

Left-Libertarianism, Class Conflict, and Historical Theories of Distributive Justice

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Abstract:

A frequent objection to the “historical” (in Nozick’s sense) approach to distributive justice is that it serves to legitimate existing massive inequalities of wealth. I shall argue that, on the contrary, the historical approach, thanks to its fit with the libertarian theory of class conflict, represents a far more effective tool for challenging these inequalities than do relatively end-oriented approaches such as utilitarianism and Rawlsianism.

1. Historical *vs.* End-State

In *Anarchy, State, and Utopia*, Robert Nozick famously distinguishes between two approaches to distributive justice (or, to use his preferred terminology, justice in holdings): a present-oriented or end-oriented approach that looks at how resources are currently distributed without taking the past into account, and an historical approach that assesses the justice of present-day distributions by looking to the causal process by which they arose. (Nozick 1974, ch. 7)

Of course that’s a somewhat oversimplified characterisation of the distinctions, *plural*, that Nozick is making in that section. Readers of Nozick often conflate the approaches he dubs *end-state*, *patterned*, and *current-time-slice*; yet Nozick explicitly notes, first, that not all end-state theories are current-time-slice theories, and second, that some patterned theories are actually historical theories (as opposed to being *either* end-state or current-time-slice theories). (Nozick 1974, pp. 155-156; cf. Schmidtz 2005, p. 159) We should also avoid conflating *historical* theories in general with the narrower class of *entitlement* theories and the still narrower specifically *neo-Lockean* theory that Nozick defends. And it is a still further mistake to assume that, e.g., utilitarian and Rawlsian approaches – to mention two of Nozick’s chief targets – automatically count as end-state approaches; after all, a utilitarian will happily take historical considerations into account if doing so tends to maximise social welfare, and the Rawlsian will as happily take historical considerations into account if doing so tends to maximise the welfare of the least advantaged. (Indeed, just this is arguably the point of Rawls’ defense of the difference principle.)

But, having pointed out these complexities, I now propose to ignore them – because there is still a useful, broad distinction between approaches to distributive justice that

emphasise final patterns of holdings (a description that often applies – albeit, as we’ve seen, contingently – to actual utilitarian and Rawlsian theorising), and those that emphasise the process by which such patterns arise; and for the thesis I propose to defend, broad differences in emphasis are more important than the precise details of particular theories and principles. In particular, my present concern is less with what a given principle directly entails and more with what role it plays in people’s way of conceptualising their social environment.

A frequent objection to – and for others, perhaps, an attractive feature of – the historical approach is that it serves to legitimate existing massive inequalities of wealth. I shall argue that, on the contrary, the historical approach – thanks to its fit with the libertarian theory of class conflict – represents a far more effective tool for challenging these inequalities than do relatively end-oriented approaches such as utilitarianism and Rawlsianism, *even when the latter approaches would condemn the inequalities just as much as the historical approach does.*

I will proceed in two stages. First, I will show how, in the light of libertarian class theory, an historical approach condemns the inequalities rather than legitimating them. Second, I will argue that its condemnation is more effective – in a sense of “more effective” to be explained – than that of its end-oriented rivals.

II. Libertarian Class Theory

Let’s first consider the charge that the historical approach serves to legitimate existing massive inequalities of wealth. It is true, of course, that the historical approach *would* legitimate these inequalities, *if* they had emerged by a series of just transfers from just original appropriations (or else from a series of transfers and appropriations whose injustices had all been properly rectified). But then it is equally true that the utilitarian and Rawlsian approaches would legitimate such inequalities, *if* the inequalities promoted social advantage (aggregate or mutual, respectively). So why is this hypothetical urged more strongly against the historical approach than against the utilitarian and Rawlsian approaches – especially since few people believe that the antecedent is satisfied in *any* of the three cases?

I suspect it is because of the widespread assumption that the historical approach, if strictly adhered to, would be likely to eventuate in a distribution of holdings *broadly comparable* to existing inequalities (even if the specific holdings would in many cases belong to different

people from those they currently belong to) – whereas such an assumption is less commonly made concerning utilitarianism, and still less commonly concerning Rawlsianism.

Even Nozick himself seems to think of his arguments as legitimating an economic landscape broadly comparable to our own; for while he insists (pp. 230-231) that applying his historical principles of justice would probably require a radical redistribution of existing holdings – a point seldom stressed by either his defenders or his critics – he does not appear to envision its entailing any radical change in the overall *structure* of wealth distribution. For example, he takes for granted (pp. 250-253) that the implementation of his neo-Lockean entitlement theory will involve the dominance of traditional “capitalist”¹ firms (as opposed to, say, workers’ cooperatives). More on this anon.

Kevin Carson has coined the terms “vulgar libertarianism” and “vulgar liberalism” for the tendencies, respectively, to treat the benefits of the free market as though they legitimated various dubious features of actually existing “capitalist” society (vulgar libertarianism), and to treat the drawbacks of actually existing “capitalist” society as though they constituted an objection to the free market (vulgar liberalism).² Vulgar libertarianism and vulgar liberalism share a common assumption: that the present (or, sometimes, the past) economic realities of western “capitalist” countries constitute at least an approximate stand-in for a genuine free market, so that the two stand or fall as a package; but vulgar libertarianism and vulgar liberalism are opposed in their evaluations, one endorsing and the other rejecting the package in question.

By contrast, left-libertarianism denies the shared assumption, holding instead that the differences between actually-existing “capitalism” and a genuine free market are so great that a defense of the latter provides not a legitimation but rather a radical condemnation of the basic structure of the former.

By *left-libertarianism* I mean the position that Carson has described as agreeing “with the Greens and other left-wing decentralists on the evils to which they object in current society and on their general view of a good society,” but “with free market libertarians on their

¹ For my reasons for placing the terms “capitalist” and “capitalism” (in their ideological sense) in scare-quotes throughout, see Long 2006, where I argue that the term as ordinarily used essentially presupposes an identification of free markets with corporate privilege, and so cannot coherently be used (except in scare-quotes or with some other qualifier) by those who deny this presupposition.

² See Carson’s blog, <http://mutualist.blogspot.com>, *passim*.

analysis of the cause of such evils and how to get from here to there,” or in summary form, “green ends with libertarian means.” (Carson 2009a, pp. 1-2) Or, in historical terms, I mean the movement that, while having its roots in the individualist anarchism of the 19th century (particularly such figures as Thomas Hodgskin, Lysander Spooner, Benjamin Tucker, and Voltairine de Cleyre), emerged or re-emerged in the 1960s through the rapprochement between libertarianism and the New Left (as represented by Murray Rothbard’s journal *Left & Right*, as well as the early years, at least, of its successor *Libertarian Forum*), was continued in the 1970s by Samuel Konkin’s “Movement of the Libertarian Left,” and broadened in recent years into the Alliance of the Libertarian Left. Left-libertarianism in this sense should not be confused with the more recent use of the term to describe the neo-Georgist position of such theorists as Peter Vallentyne, Hillel Steiner, and Michael Otsuka (though overlap between these two forms of left-libertarianism is certainly possible).

Left-libertarianism relies on what has come to be called libertarian class theory.³ This theory originates with the circle of liberal French social theorists – most notably Charles Dunoyer, Charles Comte (son in-law of Jean-Baptiste Say), and Augustin Thierry – who published in the journal *Le Censeur* (1814-1815) and its successor *Le Censeur Européen* (1817-1819). When Marx wrote, “No credit is due to me for discovering the existence of classes in modern society or the struggle between them; long before me, bourgeois historians had described the historical development of this class struggle and bourgeois economists the economic anatomy of the classes,”⁴ it was primarily to the *Censeur* group that he was referring. The theory received further development by the English economist Thomas Hodgskin (most notably in his 1832 essay *The Natural and Artificial Right of Property Contrasted*) and, still later, by the contributors to *Liberty*, Benjamin Tucker’s 1881-1908 American journal of individualist anarchism.⁵ Unlike later and more familiar theories that identify classes in terms of their possession of economic resources (e.g., control, or lack of control, over the

³ For the historical origins of libertarian class theory, see especially Hart 1994, but also Liggio 1977; Raico 1977, 2006; Stedman-Jones [n.d.]; Weinburg 1978; Long 2008e; and Hart 1979. For more recent treatments see Conger 2006; Carson 2004, 2006, 2007, 2009a; Grinder and Hagel 1977; Hoppe 1990; Long 1998, 2007, 2008a, 2008b; and Richman 2006.

⁴ Letter to J. Weydemeyer, 5 March 1952.

⁵ One can find similar ideas in John Calhoun’s 1849 *Disquisition on Government* – though this is somewhat ironic, as Calhoun was a proponent of slavery, whereas virtually every adherent of this theory *other* than Calhoun took it to entail a straightforward condemnation of slavery.

means of production), the libertarian theory identifies classes in terms of their *means of acquiring* such resources – so an historical element is built in from the start.

In its primordial formulation, libertarian class theory distinguishes two principal classes. One is the productive or “industrial” class, composed of those who earn their living through production and voluntary exchange; this traditionally included both workers and capitalists, though different versions of the theory would emphasise one or the other according to the radicalism or conservatism of the author. The other is the parasitic (or as Herbert Spencer would later call it, the “militant”) class, those who earn their living by plundering the producers; while this class includes freelance criminals such as highway robbers, it finds its primary embodiment in the holders and beneficiaries of political power. The core of this class was originally the military aristocracy, who simply continued the practices of their bandit ancestors under colour of law; but in the eyes of libertarian class theorists the passing of political authority from nobles to commoners did not change the fundamental nature of the state as an engine for advancing the interests of the politically favoured at the expense of the general populace. When Marx called the July Monarchy “a joint-stock company for the exploitation of France’s national wealth” on behalf of the bourgeois elite and at the expense of production and commerce,⁶ he was only echoing what proponents of libertarian class theory had been saying for decades.⁷

Early versions of the theory vacillated as to whether the criterion of membership in the parasitic class was *living by forcibly expropriating others’ labour* or simply *living off others’ labour*, thus leaving ambiguous the status of people who live off voluntary charity; the French liberals in particular sometimes assigned beggars and priests (whether state-funded or not) to the parasitic class. But modern versions of libertarian class theory generally distinguish the two classes according to Franz Oppenheimer’s distinction between economic and political means:

⁶ *Class Struggles in France*, I.

⁷ The relation of the Marxist theory of classes to its libertarian predecessor is complex. The official Marxist doctrine – at least according to Engels in *Anti-Dühring* – is that a private-property economy is sufficient to generate a capitalist ruling class without the need for state intervention. Yet Marx’s own account of “primitive accumulation” (*Capital* I.vi.26) stresses the role of state violence in *establishing* the power of the *bourgeoisie*, just as his own case studies of contemporary class conflict (in, e.g., *Class Struggles in France* and *The Eighteenth Brumaire*) stress the role of state violence in *maintaining* it – thus giving Marx’s theory an historical/causal, state-oriented dimension that brings it more closely into alignment with the libertarian one. For Engels’ implicit disagreement with Marx on these points, see Carson 2004.

There are two fundamentally opposed means whereby man, requiring sustenance, is impelled to obtain the necessary means for satisfying his desires. These are work and robbery, one's own labor and the forcible appropriation of the labor of others. ... I propose ... to call one's own labor and the equivalent exchange of one's own labor for the labor of others, the "economic means" for the satisfaction of needs, while the unrequited appropriation of the labor of others will be called the "political means." (Oppenheimer 1975 [1905], ch. 1)

Hence the industrial class lives by the economic means and the parasitic class by the political. By Oppenheimer's definitions, charity recipients would not count as belonging to either class; but if one defines the economic means more broadly as the method of *voluntary* transactions, then charity recipients would belong to the industrial class. Recipients of tax-funded welfare won't be assigned to the parasitic class either, so long as the extent to which they benefit from governmental handouts is exceeded – as left-libertarians think it generally is – by the extent to which they are immiserated by governmental regulations.

Marx claimed that the chief advance of his version of class theory over that of the "bourgeois economists" was that he foresaw an end to class conflict;⁸ but in fact he was anticipated here too. Unlike Saint-Simon and Auguste Comte,⁹ sometime fellow travellers of the *Censeur* group, who proposed maintaining a powerful state apparatus but with a change of personnel (kicking out the nobility and replacing them with representatives of the industrial class), the main *Censeur* contributors rejected the state apparatus itself as a fundamentally militant or parasitic institution incompatible with industrial life, and one that was destined to be eroded by economic forces and ultimately replaced by a society without privilege – a stateless, classless, free-market utopia.

Dunoyer, for example, described states as "monstrous aggregations ... formed and made necessary by the spirit of domination," and prophesied that the "spirit of industry will dissolve them" and thereby "municipalize the world," as "centers of actions ... multiply" until the entire human race constitutes "a single people composed of an infinite number of homogeneous groups bound together without confusion and without violence by ... the

⁸ Letter to Weydemeyer, *op. cit.*

⁹ This more famous Comte does not appear to have been related to Charles Comte of the *Censeur*; at any rate John Stuart Mill, writing to Auguste Comte (26 April 1845), refers to Charles Comte as "your homonym" rather than, *e.g.*, "your kinsman."

most peaceful and the most profitable of relationships.” (*Industry and Morals* pp. 366-67) This vision of the militant mode of social organisation yielding to the industrial would inspire both Molinari’s phrase “the diffusion of the state within society”¹⁰ and Proudhon’s phrase “the dissolution of the state within the economic organism.”¹¹

In its modern form, libertarian class theory identifies the ruling class in western democracies as a partnership between the state on the one hand and the private, mostly corporate, beneficiaries of state privilege on the other – big government and big business, or statocrats and plutocrats – and the dominant form of economic and political organization as one of corporatism. Given the concentrated character of corporate interests and the dispersed character of the broader public interest, corporatism is regarded as a virtually inevitable result of democratic institutions, as per Butler Shaffer’s definition of democracy as “the illusion that my wife and I, combined, have twice the political influence of David Rockefeller.”¹² (Hence libertarian class theorists’ skepticism toward all forms of monopoly government, not just undemocratic ones.) Vast inequalities of wealth are difficult to achieve or maintain in a free market, since successful ventures are quickly imitated; competition serves as a levelling factor. But such inequalities can most definitely be achieved and maintained when competition is restricted by regulation.¹³

Like the alliance between church and state in the Middle Ages, the parties to the present ruling alliance do not have identical interests, and there is some jockeying for power as each side strives to become the dominant partner (with political parties of the establishment “left” and establishment “right” tending to promote the economic interests of statocracy and plutocracy respectively); hence the appearance of conflict between government and business is not wholly illusory.

Nevertheless, again as with church and state, the partners’ commitment to the longterm success of the partnership – *i.e.*, to maintaining power – ordinarily takes precedence over

¹⁰ *Political Evolution and the Revolution*, p. 393.

¹¹ *General Idea of the Revolution in the 19th Century*, passim.

¹² <http://www.lewrockwell.com/blog/lewrw/archives/32987.html>

¹³ One way of legally blocking imitators is the mechanism of “intellectual property.” For arguments that intellectual property constitutes a form of plutocratic privilege incompatible with free-market principles (and of no great benefit to intellectual innovators themselves), see Kinsella 2008; Boldrin and Levine 2008; Carson 2007, 2009a; and Long 2008d.

their commitment to the issues that divide them. Big government needs big business – as a source of financial backing. And big business needs big government – to protect it from market competition. As libertarian and New Left historians alike have documented, most of the major regulatory interventions in U.S. history, including those most trumpeted and/or vilified as “anti-business” – most notably those of the “Progressive Era” and the “New Deal”¹⁴ – were not only welcomed by, but vigorously lobbied for and in many cases actually drafted by, the corporate elite as a means of eliminating smaller competitors (who were less able to handle the regulatory burdens) or as a means of regimenting workers and consumers.¹⁵

It should thus be no surprise that Philip Morris has embraced restrictions on cigarette advertising, or that Walmart has embraced government-funded healthcare, to pick two examples from today’s news; both laws will have a greater impact on these firms’ smaller competitors than on the firms themselves. Big business is no fan of free market competition, which tends to exert downward pressure on prices and upward pressure on salaries; hence it actively lobbies for, and generally gets, government privileges.¹⁶ Sometimes these are direct and overt, taking the form of subsidies, bailouts, protectionist tariffs, grants of monopoly privilege, and seizures of private property for corporate use via eminent domain – as well, of course, as military interventions to protect corporate interests. But many of the business lobby’s greatest government privileges are much less direct. Regulatory imposition of uniform quality standards, for example, relieves firms from having to compete in quality, thus granting them the benefits of cartelisation without the costs of policing the cartel agreement or the risk of having the cartel undermined by upstart competitors. (And when the quality standards thus imposed are high, lower-quality but cheaper competitors are priced out of the market – an additional boon to the beneficiaries.) Inflationary monetary policies on the part of central banks also tend to benefit those businesses that receive the

¹⁴ This doesn’t mean that, *e.g.*, business hostility to FDR was illusory; but what hostility there was concerned much smaller stakes than is ordinarily assumed. FDR was giving the corporate elite cartelisation on the state’s terms rather than cartelisation on their own; still, the recipients vastly preferred either mode of cartelisation to the free-market alternative.

¹⁵ Kolko 1963, 1965; Weinstein 1976; Shaffer 1997; Childs 1971; Grinder and Hagel 1977; Radosh and Rothbard 1972; Stromberg 1972; Ruwart 2003; Johnson 2004, 2005; Buhle 1999.

¹⁶ For some of the ways that Walmart, for example, owes its success to government privilege rather than market competition, see Mattera and Purinton 2004.

newly created money first in the form of loans and investments, when they are still facing the old, lower prices, while those to whom the new money trickles down later, only after they have already begun facing higher prices, systematically lose out.

The widespread assumption that big business and big government are fundamentally at odds, and that big business supports a free market, serves to maintain the ruling partnership in power; indeed, “vulgar liberalism” and “vulgar libertarianism” (in Carson’s sense) represent the dominant ideologies of the establishment left and establishment right, respectively. The establishment left disguises its government intervention on behalf of the rich as government intervention on behalf of the poor, while the right disguises its government intervention on behalf of the rich as an opposition to government intervention *per se* – and each side has an interest in maintaining the myth propagated by its nominal opponent. For those who are repelled by the realities of corporate capitalism are lured into becoming opponents of the free market and foot soldiers for the left wing of the ruling class; while those who are attracted by free-market ideals are lured into becoming defenders of corporate capitalism and foot soldiers for the right wing of the ruling class. Either way, the partnership as a whole has its power reinforced.

Thus, for example, in the current debate over health care, both sides benefit by portraying the choice as one between a free-market *status quo* and a proposal for government intervention (as opposed to what it really is, a debate between two different styles of *equally* intrusive government intervention – the “right-wing” status quo of massive government intervention on behalf of insurance companies and the medical establishment, *versus* a “left-wing” scheme to shift the balance of power a few notches away from the plutocracy and toward the statocracy). This renders invisible and inaudible any proposal for an *actual* free-market healthcare program, such as the turn-of-the-century mutual-aid system that was beginning to put working-class patients in charge of their own healthcare decisions before government regulators and the A.M.A. joined forces to dismantle it. This also explains why the establishment right has been so weak in challenging the establishment left’s factually ludicrous claim that the policies that led to the recent economic crisis were ones of *laissez-faire* and “too little regulation”; the only way the right could rebut this charge is by admitting that they had been pursuing a thoroughgoing campaign of monetary manipulation on behalf

of the financial elite, thus blowing their cover as free-market advocates. I assume that's why they've been focusing their energies on the healthcare debate instead.¹⁷

It is often assumed that the domination of the economic landscape by large firms is to be explained simply by their successful exploitation of economies of scale. But as Carson has stressed, in addition to economies of scale there are *diseconomies* of scale, which beyond a certain point will offset the economies and put a limit to the firm's growth – unless the firm can make use of governmental privilege.

For example, the augmentation of productive capacity associated with larger size requires a wider area of distribution for the increased product; thus as production costs fall, distribution costs rise, until the latter overtake the former. But this check on firm growth can be overcome once the government enables the firm to socialise its distribution costs. At the extreme, such socialisation can take the form of opening foreign markets via gunboat; but its many milder forms include public funding for highways. As is well known, long-distance shipping via heavy trucks is responsible for the vast majority of wear and tear on the public highways; yet firms that rely on such shipping do not bear a proportionate share of the tax burden for building and maintaining highways. Hence such firms are able to grow beyond their natural size by getting the taxpayers to pick up the tab for their transportation costs – while the more economical alternative of local production for local use is rendered artificially expensive, inasmuch as it is compelled to subsidise its competition.¹⁸

Moreover, as firms grow larger and more hierarchical, the separation between those who give the orders and those who do the work increases, thus making it harder for any of the firm's participants to know what is actually going on; moreover, the increasing insulation of decisions from market feedback not only makes information harder to obtain but also lowers the cost of abusive or inane behaviour by managers, thus giving us the corporate wonderland familiar to readers of the comic strip *Dilbert*. Thus the lowering of transaction costs associated with firm centralisation is offset by the costs of the growing informational chaos within, rendering such firms unable to compete against smaller, flatter rivals – unless competition from such rivals can be curtailed, as it quite effectively is, by government

¹⁷ On healthcare see Long 1994, 2008a; Beito 1999. On the causes of the economic crisis see Long 2008a, Woods 2009.

¹⁸ For further details see Carson 2007, 2009a.

regulations such as licensing fees, zoning, uniform quality standards, capitalisation requirements, and so on, all of which place a disproportionate burden on smaller companies and independent entrepreneurs.¹⁹ In particular, the establishment of workers' cooperatives, as an alternative to the hierarchical firm, has been rendered artificially difficult both by these regulations and by ostensibly pro-union regulations whose real – and successful – intent was to divert the labour movement's goals away from worker control of industry and toward the mere pottage of higher wages within the existing “capitalist” framework.²⁰

In his arguments against workers' cooperatives, Nozick himself seems to slide into a bit of vulgar libertarianism, taking their scarcity on the prevailing corporatist market as evidence of their inefficiency – as though the prevailing corporatist market were a reasonable proxy for *laissez-faire*. Nozick discusses some genuine incentival problems faced by worker-owned firms (1974, pp. 250-253), but does not address the incentival (and informational) problems faced by traditional hierarchical firms. If worker-owned firms are efficient, he asks, why don't we see more of them? He seems not to consider one obvious answer: as Carson reminds us, “The state subsidizes the large, hierarchical, capitalist enterprises against which cooperatives compete, thus rendering them artificially profitable and competitive against alternative forms of organization.” (Carson 2009a, p. 518)

Konkin, by contrast, was of the opinion that “the whole concept of ‘worker-boss’ is a holdover from feudalism” rather than a natural outgrowth of the free market, and speculated that “independent contractors” might replace “wage workers” for “all steps of production” (Konkin 1983, p. 25, n. 8), an idea that goes back to Herbert Spencer (*Principles of Sociology* (1896), Book VIII, Ch. 20). David Friedman, though not usually considered a *left-libertarian*, has expressed similar sentiments. (Friedman 1989, pp. 144-145) More recently, Carson has devoted two lengthy books (2007, 2009a) to an attempt to show that workers' cooperatives would tend to displace traditional “capitalist” firms under a free market. Moreover, both Rothbard (during his left-libertarian phase) and Karl Hess have argued that by strict neo-Lockean standards of land ownership, most of the property claims of the corporate elite are illegitimate and might justifiably be homesteaded by their employees to form workers'

¹⁹ Long 2008a, 2008c; Carson 2007, 2009a.

²⁰ Johnson 2004, 2005.

cooperatives.²¹ In any case, the historical approach to justice in holdings leads naturally toward a presumption in favour of worker control of industry; as Schmidtz (2005, p. 170) puts it: “Nozickians tend to see rewards (i.e., products) as created by workers, and thus as presumptively belonging to workers.”²²

What is distinctive about historical theories of a broadly Nozickian sort is not so much that they focus on the *past* as that they focus on *means* of acquisition, including not just past but ongoing acquisition. Given the extensive involvement of state violence in the process by which the corporate elite not only achieved its wealth in the past but continues to maintain and augment it in the present, it is clear that the massive inequalities of wealth that characterise present-day “capitalist” society are radically inconsistent with any approach to justice in holdings that is even remotely remotely Nozickian. The charge that Nozick-style historical theories serve to legitimate the existing pattern of wealth distribution is thus shown to be even more baseless than Nozick himself was prepared to realise.

III. Historical *vs.* End-State, Revisited

But the claim that I have undertaken to defend is not merely that such inequalities can be challenged using an historical approach, but that the historical approach represents a *more* effective tool for challenging them than do relatively end-oriented approaches such as utilitarianism and Rawlsianism. Yet of course such inequalities can presumably be challenged on utilitarian and Rawlsian grounds too. So in what do I take the greater effectiveness of the historical critique to consist?

The historical critique might be judged superior on the grounds that it is *correct* while its end-oriented rivals are mistaken. In fact I do regard the historical approach to justice as correct, on independent, mostly non-consequentialist grounds; but I’m not making that argument here. For those who regard the results of voluntary interaction as a proxy for either aggregate or mutual advantage or both,²³ the fact that present distribution fails the

²¹ Hess 1969; Rothbard 1965, 1969a, 1969b; 1998, chs. 9-11. For those left-libertarians (*e.g.*, Carson) whose views on land ownership are neo-Proudhonian rather than neo-Lockean, the extent to which existing corporate property claims are illegitimate is of course still greater.

²² I don’t mean to suggest that Schmidtz himself, in this passage, was intending to draw a connection to worker control of industry.

²³ For an argument for so taking it (one I do not necessarily endorse), see Rothbard 1956.

historical test might be taken as *evidence* that it fails the utilitarian or Rawlsian tests as well; but that's not my argument either.

Rather, the advantage, as I see it, of the historical challenge to existing inequalities is that it lays bare the class structure of society, and the roots of such inequalities in state violence. Merely pointing to the fact that some people have a lot more than others is less compelling as a critique; it invites the response "So what? Those who have more aren't hurting anybody; you're just appealing to envy." By contrast, being able to show that those who enjoy a higher socioeconomic status have to a considerable extent achieved and maintained that status by forcibly expropriating and oppressing the less affluent provides for a far more effective indictment.

I don't mean to be claiming merely that appeal to the historical approach is more *rhetorically* effective; that would be a weak defense, since strategies can after all be rhetorically effective for all sorts of dubious reasons. I'm aiming at a stronger claim than one of greater rhetorical effectiveness – yet at a weaker claim than one of simply being the correct theory.

My point is that the historical critique correctly identifies what is surely a *morally relevant fact*, and one that end-oriented critiques tend to ignore: namely, that in many, many cases those who have more are getting it *at the expense* of those who have less. Now of course utilitarian and Rawlsian approaches may also make the claim that, in some sense, those who have more have it at the expense of those who have less; but in order to substantiate that claim without appealing to historical (*i.e.* causal) considerations, they have to defend a baseline of equality. My present argument is not that such a defense is impossible, but only that the need to defend it places an additional and somewhat recondite burden on end-oriented challenges to inequalities – whereas the historical challenge, by identifying past and ongoing acts of violent expropriation rather than merely pointing to the existence of differential shares, provides a much more straightforward, intuitive, and unambiguous basis for condemning the present structure of wealth distribution in "capitalist" society.

Bibliography

Beito, David T. 1999. *From Mutual Aid to the Welfare State: Fraternal Societies and Social Services, 1890-1967*. Chapel Hill: University of North Carolina Press.

Boldrin, Michele, and Levine, David K. 2008. *Against Intellectual Monopoly*. Cambridge: Cambridge University Press. Available online at: <http://www.dklevine.com/general/intellectual/againstfinal.htm>

Buhle, Paul. 1999. *Taking Care of Business: Samuel Gompers, George Meany, Lane Kirkland, and The Tragedy of American Labor*. New York: Monthly Review Press.

Carson, Kevin A. 2004. "Austrian and Marxist Theories of Monopoly-Capital: A Synthesis." Online at: <http://www.mutualist.org/id10.html>

Carson, Kevin A. 2006. "Nothing Like a Free Market: Corporate Capitalism in the USA." London: Libertarian Alliance. Available online at: <http://www.libertarian.co.uk/lapubs/econn/econn106.pdf>

Carson, Kevin A. 2007. *Studies in Mutualist Political Economy*. Fayetteville, AR: BookSurge. Available online at: <http://mutualist.org/id47.html>

Carson, Kevin A. 2009a. *Organization Theory: A Libertarian Perspective*. Fayetteville, AR: BookSurge. Available online at: <http://mutualist.blogspot.com/2005/12/studies-in-anarchist-theory-of.html>

Carson, Kevin A. 2009b. "Intellectual Property: A Libertarian Critique." Center for a Stateless Society Paper No. 2. Available online at: <http://c4ss.org/wp-content/uploads/2009/05/intellectual-property-a-libertarian-critique.pdf>

Childs, Roy A. 1971. "Big Business and the Rise of American Statism." *Reason* (February), pp. 12-19; (March), pp. 9-12. Available online at: <http://praxeology.net/RC-BRS.htm>

Conger, Wally. 2006. *Agorist Class Theory: A Left Libertarian Approach to Class Conflict Analysis*. Central Coast, CA: Movement of the Libertarian Left. Available online at: <http://www.agorism.info/AgoristClassTheory.pdf>

Friedman, David. 1989. *The Machinery of Freedom: Guide to a Radical Capitalism*. 2nd ed. La Salle, IN: Open Court.

Grinder, Walter E., and Hagel III, John. 1977. "Toward a Theory of State Capitalism: Ultimate Decision-making and Class Structure." *Journal of Libertarian Studies* 1.1: 59-79. Available online at: http://mises.org/journals/jls/1_1/1_1_7.pdf

Hart, David M. 1979. *Gustave de Molinari and the Anti-Statist Liberal Tradition*. Honours Thesis, Macquarie University. Available online at: <http://homepage.mac.com/dmhart/Molinari/Thesis.html>

Hart, David M. 1994. *Class Analysis, Slavery, and the Industrialist Theory of History in French Liberal Thought, 1814-1830: The Radical Liberalism of Charles Comte and Charles Dunoyer*. Ph.D. dissertation, King's College Cambridge. Available online at: <http://homepage.mac.com/dmhart/ComteDunoyer/index.html>

- Hess, Karl. 1969. "Where Are the Specifics?" *Libertarian Forum* (June 15): 2. Available online at: http://mises.org/journals/lf/1969/1969_06_15.aspx#2
- Hoppe, Hans-Hermann. 1990. "Marxist and Austrian Class Analysis." *Journal of Libertarian Studies* 9.2 (Fall): 79-93. Available online at: http://mises.org/journals/jls/9_2/9_2_5.pdf
- Johnson, Charles. 2004. "Free the Unions (and All Political Prisoners)." Online at: http://radgeek.com/gt/2004/05/01/free_the
- Johnson, Charles. 2005. "Lazy Linking on Leftist labor Libertarianism." Online at: http://radgeek.com/gt/2005/12/20/lazy_linking
- Kinsella, Stephan N. 2008. *Against Intellectual Property*. Auburn, AL: Ludwig von Mises Institute. Available online at: <http://mises.org/books/against.pdf>
- Kolko, Gabriel. 1963. *The Triumph of Conservatism: A Reinterpretation of American History, 1900-1916*. Glencoe: The Free Press.
- Kolko, Gabriel. 1965. *Railroads and Regulation, 1877-1916*. Princeton: Princeton University Press.
- Konkin, Samuel E., III. 1983. *New Libertarian Manifesto*. Huntington Beach CA: Koman Publishing. Available online at: <http://www.agorism.info/NewLibertarianManifesto.pdf>
- Liggio, Leonard P. "Charles Dunoyer and French Classical Liberalism." *Journal of Libertarian Studies* 1, no. 3 (1977): 153-78. Available online at: http://mises.org/journals/jls/1_3/1_3_1.pdf
- Long, Roderick T. 1994. "How Government Solved the Health Care Crisis: Medical Insurance that Worked – Until Government 'Fixed' It ." *Formulations* 1.2 (Winter). Available online at: <http://libertariannation.org/a/fl12l3.html>
- Long, Roderick T. 1998. "Toward a Libertarian Theory of Class." *Social Philosophy and Policy* 15.2 (Summer): 303-349. Available online at: <http://praxeology.net/libclass-theory-part-1.pdf> and <http://praxeology.net/libclass-theory-part-2.pdf>
- Long, Roderick T. 2002. "Robert Nozick, Philosopher of Liberty." *Ideas on Liberty* 52.9 (September): 30-33. Available online at: <http://www.fee.org/pdf/the-freeman/long0902.pdf>
- Long, Roderick T. 2006. "Rothbard's 'Left and Right': Forty Years Later." Online at: <http://mises.org/story/2099>
- Long, Roderick T. 2007. "Remembering Corporate Liberalism." Online at: <http://aaeblog.com/2007/02/06/remembering-corporate-liberalism>

Long, Roderick T. 2008a. “*Art of the Possible* Essays.” Online at:
<http://praxeology.net/aotp.htm>

Long, Roderick T. 2008b. “Corporations *versus* the Market; or, Whip Conflation Now.”
Cato Unbound. Online at: <http://www.cato-unbound.org/2008/11/10/roderick-long/corporations-versus-the-market-or-whip-conflation-now>

Long, Roderick T. 2008c. “Free Market Firms: Smaller, Flatter, and More Crowded.”
Online at: <http://www.cato-unbound.org/2008/11/25/roderick-long/free-market-firms-smaller-flatter-and-more-crowded>

Long, Roderick T. 2008c. “Owning Ideas Means Owning People.” Online at:
<http://www.cato-unbound.org/2008/11/19/roderick-long/owning-ideas-means-owning-people>

Long, Roderick T. 2008e. “Herbert Spencer, Gustave de Molinari, and the Evanescence of War: 1849-2008.” Online at: <http://www.historiansagainstwar.org/hawconf/long.doc>

Mattera, Philip, and Purinton, Anna, *et al.* 2004. *Shopping for Subsidies: How Wal-Mart Uses Taxpayer Money to Finance Its Never-Ending Growth*. Washington DC: Good Jobs First. Available online at: <http://www.goodjobsfirst.org/pdf/wmtstudy.pdf>

Nozick, Robert. 1974. *Anarchy, State, and Utopia*. New York: Basic Books.

Oppenheimer, Franz. 1975 [1908]. *The State*. John M. Gitterman, trans. New York: Free Life. Available online at: <http://www.franz-oppenheimer.de/state0.htm>

Radosh, Ronald, and Rothbard, Murray N., eds. 1972. *A New History of Leviathan*. New York: Dutton. Available online at: <http://mises.org/books/newhistoryleviathan.pdf>

Raico, Ralph. 1977. “Classical Liberal Exploitation Theory: A Comment on Professor Liggio’s Paper.” *Journal of Libertarian Studies* 1.3: 179–83. Available online at: http://mises.org/journals/jls/1_3/1_3_2.pdf

Raico, Ralph. 2006. “Classical Liberal Roots of the Marxist Doctrine of Classes.” Online at: <http://mises.org/story/2217>

Richman, Sheldon. 2006. “Libertarian Class Analysis.” *Freedom Daily* (June). Available online at: <http://www.fff.org/freedom/fd0606b.asp>

Rothbard, Murray N. 1956. “Toward a Reconstruction of Utility and Welfare Economics.” In *On Freedom and Free Enterprise: The Economics of Free Enterprise*, Mary Sennholz (ed.), ed. (Princeton: Van Nostrand), pp. 224-62. Available online at: <http://mises.org/rothbard/toward.pdf>

Rothbard, Murray N. 1965. “Liberty and the New Left.” *Left & Right* 1.2 (August): 35-67. Available online at: http://mises.org/journals/lar/pdfs/1_2/1_2_4.pdf

- Rothbard, Murray N. 1969a. "Massacre at People's Park." *Libertarian Forum* (June 15): 1. Available online at: http://mises.org/journals/lf/1969/1969_06_15.aspx#1a
- Rothbard, Murray N. 1969b. "Confiscation and the Homestead Principle." *Libertarian Forum* (June 15): 3-4. Available online at: http://mises.org/journals/lf/1969/1969_06_15.aspx#3
- Rothbard, Murray N. 1998. *The Ethics of Liberty*. New York: New York University Press, 1998. Available online at: <http://mises.org/rothbard/ethics/ethics.asp>
- Ruwart, Mary J. 2003. *Healing Our World in an Age of Aggression*. Kalamazoo MI: SunStar Press.
- Schmidtz, David, 2005. "History and Pattern." *Social Philosophy and Policy* 22:1:148-177. Available online at: <http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=275193>
- Shaffer, Butler D. 1997. *In Restraint of Trade: The Business Campaign Against Competition, 1918-1938*. Lewisburg PA: Bucknell University Press.
- Stedman-Jones, Gareth. [n.d.] "Saint-Simon and the Liberal Origins of the Socialist Critique of Political Economy." Online at: http://www-sul.stanford.edu/depts/hasrg/frnit/pdfs_gimon/stedman_jones.pdf
- Stromberg, Joseph R. 1972. "The Political Economy of Liberal Corporatism." *Individualist* (May), pp. 2-11. Available online at: <http://tmh.floonet.net/articles/strombrg.html>
- Weinburg, Mark, 1978. "Social Analysis of Three Early 19th Century French Liberals: Say, Comte, and Dunoyer." *Journal of Libertarian Studies* 2.1: 45-63. Available online at: http://mises.org/journals/jls/2_1/2_1_4.pdf
- Weinstein, James. 1976. *The Corporate Ideal in the Liberal State, 1900-1918*. New York: Farrar Straus & Giroux.
- Woods, Thomas E., Jr. 2009. *Meltdown: A Free-Market Look at Why the Stock Market Collapsed, the Economy Tanked, and Government Bailouts Will Make Things Worse*. Washington DC: Regnery.