

ments, it is gross non sequitur to hold that others are authorized to take over control over them. The same applies to what we came by through luck. Indeed, it is part of our moral task to manage these features of ourselves wisely, judiciously, and generously, and when others presume to take over this management, they have deprived us of the moral agency that is so central to our human lives.

The right to private property exists in part to secure for us a realm of personal authority—jurisdiction, if you will—and some of what we then become responsible to administer properly, ethically, includes our good or bad fortunes. Collectivizing all of what we have not directly accomplished is wholly unjustified, without any convincing evidence to give it moral or political standing.

We may, then, conclude that the existence and value of the right to private property is established beyond any reasonable doubt, despite how prominent academic opinion seems to stand against it. It will not be the last good idea in human intellectual and political history that prominent people have stubbornly resisted.

NOTES

1. This is the force of the “must” in his statement, namely, that persons may be legally required to “give away most of [their] financially valuable assets.”
2. In their book, *The Myth of Ownership* (London: Oxford University Press, 2002), NYU professors Liam Murphy and Thomas Nagel dismiss the right to private property, mainly so as to make the institution of taxation unproblematic. The work pays scant attention to the case for a natural right to private property. It assumes, instead, that property rights are grants of governments and that income, for example, is not owned by those who earn it in the market, so taxation is not a kind of confiscation at all. Interestingly, however, the authors realize that confiscatory taxation is an anomaly in a society such as the American Founders had conceived, namely, where the right to private property was supposed to be inalienable and only to be abrogated for *bona fide* public purposes (such as building a court house or a military base). So, they reject the stance of the American Founders and embrace, instead, the feudal position, namely, that govern-

ments own everything and grant the people privileges, as a monarch would.

3. See also, Thucydides, who tells us that people tend to “devote a very small fraction of the time to the consideration of any public object, most of it to the prosecution of their own objects. Meanwhile, each fancies that no harm will come to his neglect, that it is the business of somebody else to look after this or that for him; and so, by the same notion being entertained by all separately, the common cause imperceptibly decays.” (Thucydides, *The History of the Peloponnesian War*, bk. I, sec. 141). I thank Ronald Lipp for calling my attention to Thucydides’ remark.
4. Arguably, what is appealing about the idea of positive rights is that it makes it appear that various moral duties may be enforced. It provides a shortcut to compliance with moral duties but at the expense of robbing people of their freedom to do the right thing of their own volition. Such shortcuts have always been tempting both to moralists and to tyrants.
5. Exactly why sound ideas often fail to attract loyalty—indeed, are often stubbornly, even hostilely rejected—is a complicated matter and few segments of society fail to be complicit. In this case, though, the intellectual, bureaucratic, and academic communities are probably most culpable.
6. See, Tibor R. Machan, ed., *The Commons: Its Tragedy and Other Follies* (Stanford, Calif.: Hoover Institution Press, 2001).
7. This is not simply to say that perhaps we ought to give away those assets but that they must be given away, and laws need to be enacted forcing us to transfer them to those who need them, and to whom those assets properly belong. The former notion, that we ought to give away what is ours, requires that we can either keep it or give it away: it is up to us, even though it would be right to give it away. The latter denies this liberty and coerces us to part with those assets. Thus, though the former is compatible with the regime of free-market capitalism, the latter is not. That is to say, an ethics of charity or generosity can be practiced in a free-market capitalism, private property regime, but a politics of redistribution is not compatible with such a system.
8. John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), p. 104.