

Freedom and Property Rights – Avoiding Circularity

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Abstract:

This paper argues that libertarians employ the notion of freedom inconsistently. They either resort to a descriptive notion of freedom of some sort in saying that any infringement on the owner's property rights would diminish her freedom or they use a moralized definition of freedom positing that the exclusion (be it factual or normative) of non-owners from owners' properties cannot contribute to any unfreedoms on the part of the former since they are merely prevented from doing something they do not have a right to do in the first place. On the positive note, I will suggest a purely descriptive (and therefore neutral) notion of freedom that would allow for making synthetic (as opposed to analytical) statements concerning freedoms (or unfreedoms for that matter) and property rights. Finally, I will argue why in a free society necessarily emergent unfreedoms are relatively unimportant compared to unfreedoms resultant in any other regime.

Keywords: freedom; libertarianism; property rights; circularity

1. Introduction – problems with the libertarian notion of freedom

First, let us state the predicament libertarians are caught in when faced with

the relation between freedom and property rights. Most notably, Rothbard (2008, p.50) took the following stand on the problem: "We are now in a position to see how the libertarian defines the concept of "freedom" or "liberty." Freedom is a condition in which a person's ownership rights in his own body and his legitimate material property are not invaded, are not aggressed against. A man who steals another man's property is invading and restricting the victim's freedom, as does the man who beats another over the head. Freedom and unrestricted property right go hand in hand." In other words, we can speak of somebody's *freedom*s only insofar as the actions constituting it do not violate property rights of others. If on the other hand, a person A is prevented from action x, no *unfreedom* arises *only if* A does not have a right to do x. By the same token, if A is prevented from y, assuming that A has a right to do y, then A is rendered *unfree* to do y. This is what Cohen (1995, p. 59) labels as rights definition of freedom. The relevant passage from Cohen is so instructive that we should quote it at length now: "[...], I supposed that to prevent someone from doing something that he wants to do is to make him, in that respect, unfree: I am *pro tanto* unfree *whenever* someone interferes with my actions, *whether or not I have a right to perform them, and*

whether or not my obstructor has a right to interfere with me. But there is a definition of freedom which informs much libertarian writing and which entails that interference is not a sufficient condition of unfreedom. On that definition, which may be called *the rights definition of freedom*, I am unfree only when someone prevents me from doing what I have a right to do, so that he, consequently, has no right to prevent me from doing it.”¹ So to sum up, it looks as if it is *only* a *necessary condition* to render a person A unfree to do x when we prevented him from doing x. The sufficient condition for making person A unfree to do x is the conjunction of two necessary conditions:

- a) Person A is prevented from doing x by someone else
- b) Person A has a right to do x in the first place

As stated, the conjunction of a) and b) would constitute a sufficient condition of rendering person A unfree according to Rothbardian moralized definition of freedom.

¹ Structurally the same view can be attributed to Nozick (1974, p.262) who understood voluntariness of a given action in terms of property rights, which is evidenced by the following fragment: “Other people’s actions may place limits on one’s available opportunities. Whether this makes one’s resulting action non-voluntary depends upon whether these others had the right to act as they did.” In other words, if actor A by his rightful actions limited actor B’s options, any resultant action on the part of B is still voluntary. Unfortunately, according to this view, if A violated B’s rights and now A is punished or is under an obligation to pay the restitution, we must conclude that A would do either *voluntarily* – the most unwelcome implication. If we substitute ‘freedom’ for Nozickian ‘voluntariness’, we end up with what I labelled as the libertarian *analytically true statement*, which constitutes the main issue of this paper.

Now, what is the problem with this definition of freedom? It seems readily noticeable that it cannot say anything interesting (synthetic) about the relation between property rights and freedom. If freedom is partly defined in terms of property rights, then the relation between the two is not anything discovered but simply *stipulated*. For the sake of illustration, let us stipulate a couple of definitions of freedom that are at least partly moralized, which shall shed some light on what is wrong with a libertarian notion of freedom. Our ambition here is to elucidate two types of consequence; first, any moralized definition of freedom runs counter to our linguistic intuitions on how to use the word. Second, it seems to catch us in an insuperable predicament, which shall be addressed in detail later.

2. A dilemma – a concession or an analytically true statement?

Let us now try to approximate the problems with a libertarian notion of freedom by presenting two thought experiments that are aimed at illuminating the problems with *any* moralized notion of freedom which are:

- a) clash with linguistic intuitions and, crucially
- b) a dilemma whether one should concede that property rights regime produces unfreedoms or maintain that it does not do so and establish this truth *definitionally*, the latter of which would not allow (alas!) us to posit synthetically that property rights secure owner’s enjoyment of freedom.

So, we shall first launch an extreme case of freedom defined partially in moral terms and we will probe what follows therefrom. Now let us put the following definition:

- 1) *The domain of freedom* applies only to those actions that are conducive to a person's self-fulfillment; if a person is prevented from performing *any other action*, the person is not thereby rendered unfree.

Let X denote a set of actions $\{x_1, x_2, \dots, x_n\}$ that contribute to a person's self-fulfillment and let Y denote a set of actions $\{y_1, y_2, \dots, y_n\}$ that are of the opposite status. Because being conducive to a person self-fulfillment and not being so are contradictory properties, the whole universe of actions is exhausted by the sum of X and Y . Now, it is simply definitionally true that if a person is precluded from doing any actions that belongs to Y , she is not thus rendered unfree because the person was not free to do any of these actions in the first place (*ex definitione*).² To make it as vivid as possible, let us suppose, *arguendo*, that there is only one value worth striving for and therefore conducive to a person's self-fulfillment, and that is, surprisingly enough, writing books. With such a narrowly defined idea of good life, bizarre consequences follow. Sticking to our stipulative definition of freedom, we would have to conclude that the only way to limit our freedom in such a possible world is to prevent us from writing books. Any other preclusions do have no bearing whatsoever on freedom-diminishing. It must be conceded that when we are prevented from doing any action that is necessary to write a book, then we are also effectively precluded from the latter, say, our hands are cut, our ink stolen etc. However, any other prevention not related to the action of

book-writing does not have a bearing on the level of our freedom at all. So as long as a person can write a book, him being leg-bound cannot constitute a restriction of his freedom, the most unwelcome conclusion. But second of all, and more crucially in this possible world, what is the status of the statement that *writing books make us free*? There are two possible interpretations. First, if it is to be a synthetic statement, freedom must be defined *independently* of the particular action of book-writing as the only action worth pursuing. If freedom is then defined descriptively, that is as what we are able to do because we are not prevented therefrom, then it truly follows that we are free to write books in such a possible world in which everybody strives for the goal of writing books and everybody tries to help any other person to achieve it. However, note that to make such a synthetic (informative) statement we had to resort to an unmoralized definition of freedom. In the above consideration, freedom was simply defined as the ability to do X and not being prevented from doing X at the same time (it is therefore assumed that only in the presence of such a prevention, we would be unable to do X). Still, if we resort to a negative concept of freedom, we cannot consistently maintain that in such a perfectionist regime, there are no unfreedoms as long as nobody's book-writing is prevented. On the contrary, it rather implies that there will be a multitude of unfreedoms emerging, that is there will be plenty of human actions that will prevent other people from doing at least some activities. So, maybe the saving grace is to employ the moralized definition of freedom? But what follows then is a pure tautology. If the domain of freedom is delineated merely by some actions worth pursuing (in our extreme case: the action of book-writ-

² On positive-liberty theories resorting to the notions of 'self-fulfillment', 'self-realization', 'self-determination', 'autonomy' etc., and the problems connected therewith see: Kramer, 2003, pp. 92–124.

ing), then it is simply analytically true to say that one can be free only to do those actions (those actions worth pursuing) and if one is prevented from doing any other action (over and above those noble actions), one's freedom is thereby not limited. Generally speaking, if freedom is defined partly in moral terms, then, as long as we use the term *freedom* consistently, it must be vacuously true that one is free only to do those 'moral' actions; and equivalently, it is merely tautologically true that if one is prevented from doing any other actions (apart from those moral ones), one's freedom is not diminished. If, on the other hand, we grant (and rightly so) that under even such a perfectionist regime, there is a negative (and descriptive!) freedom to write books, we should not be blinded to the fact that unfreedoms (again, in the negative descriptive sense) emerge too. So, the dilemma finally appears in the full light: we either say something that is vacuously true or we have to grant that there are always some emergent unfreedoms too – whatever the regime!

Now, let us imagine a slightly less fanciful scenario in which there is a political regime in which rights are distributed only among one class of people (call it A). The remaining class (B), inhabiting a fully separate area, owes *some* duties to any given member of class A and as far as any other member of class B is concerned, they are at liberty to do anything towards each other. In other words, members of class B are at a sort of state of nature towards each other. With the proviso that persons from class B do not fail to discharge their duties owed to persons from class A, it is permissible to do everything within class B and let us assume that the duties owed to persons from class A are rather mean, say, each representative of class

B must pay a weekly pecuniary tribute to a correspondingly assigned representative of class A (which is a positive duty). Apart from that, any member of B owes each member of A a duty of non-interference. Now, as long as the persons from class B act towards one another in such a manner that the duty of their weekly tributes and the duty of non-interference are diligently discharged, no right violation occurs. Hence, within this latitude, they are entitled (they are at liberty) to do to one another virtually anything. Now, let us again put forward another partly moralized definition of freedom:

- 2) A person is *free* to do X only when a person has a right to do X in the first place, and the person is rendered unfree only when she is prevented from doing what he has a right to do.

This definition of freedom predicts that the only way to produce unfreedoms is by taking such actions that would violate somebody's rights. Alas, there is a class of people in our imaginary society that are endowed with no rights at all. If any representative of this class hampers any other representative thereof, our language of freedoms/unfreedoms cannot apply by definition. Let us take two persons belonging to class B: B_1 and B_2 . We would be inclined to say that B_1 's freedom was limited when B_2 bounds B_1 's hands. Unfortunately, with the above moralized definition of freedom, we cannot describe the above-mentioned hand-bounding in terms of freedom-affecting actions at all. According to our definition 2), no unfreedoms emerged when B_1 's hands were bound simply because B_2 had no right not to have his hands bound in the first place. To say that our linguistic intuition recoils at such a conclusion is an understatement.

Now that we have presented the two thought experiments supposed to approximate our problem and shed some light thereon, we are ready to probe the perennial dilemma libertarianism faces: either to admit that property rights regime (much the same as any other) must necessarily give rise to some unfreedoms or to maintain that property rights in themselves cannot cause unfreedoms, the latter of which must be guaranteed definitionally and therefore be only tautologically true. To see what sorts of troubles libertarianism face, we shall analytically distinguish two notions of freedom and scrutinize what follows from the employment of either of the two, and at what cost a desirable conclusion could be arrived at.

So let us now bifurcate the intricate concept of freedom and index it respectively:

F_m - moralized freedom, which pertains only to those actions that one has a right to do in the first place. Unfreedoms then pertain only to those actions that one has a right to do but is effectively prevented therefrom.

F_d - freedom in a descriptive sense, which combines the ability to perform a given action and not being prevented from doing it. Unfreedoms, on the other hand, would pertain to all those actions that a person is precluded from but would be able to do in the absence of the said preclusion.³

Now, if we employ F_m , it logically follows that when non-owners are prevented by property rights to enjoy owner's, say, premises, they cannot be rendered

unfree. After all, the above inference is valid due to the stipulation that one cannot be rendered unfree when one is prevented from an action one does not have a right to do. It is also definitionally true that a person's domain of freedom is delineated by property rights alone; that is, a person is free to do only those actions that a person already has a right to do.

What happens, if, on the other hand, we resort to F_d instead? In this case, we can meaningfully (synthetically) say that property right holders are assured their respective enjoyment of freedom. That is, to illustrate, if I hold a property right in a house (the house, let us imagine, being fenced and walled etc.), I remain in effect unprevented from doing whatever I like within it. Therefore, it must be granted that property rights contribute to (secure) the overall level of a person's freedom (as conceived of descriptively, that is as an ability to perform a given action and being unprevented from doing so). However, if we consistently stick to F_d , we are committed to saying that property rights render non-owners unfree to perform a wide array of actions too. Most crucially, any rights *in rem* (that is, against the world) render everybody but this right holder unfree to enjoy the thing an owner has a right in. For instance, when person X owns a house, it effectively means that it is he (and only he) whose freedom to enterprise any actions within the limit of the said house is thereby secured. Everybody else is either physically precluded (by fences, walls or barbwires for that matter) or there is a legal sanction lying in wait for would-be trespassers, in which case their overall liberty⁴ would be significantly diminished.

³ The definition of negative (descriptive) freedom that I employ in consecutive parts of the paper is borrowed from Kramer, 2003.

⁴ On the notion of overall liberty, see: Kramer, 2003, pp.358-359. Kramer identifies a person's overall liberty with a number of conjunctively exercisable freedoms. For example, I *can* (but not *may*!) kill my neighbour but this act, when executed, would probably result in me going to prison. This illustrates the fact that the combination of killing

Having said that, how can we end up with an apparently highly desirable conclusion that property rights guarantee and enhance the owners' freedom and do not limit the freedom of non-owners? As can be inferred from the above analysis, this may follow only from applying the notion of freedom equivocally. Strictly, when libertarianism maintains that property rights enhance owners' freedom, they resort to F_d , and the statement is synthetically true; that is, it *discovers* a relation between property rights and a descriptive notion of freedom, because neither is defined in terms of the other. On the other hand, when libertarians say that property rights do not limit non-owners' freedom, they apply F_m , which is plain equivocation, which makes libertarian apparent "victory" (of having freedom of owners' enhanced and nobody else's limited) indeed a Pyrrhic one.

3. A remedy: a descriptive notion of freedom and the reasons therefor

In this section, we would like to arm ourselves with arguments in favour of a descriptive notion of freedom, as opposed to the moralized one as employed by libertarians. First, it should be noted that there is a fundamental reason for keeping freedom and property rights logically distinct. The reason is that the very institution of property rights was invoked to resolve the conflicting claims for freedom.⁵ It should clearly demon-

strate that the two are logically (and not only genetically) distinct, that is freedom must have been defined independently of property rights since it was property rights themselves that were supposed to resolve competing claims for freedom. From this fact alone, it should follow that freedom be understood descriptively and not morally.

Second of all, as our two thought experiments demonstrated, there can be many (even infinitely many) moralized notions of freedom. Each of them must be of the following structure:

- a) A person's freedom pertains only to those actions that instantiate a core moral value x (the value of which varies across all possible concepts of moralized freedom; be it property rights- or self-fulfillment-related notion of freedom or whatever)
- b) A person can be rendered unfree only when he or she is prevented from doing an action subsumed under the set of actions indicated in a)

The most unwelcome consequence is then that whatever arbitrary notion of freedom we adopt, it follows that as long as people act along the lines of the core moral value (that is, they do not do what the moral rule proscribes), no unfreedoms emerge. For example, when the core moral value is property rights, which most crucially proscribe the interference with somebody's private property, it must follow that as long as people

my neighbour and not going to prison is not included in my overall liberty, thus imposing a limit thereupon.

⁵ This observation constitutes the leitmotif of van Dun (2009). The point is that property rights always yield a determinate answer to the question who should be in charge of a given scarce resource; or, in other words, who should make a decision with regard to some action. For example, if you have just *effectively* bought a house, the final decision whether you should walk around it philosophizing or rather watch TV (providing the TV set is yours too) rests with you. Thanks to property

rights, it is you who enjoys *the liberty* to embark on either of them (plus some right of non-interference due to the property right in the house itself – such as the right not to have the house trespassed etc., which would guarantee the enjoyment of the liberties in question). In this case, anybody else's claim for those liberties (walking in your house philosophizing or using your TV set) would not be recognized.



discharge their respective duty of non-interference, nobody is rendered unfree. Any other moralized notion of freedom would yield the same prediction, the only difference being the prohibitions of the core moral value employed. Unfortunately, all these domains of freedom, as delineated by the moralized notions of freedom, would be mutually incomparable. What would count as a freedom in one account would not be subsumed thereunder in some other account. For instance, some freedoms as delineated by property rights would not be ranked as freedom in any human-flourishing natural-law account. According to the former, one would be free to smoke a cigarette in his own house – but not according to the latter. This *incommensurability* of all these moralized accounts of freedom would stop any agenda of measuring freedom across regimes dead in its tracks. So, it can be *only a descriptive concept of freedom* that, when applied, can at least theoretically yield an answer to whether a regime A or B allows for more freedom. When the notions of freedom are partly moralized, no such comparison can take place.

On the positive note then, I would like to argue for a specific notion of descriptive freedom. So far, I have been using the word *freedom* in a rather cavalier fashion. Now it is high time to remedy the above-mentioned shortcoming. Specifically, what I would like to argue for is the notion of pure negative freedom as conceived of by Matthew Kramer.⁶ Kram-

er's invention is to posit that for a given action one is not only either free to do or (disjunctively) unfree to do. Kramer (pp. 41-42) repudiates this simple dichotomy. Instead he claims that the relation between being free to do X and unfree to do X is rather that of non-conjunction. That is, it can be the case that one is neither free to do X and nor unfree to do X. In other words, it can be the case that one is *merely unable* to do X. Kramerian trichotomy ceases to seem strange when we realize that the author maintains that one can be prevented only from doing something one would be able to do in the absence of the prevention (that is, to be prevented from doing X one must be able to do X in the first place). Hence, if a person have no legs due to some natural cause, the person is not prevented by anybody from dancing a break-dance. The person is merely unable to do so. Concluding, any action falls into one of the three mutually exclusive and exhaustive categories

- a) being merely unable to do X
- b) being free to do X
- c) being unfree to do X

What are the merits of Kramer's account of freedom? First, it should be noted that the standard dichotomous account of freedom yields a highly undesirable consequence. If freedom pertains to everything a given person is unprevented from doing, it implies that anybody's freedom is infinite. For example, on this account, I should be free to travel around the galaxy at my leisure. Unfortunately, such examples are infinitely many, which would predict that the overall freedom of anybody is infinity in absolute terms. The conclusion is no

⁶ What is crucial at this juncture are Kramarian (2003, p.15) definitions of freedom and unfreedom (F and U postulate, respectively), which run as follows: "**F Postulate:** A person is free to if and only if he is able to ϕ . **U Postulate:** A person is unfree to ϕ if and only if both of the following conditions obtain: (1) he would be able to ϕ in the absence of the second condition; and (2) irrespective of whether he actually endeavours to ϕ , he is directly or in-

directly prevented from ϕ -ing by some action(s) or some disposition(s)-to-perform-some-action(s) on the part of some other person(s)."

better when it comes to estimating anybody's overall liberty.⁷ If the overall liberty is always some share of freedoms⁸ in the sum of freedom and unfreedoms, then, freedoms being infinite and unfreedoms finite (there are only a limited number of actions we are effectively prevented from doing), everybody's overall liberty equals 1.⁹ This is tantamount to saying that literally everybody is free to the same degree.

Let us note that Kramer's trichotomous account avoids this pitfall because freedoms cannot by any means be infinite. It should be borne in mind that on Kramer's ground, the lack of prevention is only a necessary condition for being free to do some action – not a sufficient one! A second necessary condition for being free to do X is the ability to do so and because our abilities are far from infinite, our freedoms *a fortiori* cannot be infinite. Now, both freedoms and unfreedoms would be finite, which would yield anybody's overall liberty finite and interpersonally comparable – the most interesting result.

To sum up, the argument in favour of employing Kramer's notion of freedom was two-fold. First, it certainly accounts well for our linguistic intuitions. After all, we found it hard to believe that, the language of freedom is inapplicable *whatever* happens to a class of people deprived of rights (or similarly: to people in the state of nature). Rather, we would insist that if one of them was shackled,

his or her freedom got effectively diminished whether he had a right not to be shackled or not. Second of all, such a neutral (unmoralized) concept of freedom can serve (at least theoretically) as a measure of people's freedom since it, by the very nature of its neutrality, can be applied to any person; nay, to any political regime. This in turn would allow for making non-trivial comparisons of levels of freedom across persons or political regimes. This situation reminds us of purely physical (descriptive and non-evaluative) criteria employed in sport. Let us consider weight-lifting. Having, say, ten contestants, we can arrange them in a descending (or ascending) order of physical strength based solely on how many kilograms each of them can lift. Needless to say this is due to a neutral *measure of the mass* each contestant was able to lift. Obviously, to conclude that the one who lifted more weight is a *better sportsman* takes an evaluative premise in the form of 'the more, the better'. Yet, it does not imply that our criterion is evaluative. Quite to the contrary, it is only its employment that is normative; or rather, *the justification* of a purely non-evaluative criterion is normative but *the content* thereof is still purely descriptive. The same applies to the notion of freedom adopted here. Its content is purely descriptive but the justification of its use is at normative. After all, we are interested in our respective overall levels of freedom; freedom matters to us. And, last but not least, rather analogously to our weight-lifting case, it can hardly be contested that the more freedom, the better.

4. How does our descriptive notion of freedom bear on libertarianism?

Providing our above analysis of freedom is correct, if libertarians want to avoid

⁷ Probably not the most accurate but definitely the most intuitive formula capturing our intuition of the overall level of one's freedom is Steinerian (1983) formula $F/(F+U)$, where F denotes our freedoms and U unfreedoms.

⁸ Kramer (2003, pp. 368-379) squares it while Steiner (1983) does not, which has no bearing on my conclusion here.

⁹ After all, infinity (\aleph_0) divided by infinity plus some finite number must yield 1.

the analytically true statement that property rights do not diminish non-owners' freedom (only if the moralized concept of freedom is employed), they should rather embrace the negative (descriptive) notion of freedom and concede that whereas property rights ensure the freedom of owners, they at the same time limit the freedom of non-owners. In other words, property rights serve to *distribute* freedom. But then again, this implies that while property rights allocate some freedom to one person, they deprive all the others of the freedom in question. If person A enjoys the liberty of playing chess (with his own chess set) in his house (this liberty can hardly be interfered with because it is a vested one: the perimeter of protection is guaranteed by both a property right in the house itself as well as in the chess set), then all the others are effectively debarred from taking the very same action.¹⁰

This acknowledged, libertarians could simply maintain that property rights relate to freedom as any other norms do. That is, allocating freedoms and producing unfreedoms are simply two sides of the same coin. Simultaneously, they could rightly argue that, the regime of property rights (with all its substantive theories such as homesteading or voluntary transfer) is simply an account of *justly allocated freedom*. In other words, any specific distribution of property rights (and therefore any distribution of freedom) will be regarded as just as long as the substantive requirements of property right acquisition (homesteading or voluntary trans-

fer) were met. Trivially, an exercise in this distribution of freedom (because of the distribution of rights) must be willy-nilly accompanied with the distribution of unfreedoms. Therefore, the arising unfreedoms would be a mere necessary evil, a by-product of a just distribution of rights, and hence of freedom.

Finally, we would like to note some consoling fact about the manner in which unfreedoms occur on the free market. With any concluded transaction on the free market, say: person A sells person B a car, there were at least two people free to embark on this transaction. Retrospectively speaking, at least A and B were free to do so. On the other hand, it must be true that there was a group of people rendered unfree by either A's or B's disposition to enter into that very transaction. If B was determined to buy that car in the first place, then it can be hardly maintained that some other person, say C, was free at any time before to buy that car. Yet, the consolation stems from the fact that these unfreedoms are not produced by the use of violence.¹¹ Rather, this is a mere side effect of the fact that two parties to the actual transaction exchanged property titles voluntarily.

¹⁰ Certainly, they can enjoy the liberty to play chess in their respective houses, but what is meant here is that they are obviously prohibited from performing the very *action-token* in question, that is playing this particular chess set in this particular house.

¹¹ As opposed to, for example, taxation which either involves the direct use of violence or the threat thereof. It might be objected that the free market at least predicts the use of violence. If what happened, instead of a proper voluntary transfer, was a fraud or the stipulations of the contract were defaulted on, then the violence is going to be used either in the form of restitution or punishment. This granted, we may always retort that at least the workings of a free society predict that it is always 1) aggression that shall be met with aggression, whereas 2) non-aggression is not supposed to breed aggression. All the other political arrangement (with the exception of a libertarian society) with their ubiquitous taxation schemes do not respect the latter condition.



5. Conclusion

Summarizing, our point of departure was the observation that libertarian cannot have it both ways: they cannot coherently that property rights ensure owners' freedom and at the same time do not diminish anybody else's freedom unless they use the concept of freedom equivocally. Therefore, we argued for a pure negative concept of freedom borrowed from Kramer while giving some additional supportive reasons therefor. Then, in the light of our newly-adopted definition of freedom, we considered the relation between property rights and freedom and concluded that property rights – as much as any other norm – both secures freedom for some people and diminishes it for others. Having said that, we suggested that instead of playing with the concept of freedom (employing it equivocally), libertarians should rather speak of *justly allocated freedom* (freedom being used in a descriptive sense here). Finally, we discovered a consoling fact that unfreedoms imposed on market participants are normally the ones that occur not due to the use of violence but rather

because one participant simply preempted the others by happening to conclude some transaction before the others had an opportunity to do so.

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