

## Anarcho-Capitalism, Aggression and Copyright

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### Abstract:

In this paper I examine the relation between copyright and aggression from the anarcho-capitalist perspective. I hypothesise that notwithstanding ubiquitous beliefs, copyright does not protect individuals' property and freedom; on the contrary, copyright, as well as other types of intellectual property, initiates aggressive violence against people's property and freedom being thereby an instance of aggression, not remedy thereof. The function of norms of conduct is to eliminate conflicts over scarce resources. If a given norm of conduct, such as copyright, itself produces scarcity where there was none before, conflicts and inconsistencies will result.

### 1. Introduction

In the present paper I deliver a politico-philosophical argument against intellectual property, particularly against copyright. The criticism I provide here is based on the anarcho-capitalist political philosophy of Hans-Hermann Hoppe and the theory of intellectual property developed by Stephan Kinsella. My main research problem is the following question: *What is the relation between the institution of copyright and aggression?* It

is a ubiquitous belief that the institution of copyright protects original authors' property against violation (aggression). Notwithstanding these common beliefs, the main thesis of the paper is the following assertion: *Copyright is an instance of aggression*. Many libertarian thinkers endorse the idea that the institution of intellectual property is incompatible with private property and consists in violation thereof. In this paper I present the libertarian case against the institution of intellectual property and provide philosophical background for this criticism by elaborating on the relations between freedom, private property and aggression; particularly, I highlight the link which connects the fact of scarcity with the possibility of conflicts and demonstrate how this link influences the question of rights and aggression.

To investigate my research problem I employ both the case-based method that reasons by analogy with paradigmatic cases<sup>1</sup> and the method of reflective

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1 On the case-based method see: S.E. Toulmin, A.R. Jonsen, *The Abuse of Casuistry*, University of California Press, Berkeley, Los Angeles 1989, p. 323–324, passim; S.E. Toulmin, *The Uses of Argument*, Cambridge University Press, New York 2008, p. 87–109, passim; J.F. Childress, *Methods in Bioethics*, [in:] *The Oxford Handbook of Bioethics*,

equilibrium that examines relations between sets of assertions<sup>2</sup>.

## 2. The Libertarian Case Against Copyright

Commencing with the libertarian case against copyright, I will provide grounds for a fully-fledged philosophical argument for my thesis. Let's then consider the following series of thought experiments. Imagine that you have a luxurious wrist watch. You wear the watch on every occasion and proudly so. During your usual afternoon stroll a pickpocket silently approaches you and steals your wrist watch. What is the effect of the pickpocket's action as far as your private property is concerned? It is simple: legitimate property that you had before (the wrist watch) has been taken from you without your consent and you do not have it any more. The pickpocket's action constitutes an instance of private property violation: the property that you had before has been taken from you (stolen, destroyed, diminished *etc.*) without your consent. This simple story repre-

sents of course the paradigmatic case of private property rights violation: theft.

Now imagine a different story. You wrote a very good paper. Being proud of it, you keep the journal with your paper exposed on a shelf in your flat. Your academic challenger copies some parts of your paper and publish it under his name. This simple story represents the paradigmatic case of intellectual property violation: plagiarism. But what is the effect of the plagiarists' action? You still have the journal with your paper on the shelf. It has not been taken from you. Nor have the ideas expressed in your paper been taken from you. Everything you had before the plagiarist copied your paper is still yours: the physical journal with your paper on your shelf, the ideas expressed in your paper, the patterns of words in which you expressed the ideas. Hence, the plagiarist's action does not constitute an instance of private property violation, let alone theft: the property you had before (the journal with your paper on your shelf, the ideas, the patterns of words) has not been taken from you without your consent. As Stephan Kinsella noticed, "if you copy a book I have written, I still have the original (tangible) book, and I also still 'have' the pattern of words that constitute the book. Thus, authored works are not scarce in the same sense that a piece of land or a car are scarce. If you take my car, I no longer have it. But if you 'take' a book-pattern and use it to make your own physical book, I still have my own copy"<sup>3</sup>.

Our possible opponent could disagree with this conclusion on the basis that when the plagiarist from our story copies the paper, he steals something from the author, namely he steals the

B. Steinbock (ed.), Oxford University Press, New York 2007, p. 29–34.

<sup>2</sup> On the method of reflective equilibrium see: N. Daniels, *Wide Reflective Equilibrium and Theory Acceptance in Ethics*, "The Journal of Philosophy" 1979, Vol. 76, No. 5; D.W. Haslett, *What Is Wrong With Reflective Equilibria?*, "Philosophical Quarterly" 1987, No. 37/148; J. Rawls, *Outline of a Decision Procedure for Ethics*, "The Philosophical Review" 1951, Vol. 60, No. 2; J.D. Arras, *The Way We Reason Now: Reflective Equilibrium in Bioethics*, [in:] *The Oxford Handbook of Bioethics*, B. Steinbock (ed.), Oxford University Press, New York 2007; N. Daniels, *Reflective Equilibrium*, [in:] *The Stanford Encyclopedia of Philosophy*, Spring 2011; J. Rawls, *A Theory of Justice*, Harvard University Press, Cambridge 1971; R. Dworkin, *Taking Rights Seriously*, Bloomsbury Academic, London 2013; Ł. Dominiak, *Metoda równowagi refleksyjnej [reflective equilibrium] w filozofii polityki*, "Athenaeum. Polskie Studia Politologiczne" 2012, No. 36.

<sup>3</sup> S. Kinsella, *Against Intellectual Property*, Ludwig von Mises Institute, Auburn 2008, p. 32.

value of the paper. If copyright were abode by, the author would gain financial and other profits (colleagues' admiration, social status, fame *etc.*) from selling copies of the paper and being its exclusive author. Hence, the plagiarist's action constitutes an instance of "property" violation: the "property" the author had before, namely the value of the paper, has been taken from him (diminished) without his consent. In a word, by copying the paper, the plagiarist steals the value of the paper. The position that property rights are about creating values and that any diminution of value of things constitutes therefore an infringement on property rights is espoused for example by objectivist thinkers. For instance, Ayn Rand points out that "by forbidding an unauthorized reproduction of the object, the law declares, in effect, that the physical labor of copying is not the source of the object's value, that that value is created by the originator of the idea and may not be used without his consent; thus the law establishes the property right of a mind to that which is has brought into existence"<sup>4</sup>. Also David Kelley expresses this value-based theory of property rights when he says that "the essential basis of property rights lies in the phenomenon of creating value"<sup>5</sup>.

Unfortunately, this reply would have the extremely paradoxical implications. Consider another story. Imagine that you run a distillery. You sell whisky and you are very successful businessman. Your neighbour realises how successful you are and opens a winery next to your

distillery. He starts to sell wine. Some of your existing customers sometimes prefer to drink wine rather than whisky. You see that you are losing customers on behalf of your neighbour. The value of your whisky business drops because of your neighbour's actions. To stay in the business you have to considerably lower the price of your whisky to compete with your neighbour for customers. But this again means that the value of your distillery plummets because of your neighbour's actions. However, your neighbour did not commit any immoral act, let alone a breach of law or crime. He just used his property to open his own business. Your neighbour did not violate your tangible property. He did not steal your whisky nor interfered with your distillery. Yet he, the same as the plagiarist, diminished the value of your property.

Any free market competition diminishes value of goods and services offered for purchase on the market. If the supply of a given good increases, the price (the value) of this good decreases. If one would like to protect the value of tangible goods against diminution, one would have to oppose any free market competition, being thereby involved in violation of individuals' freedom and private property rights. As Hans-Hermann Hoppe points out, "it is easy to recognize that nearly every action of an individual can alter the value (price) of someone else's property. For example, when person A enters the labor or the marriage market, this may change the value of B in these markets. And when A changes his relative valuations of beer and bread, or if A himself decides to become a brewer or baker, this changes the value of the property of other brewers and bakers. According to the view that value damage constitutes a rights violation, A would be committing a punishable offense vis-à-

4 A. Rand, *Patents and Copyrights, in Capitalism: The Unknown Ideal*, New American Library, New York 1967, p. 130.

5 D. Kelley, *Intellectual Property Rights. Response to Stephan Kinsella*, „Institute of Objectivist Studies Journal”, vol. 5, no. 2, 1995, p. 13.

vis brewers or bakers”<sup>6</sup>. As this line of argument clearly demonstrates, the policy of protecting value of tangible goods that the institution of intellectual property (according to our possible opponent) is based on violates individuals’ freedom and property rights and therefore is an instance of aggression.

Our possible opponent could try to defend his position by singling out intellectual property as the only instance where the protection of value is justified. But such a strategy would equal surrender. This would mean that protecting value of tangible goods in general violates individuals’ freedom and property rights but in one special case it is allegedly justified notwithstanding this violation. That would straightaway confirm my thesis. So, to argue that intellectual property does not violate individuals’ freedom and property, our opponent has to find different criterion than the protection of value.

He could try to claim that property violation does not consists only in stealing, destroying, diminishing or, generally speaking, expropriating but also in using property in a way that is not permitted by the owner. He could argue that the author of the paper or the owner of copyright sells the paper only conditionally, i.e. with the restriction that the paper cannot be copied; that the owner sells only part of his property rights to the paper. This is a position more or less represented by Murray Rothbard. Rothbard formulates his argument in favour of intellectual property in the following way: “Suppose that Brown allows Green into his home and shows him an invention of Brown’s hitherto kept secret, but *only*

on the condition that Green keeps this information private. In that case, Brown has granted to Green not absolute ownership of the knowledge of his invention, but *conditional* ownership, with Brown retaining the ownership power to disseminate the knowledge of the invention. If Green discloses the invention anyway, he is violating the residual property right of Brown to disseminate knowledge of the invention, and is therefore to that extent a thief”<sup>7</sup>. At first glance this argument seems persuasive. There are many tangible goods that are sold only conditionally. For example some breeds of animals are sold under condition that they will not serve as sires; also real estate is subject to many conditions limiting property rights of the purchaser *etc.* In a word, it can be stipulated in the purchase contract that only some property rights to a given good are being sold and if both parties of the contract agree on it, there is by definition no violation of freedom or property rights. Unfortunately, this analogy is far-fetched as far as such intangible goods as these protected by copyright are concerned. Consider the following line of argument.

If I buy a house that I cannot sell until five years pass under the sanction that I will be burdened with extra payments, this limitation of my property rights pertains only to this very house. If somebody else sees my house and builds a very similar house of his own, he is not bound by the purchase contract that I signed with regard to my house. Similarly, if I contractually agree that the cat I buy will not serve as sire, this contract is binding only as far as me, the seller and this very cat are concerned. If somebody else sees my cat and obtains a very

6 H.-H. Hoppe, *The Great Fiction. Property, Economy, Society, and the Politics of Decline*, Laissez Faire Books, Baltimore 2012, p. 15.

7 M. Rothbard, *The Ethics of Liberty*, New York University Press, New York 1998, p. 123.

similar cat from other source, he is not bound by the contract that I signed. Intellectual property works utterly differently. If I buy a paper protected by copyright, it is not only me who is allegedly bound by the contract with the copyright owner but also any other person who does not buy the paper nor borrows it *etc.* If somebody else sees my paper or listens to the conversation about its content *etc.* and copies it, he also infringes on copyright. Here the analogy with the real contracts and tangible property collapses. Copyright does not place contractual duties on the parties of contract but imposes obligations on people who have never signed any contract with copyright owners, not even the implicit one. As Stephan Kinsella points out, “even if a seller of an object could somehow ‘reserve’ certain use-rights with respect to the sold object, how does this prevent third parties from using information apparent from or conveyed in that object? Reserved rights proponents say more than that the immediate buyer B1 is bound not to reproduce the book; for this result could be obtained by pointing to the implicit contract between seller A and buyer B1. Let us consider a third party, T1, who finds and reads the abandoned book, thus learning the information in it. Alternatively, consider third party T2, who never has possession of or even sees the book; he merely learns of the information in the book from gossip, graffiti, unsolicited e-mail, and so forth. Neither T1 nor T2 has a contract with A, but both now possess certain knowledge. Even if the book somehow does not contain within it a ‘right to reproduce,’ how can this prevent T1 and T2 from using their own knowledge? And even if we say that T1 is somehow “bound” by a contractual copyright notice printed on the book (an untenable view of con-

tract), how is T2 bound by any contract or reserved right?”<sup>8</sup>. Hence, copyright cannot be construed in terms of contractual duties. These though are the only one which do not violate people’s private property. Imposing uncontractual duties on individuals by definition constitutes an invasion on their freedom and property rights.

This broken analogy with tangible property reveals the most important feature of the institution of intellectual property, especially of the copyright: the fact that copyright directly violates individuals’ freedom and property rights. From the moment I publish a paper that is protected by copyright, you are not allowed to use your tangible property, i.e. your paper, computer, printer, ink, brain, hands *etc.*, in a way that infringes on my copyright; from this moment on I am an owner of a part of your property. Again Kinsella writes: “ownership of ideal rights gives the IP owner some degree of control—ownership—over the tangible property of innumerable others. Patent and copyright invariably transfer partial ownership of tangible property from its natural owner to innovators, inventors, and artists”<sup>9</sup>. Even though you appropriated your tangible property before I wrote my paper and even though you did it in a legitimate way, without violating anyone’s rights, I become an owner of a part of your tangible property without your consent: you are expropriated by me to the extent my copyright holds. I did not buy your property rights to your printer, ink or computer, you did not give it to me as a free gift. I became an owner of a part of your property without your consent, just by the act of writing something that you are not even interested in. Since one

8 S. Kinsella, *Against...*, p. 51.

9 S. Kinsella, *Against...*, p. 15.

can legitimately appropriate an item only in two ways, viz. either by homesteading it or by free exchange, then if one becomes an owner of an item in some other way, it constitutes a form of theft. In this sense copyright is not a way of protecting individuals' private property but of expropriating people and violating their property rights.

### 3. Freedom, Private Property and Aggression

Political philosophy knows a conundrum concerning the boundaries of personal freedom. The conundrum consists in delineating the boundaries of personal freedom in such a way to avoid an overlap of individuals' spheres of freedom and the resultant conflict between people. The most famous attempt to solve this conundrum is Isaiah Berlin's theory of negative liberty according to which "I am normally said to be free to the degree to which no human being interferes with my activity. Political liberty in this sense is simply the area within which a man can do what he wants"<sup>10</sup> (or "the area within which a man can act unobstructed by others"<sup>11</sup>). The problem with Berlin's solutions as well as with many others is that, notwithstanding the appearances, they do not help to avoid conflicts between people nor delineates the respective spheres of personal freedom whatsoever. An example (different than copyright which would also be apt in this case) will suffice here. If I viciously disseminate a false and derogatory information about you that prevent you from getting a job that you would otherwise have got, you do not act "unob-

structed by others" nor can you "do what you want" because I "interfere with your activity". However, if you wanted to stop me for instance by suing me for slander, you would "interfere with my activity" of gossiping and I would be obstructed by you. There could be some considerations of greater good or lesser evil but the fact would still remain the same: my freedom of speech would be encroached by you. Similarly, if I disseminate derogatory information about you, I interfere with your activity and obstruct your actions. Whichever direction we move, the violation of freedom construed in a Berlinian way will result. As we see then, Berlin's criterion does not delineate the respective spheres of personal freedom and therefore does not help to avoid conflicts between people. Why is it so? Because the praxeological condition of possibility of conflict between people is the fact of scarcity. Conflicts can take place only over scarce goods. If "all external goods were available in superabundance, if they were 'free goods', such as the air that we breathe is normally a 'free' good, if whatever one did with these goods, his actions had repercussions *neither* with respect to his own future supply of such goods, nor with regard to the present or future supply of the same goods for others (and vice versa), it would be impossible that there could ever be a conflict between people concerning the use of such goods. A conflict becomes possible only if goods are scarce"<sup>12</sup>. Hence, a theory of freedom, justice, property rights or, generally speaking, a norm of conduct not only has to allow for avoiding conflicts over already scarce goods but also cannot itself generate such scarcity. Reputa-

10 I. Berlin, *Two Concepts of Liberty*, Oxford University Press, Oxford 1958, p. 7.

11 I. Berlin, *Four Essays on Liberty*, Oxford University Press, Oxford 1969, p. 122.

12 H.-H. Hoppe, *Economics and Ethics of Private Property*, *Studies in Political Economy and Philosophy*, Ludwig von Mises Institute, Auburn 2012, p. 381.

tion is not a scarce good though. If A has an opinion about C it does not mean that B cannot have the same opinion about C. By treating reputation as a scarce good, Berlin's theory of freedom not only does not allow for avoiding conflicts but generates scarcity where there was none before and therefore induces conflicts over these artificially scarce goods. It means that Berlin's criterion, the same as the institution of intellectual property, cannot serve as a norm of conduct because "it is the purpose of norms to help avoid otherwise unavoidable conflict. A norm that generates conflict rather than helping to avoid it is *contrary to the very purpose of norms*. It is a dysfunctional norm or a perversion"<sup>13</sup>.

This politico-philosophical conundrum has been solved satisfactorily by libertarian criterion of personal freedom. According to libertarianism, liberty is understood in terms of private property. It means that I am free as far as my private property is not violated, provided I do not violate your private property. Murray Rothbard explains "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. On the other hand, to the libertarian, 'crime' is an act of aggression against a man's property right, either in his own person or his materially owned objects. Crime is an invasion, by the use of violence, against a man's property and

therefore against his liberty"<sup>14</sup>. Hence, if the libertarian (or anyone else's) criterion of delineating respective spheres of personal freedom is to be able to avoid conflicts and overlaps, its construal of private property must itself preclude the possibility of conflicts and overlaps. It means that for the boundaries of liberty to be clearly delineated, the boundaries of private property also has to be clearly delineated, visible and objective. To boot, since the source of any conflict is the scarcity of goods, the institution of private property cannot itself generate such a scarcity.

That is why the institution of private property can concern only physical resources. First of all, only physical goods are naturally scarce, so a conflict over them can arise. If conflict can arise, then there is a need for norms that establish conflictless ways of dealing with these scarce goods: this is the role of private property rights. Second of all, if property rights concern only naturally scarce physical resources, they do not themselves create scarcity and therefore they do not themselves generate conflicts. Third, because the borders between physical goods are objective and visible, the possibility of blunders is essentially non-existent; therefore it is easy for people to say in advance what constitutes the violation of property rights. As Hans-Hermann Hoppe writes, "it is some sort of technical necessity for *any* theory of property (not just the natural position described here) that the delimitation of the property rights of one person against those of another be formulated in *physical, objective, intersubjectively ascertainable* terms. Otherwise it would be

13 H.-H. Hoppe, *The Great...*, p. 161.

14 M. Rothbard, *For a New Liberty: The Libertarian Manifesto*, Macmillan Publishing, New York 2002, p. 41.

impossible for an actor to determine *ex ante* if any particular action of his were an aggression or not, and so the social function of property norms (*any* property norms), i.e., to make a conflict-free interaction possible, could not be fulfilled simply for technical reasons<sup>15</sup>.

Unfortunately, neither of these conditions is fulfilled in the case of the institution of intellectual property. First of all, as I demonstrated above, ideas and their expressions are not scarce. If A has pattern P expressing idea I and if B copies pattern P, A still has both pattern P and idea I. Second of all, since ideas and patterns are not naturally scarce and intellectual property rights nonetheless protect them, they by necessity create an artificial scarcity. As Stephan Kinsella points out, “by recognizing a right in an ideal object, one creates scarcity where none existed before”<sup>16</sup>. But if intellectual property in general and copyright in particular create scarcity and if scarcity is the praxeological condition of possibility of conflicts, intellectual property does not help to avoid conflicts but to create them. Therefore intellectual property rights are dysfunctional norms and perversion of justice. Third, the borders between intellectual property are blurred, ambiguous, arbitrary and subjective. There has not been probably other case in the history of law (besides trial by ordeal) where the answer to the question of what constitutes an illegal act would be even in ten percent so intricate and arbitrary as in the case of intellectual property law. It is vague what is protected, how many “chunks” of this ideal “something” is enough to constitute intellectual property and correspondingly to constitute vio-

lation thereof *etc.* So, Stephan Kinsella writes that the institution of intellectual property “almost invariably protects only certain types of creations—unless, that is, every single useful idea one comes up with is subject to ownership. But the distinction between the protectable and the unprotectable is necessarily arbitrary”<sup>17</sup>. Intellectual property “involves arbitrary distinctions with respect to what classes of creations deserve protection, and concerning the length of the term of the protection”<sup>18</sup> and “has no moorings to objective borders of actual, tangible property, and thus is inherently vague, amorphous, ambiguous, and subjective”<sup>19</sup>.

Finally, we have come to the question of aggression. The same as in the case of the concept of freedom, the concept of aggression hinges upon the clear construal of private property. Libertarian political philosophy defines aggression in general terms as violence against private property. First of all, since property is understood as tangible property, aggression means only physical violence or “invasion of the *physical* integrity of another person’s property”<sup>20</sup>. Second of all, the category of property is broadly construed within libertarianism, i.e. it refers on the one hand to person’s body and then is covered by the principle of self-ownership and, on the other hand, to external tangible resources and then is covered by the principle of homesteading and free exchange. Similarly, aggression is understood as both violence against person’s body and violence against person’s external tangible property. As Stephan Kinsella points out, “libertarians tend to elaborate or define the non-aggression principle in a somewhat coun-

15 H.-H. Hoppe, *A Theory of Socialism and Capitalism*, Ludwig von Mises Institute, Auburn 2012, p. 23.

16 S. Kinsella, *Against...*, p. 33.

17 S. Kinsella, *Against...*, p. 23.

18 S. Kinsella, *Against...*, p. 25–26.

19 S. Kinsella, *Against...*, p. 24.

20 H.-H. Hoppe, *A Theory...*, p. 166.

terintuitive or idiosyncratic way, so that ‘aggression’, as they mean it, covers both interpersonal bodily violence and theft or trespass against other owned resources. In their elaborations they say that we oppose aggression against the bodies or property of other people”<sup>21</sup>. Moreover, not each act of violence is aggressive. For an act to be an aggressive act, it has to initiate violence against other people and their property without their consent.

Now it is clearly visible that both intellectual property in general and copyright in particular are instances of aggression. They initiate invasion of legitimate property of individuals who either homesteaded it or acquired it through free exchange. This aggressive violence concerns both persons’ bodies and external tangible property. A copyright holder is allowed to violently stop legitimate self-owners against their will from employing their hands, vocal cords, brains *etc.* to the extent his copyright stretches. Similarly, a copyright holder is allowed to violently stop other people against their will from using their computers, printers, paper, ink *etc.* to the extent his copyright stretches. In this sense and to this extent a copyright holder becomes an owner of other people’s bodies and their tangible property. As far as the first type of infringement is concerned, copyright and other kinds of intellectual property rights verge on slavery – possessing other people, though to a very small extent. In the second case, they constitute theft. Again, libertarian theory gets it right: “Copyright and patent grants of privilege are another form

of property infringement — courtesy of the state. While they have their origins in a much earlier privilege given to ‘friends of the crown’, in their modern incarnation they blend in with the welfare state’s wealth-distributing impetus. Far from being ‘natural’ property rights grounded in the common law, patent and copyright are monopoly privileges granted solely by state legislation (...) The mere act of creation — composing a song, penning a novel or inventing a mousetrap — gives the creator control over the tangible property of others. In addition to allowing the author partially to control the paper, ink, computer and photocopies of others, copyright in particular restricts not only our rights to our property, but to our very bodies (...) Patent and copyright clearly undermine private property. A staunch defense of private property must lead to anti-intellectual-property conclusions”<sup>22</sup>.

#### 4. Conclusions

In this paper I provided arguments in favour of the thesis that copyright is an instance of aggression. My line of argument was based on the theory developed by Stephan Kinsella and political philosophy of Hans-Hermann Hoppe. Deriving from this Austro-libertarian tradition, I demonstrated that since a copyright holder becomes an illegitimate owner of other people’s bodies and tangible property, copyright means expropriation, redistribution and thereby aggression. For norms of conduct, theories of justice and freedom included, to work and stay coherent, they have to solve conflicts

21 S. Kinsella, *Libertarian Legal Theory, Self-Ownership, and Drug Laws*, “The Daily Bell”, July 20, 2014, [online]: <http://www.thedailybell.com/exclusive-interviews/35492/Anthony-Wile-Stephan-Kinsella-on-Libertarian-Legal-Theory-Self-Ownership-and-Drug-Laws/>; 25.03.2015.

22 I. Mercer, S. Kinsella, *Do Patents and Copyrights Undermine Private Property?*, [online]: [http://www.stephankinsella.com/wp-content/uploads/publications/InsightMag\\_com\\_symp\\_printable.htm](http://www.stephankinsella.com/wp-content/uploads/publications/InsightMag_com_symp_printable.htm); 25.03.2015.

over scarce resources. If a given norm of conduct, for instance copyright, itself produces scarcity where there was none before, conflicts and inconsistencies will result. The costs of such mistaken norms and theories are then paid by these people whose property and freedom is violated, often with the full sanction of the state.

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