch,” or, more to the point, the land upon which the slaves labored, was sold several times. This matters not one bit, either. There is right now someone unjustifiably holding onto the watch or the land, and the law must compel him to give it up²⁰ to the rightful owner, the grandchild who can prove that it is properly his. What of the innocent land holder who must be forced to do so? His only option, given proper libertarian law, would be to seek damages from the person who sold it to him. And the same remedy exists for that person, if he innocently purchased the item in question from the previous owner.

Our author poses another important question: “How far back must one go in wiping clean the historical slate of injustices?”²¹

The answer all too often given is that there must be a legal statute of limitations of a decade or two or three. The reasoning is that otherwise the law calendar will become clogged up, and thus unable to perform its crucial functions. But there are difficulties with this response. Any specific number of years, say, 35, will be open to the challenge of why not a year more or less.²² A second

¹⁸ Ibidem.

¹⁹ Slavery was far more despicable than mere stolen labor. But it is stolen labor that is now embodied in the plantation owned by the white grandson. He is entirely innocent of enslaving innocent people. But, still, he is now “sitting on” what is really stolen property.

²⁰ Or at least the proper portion of it.

²¹ Dominiak, “Libertarianism and Original Appropriation”: 47.

²² In some cases an arbitrary number of years is absolutely required, absent of God’s eye view of female maturity. For example, statutory rape. We know that if you go to be with a five-year-old girl, you are a statutory rapist, even if she “agrees.” In our view, she is capable of no such “agreement.” On the other hand if you engage in this consensual act with a woman of twenty-five, whatever you are you are not a statutory rapist. But where should the line be drawn? There is nothing in the libertarian non-aggression principle from which a specific number of years can be reduced. Presumably, the right number is somewhere between 16 and 19, any number of years of which can only arbitrary.

problem is that it seems unjust to deny this option to a plaintiff who merely sues too late. Happily, third, there is no need for an arbitrary legislative-chosen number of years: there is an alternative: the natural statute of limitations. Given that the burden of proof rests with the person who wishes to change the present concatenation of property rights, the further back in history he must go, the more difficult it will be for him to provide proof for his allegation. And, there is a remedy for clogging up the courts: those who bring frivolous lawsuits ought to be made to pay for their transgressions.

Next, Dominiak considers several theories of “justice in first acquisition.”

There is the labour theory (homesteading) and the first possession (or occupancy) theory of original appropriation. The first owes its inception to Locke²³ and is predicated upon the owner “mixing his labor” with virgin territory.

This author favors the second theory. He states: “What is important to notice about this definition is that to have such a possibility, it is not necessary to even touch the thing, let alone to expend or mix one’s labour with it. One can be in a position to deal with a thing at will when there is no physical obstacle (like crossing a river or climbing a mountain) to deal with it and when there is no other person in such a position. so, for instance, if one sees a gold bar before him and intends to deal with it for himself and there is no other person in a similar position, he has already taken possession of the gold bar without even touching it.”²⁴

I see the sun, the moon, the stars. No one else is looking upward toward these heavenly bodies. I have “taken possession” of them? I now own them? This seems highly problematic, to say the least.

Not content with supporting the second of these theories, Dominiak is critical of the first: “Nor mixing one’s labour with a thing is sufficient for taking possession of it. As Epstein²⁵ shows by quoting *Pierson vs. Post*, in the case of the hot pursuit of wild animal, mixing hunter’s labour with the game is something different than taking control of the wild creature and therefore it

²³ John Locke, *Second Treatise Of Government* (Indianapolis: Hackett Publishing Company, 1980).

²⁴ Dominiak, “Libertarianism and Original Appropriation”: 48.

²⁵ Richard A. Epstein, “Possession as the Root of Title,” *Georgia Law Review* 13 (1979): 1221–1243.

is not sufficient for acquiring property rights in that thing, although the plaintiff, Post, expended labour in the pursuit of a fox and in this sense mixed this labour with the worn out animal, it was not enough to take a control over still running beast. The defendant, Pierson, came to the spot and caught the tired animal. The problem for the court was to confront with the assumption that ‘each person is entitled to ownership and control over his own labor.’ Where the pursuer by his efforts has worn down the fox, the late capture by the rival in effect amounts to an inadmissible appropriation of labor which the law should prevent. The justification for the hot pursuit rule does not, however, explain all the recurrent features of the law. Some labor goes unrequited when two pursue and one loses. again, if A has given up the chase when confronted with sudden perils, B may capture with impunity even though his task was made immeasurably easier by A’s prior labors.”²⁶

However, Post did not expend enough labor to claim ownership. It is as if the requirement to own virgin land was to farm it for three years, someone mixed his labor with this acreage for only one year, and was adjudged not to be the legitimate owner. This does not at all refute the Lockean homesteading theory.

The possession theory has its own difficulties. Yes, it suffices for a sea shell of Epstein’s *Possession as the Root of Title*, or a gold nugget. But how can you “possess” an acre of land, let alone ten acres? No, you cannot. Yes, there is a necessarily arbitrariness in terms of length of time needed for labor “mixing” and how intensively does the farming have to be.²⁷ But possession of anything much bigger than what you can stick in your pocket or hold in your hand is a non-starter. Certainly, that theory cannot be reasonably applied to land, whereas labor mixing clearly can.

Dominiak’s critique of Lockean homesteading theory continues:²⁸ “But the most important justification for property claims provided by the labour theory

²⁶ Dominiak, “Libertarianism and Original Appropriation”: 48

²⁷ Do the corn plants have to be placed every square foot? Every square meter? One per acre? Per square mile? Typically, it depends upon the fertility of the soil. A small amount for east of the Mississippi, more for west of it, a lot more for the Sahara Desert, and even much more for the moon or Mars.

²⁸ Another objection to the Lockean labor mixing theory is that it cannot justify the ownership of a pure nature preserve, completely untouched by human bodies. For a rejoinder see:

consists in a logical chain of steps by which something that is already owned is annexed to something that belongs to no one, thereby rendering the latter also a part of one's estate. The chain unfolds in the succeeding links: 1) a owns a's body; 2) because a's labour is just a specific purposeful movement of a's body, then a must also own a's labour; 3) a can transform an unowned resource only by his labour; a transforms it by attaching his labour to it;) now, when the transformed resource is mixed or permeated with a's labour which was a's property, it must also be a's property. an ample criticism has been issued against this line of argument. actually, each of the consecutive steps in the above chain of reasons has been attacked as unjustified and untenable. according to Stephan Kinsella, it is the second link in the chain that is broken for it is impossible to own one's labour. Only tangible things can be owned because conflicts can arise only over tangible things and the function of property rights is to avoid conflicts."²⁹

But this will not do. For surely slavery is a conflict over labor. The slave wishes to keep his labor to himself, or, to rent it out to the highest bidder in the labor market. The slave owner entertains entirely different ideas. The latter's view prevails, with the aid of whips and chains. If I owe you a wrist watch because my grandfather stole his from your grandfather, it would seem only logical that given that my grandfather stole your grandfather's labor, and embodied it into a plantation, that I now owe you a bit of that acreage, given that in both cases I inherited items of value from my thieving predecessor.

You can't own your labor because it is intangible? But people can steal labor, via slavery. However, according to this doctrine, no theft of labor could take place, because when you take X's labor from him against his will via slavery, X didn't own the labor in the first place, so slavery, real slavery, not just the theoretical voluntary variety, is not unjustified. But to arrive at any such conclusion is surely to reject the chain of "logic" that brought us there.

Walter E. Block and Michael R. Edelstein, "Popsicle sticks and homesteading land for nature preserves," *Romanian Economic and Business Review* 7(1) (2012): 7–13; Walter E. Block and Michael R. Edelstein, "Rejoinder to Nelson on Nature Preserves," *Romanian Economic and Business Review* 15(2) (2020): 46–56, access 20.3.2010, <http://www.rebe.rau.ro/REBE-SP20.pdf>.

²⁹ Dominiak, "Libertarianism and Original Appropriation": 50.

Dominiak resorts to the Nozickian³⁰ tomato juice objection: “[...] for any claim, to the effect that its being infused with my labour makes this land mine, can be met with the counter-claim that, in so infusing the land, i was relinquishing my title to that labour.” Asks Nozick: “Why isn’t mixing what I own with what I don’t own a way of losing what I own rather than a way of gaining what I don’t? If I own a can of tomato juice and spill it in the sea so that its molecules mingle evenly throughout the sea, do I thereby come to own the sea, or have I foolishly dissipated tomato juice?”³¹

How else would Nozick acquiesce in the ownership of the ocean than by doing something along these lines, albeit, of course, to a far greater degree? Does Nozick think that a landlocked person, who has never been within 1000 miles of the sea, never interacted with it in any manner, shape or form, should be the proper owner of it. Of course, the use must be far more intense than one can of tomato juice, but Nozick seems to be sneeringly closing the door to any procedure at all which would lead to privatization. This is a strange stance to be occupied by a libertarian, let alone by a leader of this movement.³² It is not to Dominiak’s credit that he follows Nozick down this particular garden path.

However, Dominiak tellingly and insightfully quotes Mack³³ on this point: “if John has so mixed his labor with a bit of raw material – transforming, let us say, a branch into a nicely shaped and useful spear – the resulting spear embodies John’s non-abandoned rightful held labor. Hence, if Tom comes along and makes off with that spear, Tom violates John’s retained right over that invested labor. Since Tom cannot make off with that spear without making off with John’s invested labor, we naturally say that John has a right to the spear vis-a-vis Tom.”³⁴

Consider, now, this last example offered to us by Dominiak: “[...] is chasing a wild animal enough to possess it? Wounding it, mortally wounding it, killing it...? There is no principled way of solving such questions – regardless of the theory of justice in original appropriation.”³⁵

³⁰ See Robert Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974).

³¹ Dominiak, “Libertarianism and Original Appropriation”: 51.

³² For the case in favor of ocean privatization, see Block and Nelson, 2015.

³³ Eric Mack, *John Locke* (New York: Continuum, 2009).

³⁴ Dominiak, “Libertarianism and Original Appropriation”: 51.

³⁵ *Ibidem*: 52.

No, Mr. A is first involved in the process of hunting for the fox. A is chasing the fox. Whereupon B, later on, enters the picture, and interferes with A's act. Now, if all B did was help A, and didn't claim ownership of the fox but merely asked for payment, and didn't complain when he didn't receive it, then all would be well. But B limits himself in no such way. It is as if, to return to an earlier example, the requirement for homesteading land was three years, Y had already put in one year, whereupon Z threw Y bodily off the land Y was in the midst of homesteading. No, Y is not yet the owner, but he is significantly on his way to such status. Similarly, A and the fox. B is in the wrong.

III. Conclusion

Dominiak has taken us on an exhilarating trip, and enlightened us through philosophical hill and dale. We have together probed possession, homesteading, property rights, contracts and more, much more. We are indebted to him for blazing this path.

References

- Alston Wilton D., Walter E. Block. 2007. "Reparations, Once Again." *Human Rights Review* 9(3): 379–392. Access 20.3.2023. <http://tinyurl.com/2b75fl>.
- America Richard. 1993. *Paying the Social Debt: What White America Owes Black America*. New York, N.Y.: Praeger.
- Amos Jon-Paul, Walter E. Block. 2022. "Contra Horowitz: A Case for Reparations to Blacks for Slavery." *Medjunarodne studije (International Studies)* 22(2): 37–57. Access 20.3.2023. <https://hrcak.srce.hr/medunarodnestudije>; <https://hrcak.srce.hr/en/broj/21807>; <https://hrcak.srce.hr/file/416288>; <https://hrcak.srce.hr/clanak/416288>.
- Andersson Anna-Karin. 2007. "An Alleged Contradiction in Nozick's Entitlement Theory." *Journal of Libertarian Studies* 21(3): 43–63. Access 20.3.2023. http://mises.org/journals/jls/21_3/21_3_3.pdf.
- Arceneaux Taniecea. 2005. "Reparations for Slavery: A Cause for Reparations, A Case Against David Horowitz." *The Review of Black Political Economy* 32(3–4): 141–148. Access 20.3.2023. <http://www.springerlink.com/content/u25j345346645485/>; <http://sumaris.cbuc.es/cgiis/sumari.cgi?issn=00346446&idsumari=A2005N->

- 0003-4V000032; <http://link.springer.com/article/10.1007%2Fs12114-005-1010-1#-page-1>; <http://link.springer.com/journal/12114/32/3/page/1>; <http://link.springer.com/article/10.1007/s12114-005-1010-1>.
- Barnett Randy E. 1986. "Contract Remedies and Inalienable Rights." *Social Philosophy & Policy* 4(1): 179–202.
- Barnett Randy E. 1988. *The Structure of Liberty: Justice and the Rule of Law*. Oxford: Clarendon Press.
- Barnett Randy E. 2007. "Libertarians and the War." *The Wall Street Journal*, 17.7.2007. Access 20.3.2023. <http://online.wsj.com/news/articles/SB118463507387568429>.
- Bittker Boris I. 1972. *Reparations: The Case for Black Reparations*. Boston: Beacon Press.
- Block Walter E. 1969. "Voluntary Slavery." *The Libertarian Connection* 1(3): 9–11.
- Block Walter E. 1979. "Book Review of Nancy C. Baker, *Baby Selling: The Scandal of Black Market Adoptions*" (New York: The Vanguard Press, 1978)." *Libertarian Review* 7(12): 44–45.
- Block Walter E. 1988. "Rent-a-womb Market." *Thunder Bay Ontario Daily*, 26.6.1988.
- Block Walter E. 1990. "Earning Happiness Through Homesteading Unowned Land: a comment on 'Buying Misery with Federal Land' by Richard Stroup." *Journal of Social Political and Economic Studies* 15(2): 237–253.
- Block Walter E. 1993. "Malcolm X." *Fraser Forum* (January): 18–19. Access 20.3.2023. <http://mises.org/Community/forums/t/5361.aspx>.
- Block Walter E. 1999. "Market Inalienability Once Again: Reply to Radin." *Thomas Jefferson Law Journal* 22(1): 37–88.
- Block Walter E. 2001. "Alienability, Inalienability, Paternalism and the Law: Reply to Kronman." *American Journal of Criminal Law* 28(3): 351–371. Access 20.3.2023. http://www.walterblock.com/publications/reply_to_kronman.pdf.
- Block Walter E. 2001. "The Moral Dimensions of Poverty, Entitlements and Theft." *The Journal of Markets and Morality* 4(1): 83–93.
- Block Walter E. 2002. "Homesteading City Streets; An Exercise in Managerial Theory." *Planning and Markets* 5(1): 18–23. Access 20.3.2023. <http://www-pam.usc.edu/volume5/v5i1a2s1.html>; <http://www-pam.usc.edu/>.
- Block Walter E. 2002. "On Reparations to Blacks for Slavery." *Human Rights Review* 3(4): 53–73.
- Block Walter E. 2002. "A Libertarian Theory of Secession and Slavery." *LewRockwell.com*, 10.6.2002. Access 20.3.2023. <http://www.lewrockwell.com/block/block15.html>.
- Block Walter E. 2003. "Toward a Libertarian Theory of Inalienability: A Critique of Rothbard, Barnett, Gordon, Smith, Kinsella and Epstein." *Journal of Libertarian Studies* 17(2): 39–85.

- Block Walter E. 2004. "Are Alienability and the Apriori of Argument Logically Incompatible?" *Dialogue* 1: 1–10. Access 20.3.2010. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1889440.
- Block Walter E. 2005. "Ayn Rand and Austrian Economics: Two Peas in a Pod." *The Journal of Ayn Rand Studies* 6(2): 259–269.
- Block Walter E. 2006. "Epstein on Alienation: A Rejoinder." *International Journal of Social Economics* 33(3–4): 241–260.
- Block Walter E. 2007. "Alienability: Reply to Kuflik." *Humanomics* 23(3): 117–136.
- Block Walter E. 2007. "Secession." *Dialogue* 4: 1–14.
- Block Walter E. 2009. "Privatizing Rivers and Voluntary Slave Contracts." *LewRockwell.com*, 27.7.2009. Access 20.3.2023. <http://www.lewrockwell.com/block/block134.html>.
- Block Walter E. 2009. "Yes, Sell Rivers! And Make Legal Some Slave Contracts." *The Tyee*, 25.7.2009. Access 20.3.2010. <http://thetyee.ca/Opinion/2009/07/24/SellRivers/>.
- Block Walter E. 2016. "How We Come to Own Ourselves." *Polish Academic Journal – Societas et Ius* 5: 7–14. Access 20.3.2023. <http://apcz.umk.pl/czasopisma/index.php/SeI/issue/view/1107/showToc>.
- Block Walter E., Michael R. Edelstein. 2012. "Popsicle Sticks and Homesteading Land for Nature Preserves." *Romanian Economic and Business Review* 7(1): 7–13.
- Block Walter E., Michael R. Edelstein. 2020. "Rejoinder to Nelson on Nature Preserves." *Romanian Economic and Business Review* 15(2): 46–56. Access 20.3.2010. <http://www.rebe.rau.ro/REBE-SP20.pdf>.
- Block Walter v. Richard Epstein. 2005. "Debate on Eminent Domain." *NYU Journal of Law & Liberty* 1(3): 1144–1169.
- Block Walter E., Peter Lothian Nelson. 2015. *Water Capitalism: The Case for Privatizing Oceans, Rivers, Lakes, and Aquifers*. New York City, N.Y.: Lexington Books, Rowman and Littlefield.
- Block Walter, Guillermo Yeatts. 1999–2000. "The Economics and Ethics of Land Reform: A Critique of the Pontifical Council for Justice and Peace's 'Toward a Better Distribution of Land: The Challenge of Agrarian Reform.'" *Journal of Natural Resources and Environmental Law* 15(1): 37–69.
- Boldrin Michele, David K. Levine. 2008. *Against Intellectual Monopoly*. Cambridge: Cambridge University Press. Access 20.3.2023. <http://mises.org/store/Against-Intellectual-Monopoly-P552.aspx>.
- Bylund Per. 2005. "Man and Matter: A Philosophical Inquiry into the Justification of Ownership in Land from the Basis of Self-Ownership." Master thesis, Lund University, spring semester. Access 20.3.2010. <http://www.uppsats.se/uppsats/>

- a7eb17de8f/; http://perbylund.com/academics_polsci_msc.pdf; <http://www.esays.se/essay/a7eb17de8f/>; <http://www.lunduniversity.lu.se/o.o.i.s?id=24965&postid=1330482>.
- Bylund Per. 2012. "Man and Matter: How the Former Gains Ownership of the Latter." *Libertarian Papers* 4(1): 73–118. Access 20.3.2010. <http://libertarianpapers.org/articles/2012/lp-4-1-5.pdf>.
- Calabresi Guido, Melamed Douglas. 1972. "Property Rules, Liability Rules, and Inalienability: One View of the Cathedral." *Harvard Law Review* 85(6): 1089–1128.
- Coates Ta-Nehisi. "The Case for Reparations." *The Atlantic*, June 2014. Access 20.3.2023. <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>.
- Dominiak Łukasz. 2017. "Libertarianism and Original Appropriation." *Historia i Polityka* 22(29): 43–56. DOI: 10.12775/HiP.2017.026. Access 20.3.2023. <https://apcz.umk.pl/HiP/article/view/HiP.2017.026>; <https://apcz.umk.pl/HiP/article/view/HiP.2017.026/13714>.
- Dyke Jeremiah, Walter E. Block. "I Am Here Now' and Our Claim to Self-Ownership" (Unpublished).
- Epstein Richard A. 1979. "Possession as the Root of Title." *Georgia Law Review* 13: 1221–1243.
- Epstein Richard A. 1985. "Why Restrain Alienation." *Columbia Law Review* 85: 970–990.
- Epstein Richard A. 2004. "The Case against Black Reparations." *Boston University Law Review* 84: 1177–1191. Access 20.3.2023. https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2323&context=journal_articles.
- Epstein Richard A. 2014. "The Case Against Reparations for Slavery. For True Racial Justice, Let's Promote the Rule of Law, Deregulate the Labor Market, and Embrace the Charter School Movement." *The Libertarian*, 27.5.2014. Access 20.3.2023. <https://www.hoover.org/research/case-against-reparations-slavery>.
- Evers Williamson. 1977. "Toward a Reformulation of the Law of Contracts." *Journal of Libertarian Studies* 1: 3–13. Access 20.3.2023. http://mises.org/journals/jls/1_1/1_1_2.pdf.
- Forde-Mazrui Kimi. 2004. "Taking Conservatives Seriously: A Moral Justification for Affirmative Action and Reparations." *California Law Review* 92(3): 683–753. Access 20.3.2023. <https://www.jstor.org/stable/3481453>.
- Frederick Danny. 2014. "Voluntary Slavery." *Las Torres de Lucca* 4: 115–137. Access 20.3.2023. http://www.lastorresdelucca.org/index.php?option=com_k2&view=item&id=145:laesclavitud-voluntaria&Itemid=24&lang=en.
- Gordon David. 1999. "Private Property's Philosopher." *The Mises Review* 5(1): 1–7.

- Gordon David. 2021. "The Problem with 'You Own What You Make.'" *Mises Institute*, 12.2.2021. Access 20.3.2023. <https://mises.org/library/problem-you-own-what-you-make>.
- Grotius Hugo. 1625. *Law of War and Peace*, 3 volumes, transl. A.C. Campbell. London.
- Hoppe Hans-Hermann. 1993. *The Economics and Ethics of Private Property: Studies in Political Economy and Philosophy*. Boston: Kluwer.
- Hoppe Hans-Hermann. 2011. "Of Private, Common, and Public Property and the Rationale for Total Privatization." *Libertarian Papers* 3(1): 1–13. Access 20.3.2023. <http://libertarianpapers.org/2011/1-hoppe-private-common-and-public-property/>.
- Horowitz David. 2000. "The Latest Civil Rights Disaster: Ten Reasons Why Reparations for Alavery Are a Bad Idea for Black People – and Racist Too." *The Black Scholar* 31(2): 48. DOI: 10.1080/00064246.2001.11431145. Access 20.3.2023. <https://www.tandfonline.com/doi/abs/10.1080/00064246.2001.11431145>.
- Horowitz David. 2002. *Uncivil Wars: The Controversy over Reparations for Slavery*. San Francisco, CA: Encounter Books.
- Kershnar Stephen. 2003. "A Liberal Argument for Slavery." *Journal of Social Philosophy* 34(4): 510–536.
- Kinsella N. Stephan. 1998. "Reply to George Smith: A Victim's Right to Punish." *Journal of Libertarian Studies* 14(1): 79–93.
- Kinsella N. Stephan. 1999. "Inalienability and Punishment: A Reply to George Smith." *Journal of Libertarian Studies* 14(1): 79–93.
- Kinsella N. Stephan. 2003. "A Libertarian Theory of Contract: Title Transfer, Binding Promises, and Inalienability." *Journal of Libertarian Studies* 17(2): 11–37. Access 20.3.2023. http://www.mises.org/journals/jls/17_2/17_2_2.pdf.
- Kinsella N. Stephan. 2006. "How We Come to Own Ourselves." *Mises Institute*, 7.9.2006. Access 20.3.2023. <http://www.mises.org/story/2291>.
- Kinsella N. Stephan. 2009. "Homesteading, Abandonment, and Unowned Land in the Civil Law." *Mises Institute*, 22.5.2009. Access 20.3.2023. <http://blog.mises.org/10004/homesteading-abandonment-and-unowned-land-in-the-civil-law/>.
- Kinsella N. Stephan. 2009. "What Libertarianism Is." *Mises Institute*, 21.8.2009. Access 20.3.2023. <https://mises.org/library/what-libertarianism>.
- Kronman Anthony. 1983. "Paternalism and the Law of Contracts." *The Yale Law Journal* 92(6): 763–798.
- Kuflik Arthur. 1984. "The Inalienability of Autonomy." *Philosophy and Public Affairs* 13(4): 271–298.
- Kuflik Arthur. 1986. "The Utilitarian Logic of Inalienable Rights." *Ethics* 97(1): 75–87.

- Lester Jan Clifford. 2000. *Escape from Leviathan. Liberty, Welfare and Anarchy Reconciled*. St. Martin's Press.
- Locke John. 1801. *The works of John Locke. Of Civil Government* (10th ed., vol. 5). London: J. Johnson.
- Locke John. 1948. *An Essay Concerning the True Origin, Extent and End of Civil Government*. In: *Social Contract*, ed. E. Barker. New York: Oxford University Press.
- Locke John. 1955. *Second Treatise of Civil Government*. Chicago: Henry Regnery.
- Locke John. 1980. *Second Treatise Of Government*. Indianapolis: Hackett Publishing Company.
- Long Roderick. 1995. "Slavery Contracts and Inalienable Rights: A Formulation." *Formulations* 2, 2. Access 20.3.2023. <http://libertariannation.org/a/f2211.html>.
- MacIntosh Duncan. 2007. "Who Owns Me: Me or My Mother? How to Escape Okin's Problem for Nozick's and Narveson's Theory of Entitlement." In: *Liberty, Games and Contracts: Narveson and the Defence of Libertarianism*, ed. Malcolm Murray, 157–172. Hampshire: Ashgate Publishing.
- Mack Eric. 2009. *John Locke*. New York: Continuum.
- McConnell Terrance. 1984. "The Nature and Basis of Inalienable Rights." *Law and Philosophy* 3(1): 25–59.
- McConnell Terrance. 1996. "The Inalienable Right of Conscience: A Madisonian Argument." *Social Theory & Practice* 22(3): 397–416.
- Mosquito Bionic. "The Sanctity of Contract." *Bionic mosquito*, 19.4.2014. Access 20.3.2023. <http://bionicmosquito.blogspot.com/2014/04/the-sanctity-of-contract.html>.
- Nouveau Lucas, Walter E. Block. 2020. "A Cmment on Reparations for Slavery." *Libertas: Segunda Epoca*. Access 20.3.2023. <https://journallibertas.com/files/2020/5.2%20-%2004%20-%20Nouveau%20and%20Block%20-%20A%20Comment%20on%20Reparations%20for%20Slavery.pdf>.
- Nozick Robert. 1974. *Anarchy, State and Utopia*. New York: Basic Books.
- Paul Ellen Frankel. 1987. *Property Rights and Eminent Domain*. Livingston, New Jersey: Transaction Publishers.
- Pufendorf Samuel. 1673. *Natural law and the law of nations (De officio hominis et civis prout ipsi praescribuntur lege naturali) De officio hominis et civis juxta legem naturalem libri duo*, 2 vols., volume 1: Text. Buffalo, NJ.
- Radin Margaret Jane. 1986. "Time, Possession and Alienation." *Washington University Law Quarterly* 64(3): 739–758.
- Radin Margaret Jane. 1987. "Market-Inalienability." *Harvard Law Review* 100(8): 1849–1937.

- Reisman George. 1996. *Capitalism*. Ottawa, IL: Jameson Books.
- Robinson Randall. 1998. *Defending the Spirit: A Black Life in America*. Middlesex, England: Penguin.
- Robinson Randall. 2000. *The Debt: What America Owes to Blacks*. New York, N.Y.: Dutton.
- Robinson Randall. 2002. *The Reckoning*. Middlesex, England: Penguin.
- Rothbard Murray N. 1973. *For a New Liberty*. New York: Macmillan. Access 20.3.2023. <http://mises.org/rothbard/newlibertywhole.asp>.
- Rothbard Murray N. 1998. *The Ethics of Liberty*. New York: New York University Press. Access 20.3.2023. <https://cdn.mises.org/The%20Ethics%20of%20Liberty%2020191108.pdf>.
- Rozeff Michael S. 2005. "Original Appropriation and Its Critics." *LewRockwell.com*, 1.9.2005. Access 20.3.2023. <http://www.lewrockwell.com/rozeff/rozeff18.html>.
- Smith George. 1996. "A Killer's Right to Life." *Liberty* 10(2): 46–54.
- Smith George. 1997. "Inalienable Rights?" *Liberty* 10(6): 51–56.
- Steiner Hillel. 1994. *An Essay on Rights*. Oxford: Blackwell.
- Steiner Hillel. 1994. "The Fruits of Body-Builders' Labour." In: *Ethics and Biotechnology*, ed. Anthony Dyson and John Harris, 64–78. London: Routledge.
- Steiner Hillel. 2002. "Self-Ownership, Begetting, and Germ-Line Information." In: *A Companion to Genethics*, ed. Justine Burley and John Harris, 317–324. Oxford: Blackwell Publishing.
- Steiner Hillel. 2008. "Debate: Universal Self-ownership and the Fruits of One's Labour: A Reply to Curchin." *Journal of Political Philosophy* 16(3): 350–355. DOI: 10.1111/j.1467-9760.2008.00318.x.
- Steiner Hillel. 2013. "Directed Duties and Inalienable Rights." *Ethics* 123(1): 230–244.
- Thomson Judith Jarvis. 1990. *The Realm of Rights*. Cambridge, MA: Harvard University Press.
- Unknown Author. "But What About Voluntary Slaves?" *The Voluntarist reader*, no date. Access 20.3.2023. <https://voluntaryistreader.wordpress.com/2012/12/29/but-what-about-voluntary-slaves/>.
- Vallentyne Peter. 2000. "Introduction: Left-Libertarianism – A Primer." In: *Left-Libertarianism and Its Critics: The Contemporary Debate*, ed. Peter Vallentyne and Hillel Steiner, 1–20. Hampshire, UK and New York, NY: Palgrave.
- Vallentyne Peter. 2002. "Equality and the Duties of Procreators." In: *The Moral and Political Status of Children*, ed. David Archard and Colin Macleod, 195–211. Oxford: Oxford University Press.

- Vallentyne Peter. 2012. "Libertarianism." In: *The Stanford Encyclopedia of Philosophy (Spring Edition)*. Access 20.3.2023. <http://plato.stanford.edu/archives/spr2012/entries/libertarianism/>.
- Vallentyne Peter, Hillel Steiner, and Michael Otsuka. 2005. "Why Left-Libertarianism Is Not Incoherent, Indeterminate, or Irrelevant: A Reply to Fried." *Philosophy and Public Affairs* 33(2): 201–215.
- Ward Victor J. 2014. "The Curious Case of Reparations." *EconomicPolicyJournal.com*, 15.9.2014. Access 20.3.2023. http://www.economicpolicyjournal.com/2014/09/the-curious-case-of-reparations.html?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+economicpolicyjournal%2FKpWH+%28EconomicPolicyJournal.com%29.
- Watner Carl. 1982. "The Proprietary Theory of Justice in the Libertarian Tradition." *Journal of Libertarian Studies* 6(3–4): 289–316. Access 20.3.2023. http://mises.org/journals/jls/6_3/6_3_6.pdf.
- Williams Walter E. 2019. "Reparations for Slavery." *Creators*, 26.6.2019. Access 20.3.2023. <https://www.creators.com/read/walter-williams/06/19/reparations-for-slavery>.
- Williamson Kevin D. 2014. "The Case against Reparations. A reply to Ta-Nehisi Coates." *National Review*, 24.5.2014. Access 20.3.2023. <https://www.nationalreview.com/2014/05/case-against-reparations-kevin-d-williamson/>.
- Young Andrew T. 2015. "Argumentation Ethics and the Question of Self Ownership." *Journal of Private Enterprise* 30(3): 79–88.