

members of an aristocracy or a particular political party. The "who" does not affect the nature of the rules. The rules are specifying property rights, and such rules are inescapable.

My second point is less obvious. It draws upon an argument skillfully elaborated by Murray Rothbard.² If "human rights" are to mean anything, they must be earthed and grounded in property rights. States Rothbard: "Not only are there no human rights which are not also property rights, but the former lose their absoluteness and clarity . . . when property rights are not used as the standard."³

The point is that human beings are material creatures living in a material, spatio-temporal world. They are not pure, unextended spirits. In the language of the author of *Genesis* chapter three, man—*adam*—is "of the earth"—*adamah*. Abstract "rights" unrelated to matter, space and time are utterly vacuous when ascribed to a being who, if he or she is to act at all, must act in a material, spatio-temporal world.

You visit, let us say, the country of Willania. You are informed that you enjoy, in Willania, a right to free speech—that is, you are not obligated to refrain from speaking freely. You are further informed, however, that you *are* obligated to desist from seeking to own, rent, borrow, or beg any space you may fill with sound

waves. You are told, in other words, that while enjoying a right to free speech, you do not enjoy a right to own, rent, borrow or beg a hall or any other physical place where you may engage in such speech. You realize your alleged right to free speech is a joke. It means nothing whatsoever.

You learn, likewise, that in Willania there is a right to a free press. Individuals or sets of individuals do not, however, have the right to own, borrow, or beg paper, ink, printing devices of any kind, or any space where they may sell or give away tracts, pamphlets, newspapers, or whatever. Again you laugh, for the alleged "right" signifies nothing at all.

Material Rights

In *my* language, the word "right" must become "flesh." The "rights" of material creatures must themselves relate to material realities. If they do not, they signify nothing at all.

Let me underscore that, just as my "right" to climb a mountain indicates merely that I am not obligated to desist from attempting to climb the mountain, rather than some guarantee that I shall succeed in that endeavor, so my "right" to property does not signify that I will succeed in acquiring property. My "right" to free speech does not obligate anyone to provide me with a place *where* I can speak or an audience *to* whom I can speak. The in-

stitution of *private* property certainly makes it more likely that an individual will succeed in acquiring, directly or indirectly, the material goods necessary to exercise a "right" than does a set of rules establishing, say, that members of a particular political party "own" and thus determine the use of scarce material resources.

It is unlikely that the politically determined controllers of resources would grant me access to the ink, paper, and printing equipment necessary to publish materials attacking a politically based system of property rights. If, however, the owners of printing presses in a society coordinated by a system of private property rights believe my tract or pamphlet will sell, or I can otherwise pay them for the use of their equipment, they will, in all probability, happily print a little tract or booklet attacking the institution of private property. Be that as it may, private property rights do not guarantee the realized ownership or temporary control of a material resource. They simply rule out an obligation to desist from attempting to acquire or temporarily enjoy the use of a material resource.

Property as a Standard

Consider Rothbard's second claim: not only are "human rights" vacuous when unrelated to "property rights," but the former "lose their

absoluteness and clarity" when "property rights are not used as the standard."

To take an obvious case, consider my claimed "right" to smoke cigarettes. If unrelated to property, this "right" is notoriously vague, and I am forever engaging in attempts to resolve clashes between my "right" to smoke, and non-smokers' "rights" to smoke-free air. If, however, I remind myself that smoking is a physical activity, and that I must, if I am to smoke, smoke in some place, alleged clashes of "rights" are resolved. I own an apartment, let us say. It is for me to determine how that space is used. I smoke in that apartment. My mother, owning her own home, determines how *that* space is used, and finding cigarette smoke unpleasant, she has decided that no one may smoke in her home. There is no problem—save, perhaps, my decision as to whether I shall visit my mother and, if I do, my problem of sitting in the living room and attempting to be civil while craving for a cigarette.

There *are* problems with communally owned property, but the problems are unrelated to the allegedly conflicting "rights" of smokers and non-smokers. The problems are simply related to the difficulty in specifying decision-making procedures, acceptable to all parties, applicable to communally owned and controlled spaces.