Hopp(e)ing Onto New Ground:
A Rothbardian Proposal for Thomistic Natural Law as the Basis for Hans-Hermann Hoppe's Praxeological Defense of Private Property

Jude Chua Soo Meng
National University of Singapore,
SINGAPORE/
Center for Philosophy of Religion,
University of Notre Dame,
South Bend, IN,
USA
judechua@singnet.com.sg

ABSTRACT: This paper is comprised of two parts. In the first I reveal what I call the *Rothbardian project* in the distinguished career of the Austrian economist Murray N. Rothbard, which project is to ground historically and cohere philosophically the Austrian economic tradition with the thomistic tradition, despite his leanings on Locke. In the second part, in line with this project, I try to ground the Austrian thinker Hans-Hermann Hoppe's praxeological defense of the principle of original appropriation on the thomistic natural law tradition.

Introduction

In the *The Ethics of Liberty,* Murray N. Rothbard presents a theory of private property ownership. The first three chapters of his book are dedicated to the natural law tradition, and the grain of the text leaves one with the unmistakeable impression that he is fully sympathetic to the thomistic tradition of natural law. Having done this, however, in the fourth chapter onwards, the shift is abruptly made from the medieval natural law tradition to the modern Lockean notion of natural law. An initial survey of the book can leave one with the impression of an irratic thinker, arbitrarily picking up pieces of philosophical justifications from rather disparate traditions to proof-text one's fanciful conclusions.

A critical hermeneutic however, reveals a more fundamental project. If I may call this the *Rothbardian project*, it is to (re-)situate Austrian economics (back) into the Thomistic tradition. To my mind this effort is Rothbard's particular contribution to the evolution of Austrian Economic thought. This *project* is two-pronged: one strategy proceeds by revising the historical antecedents of the tenets of the Austrian school in order to trace a line of influence all the way to St. Thomas Aquinas and the Spanish Salamancan Scholastics, and the other attempts to reconcile Austrian praxeology with thomistic philosophy. All this I hope to reveal in the first part of this paper. The second part of this paper attempts to further the Rothbardian project, specifically the philosophical aspect of the project in the light of recent interpretations of the Aquinas' theory of natural law by John Finnis (and Germain Grisez) and Hans-Hermann Hoppe's praxeology of private property.

I. The Rothbardian Project: A Hermeneutic Key to the Locke

Thus, *The Ethics of Liberty* writes, and I quote at length:

> "From the Lockean emphasis on the individual as the unit of action, as the entity who thinks, feels, chooses, and acts, stemmed his conception of natural law in politics as establishing the natural rights of each individual. It was the Lockean individualist tradition that profoundly influenced the later American revolutionaries and the dominent tradition of libertarian political though in the revolutionary new nation. It is this tradition of natural-rights libertarianism upon which the present volume attempts to build. Locke's celebrated "Second Treatise on Government" was certainly one of the first systematic elaborations of libertarian, individualistic, natural-rights theory. Indeed, the similarity between Locke's view and the theory set forth below will become evident from the following passage:
>
> [E]very man has a *property* in his own *person*. This nobody has any right to but himself. The labour of his body and the *work* of his hands, we may say, are properly his. Whatsoever then that he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his *property*. It being by him removed from the common state nature placed it in, it hath by this *labour* something annexed to it that excludes the common right of other men. For this *labour* being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to…He that is nourished by the acorns he picked up under an oak, or the apples he gathered from the trees in the wood, has certainly appropriated them to himself. Nobody can deny but the nourishment is his. I ask then when did they begin to be his?…And 'tis plain, if the first gathering made them not his, nothing else could. That *labour* put a distinction between them and common. That added something to them more than nature, and the common mother of all, had done: and so they become his private right. And will anyone say he had no right to those acorns or apples he thus appropriated, because he had not the consent of all mankind to make them his?…If such consent as that was necessary, man had starved, not withstanding the plenty God had given him. We see in *commons*, which remain so by compact, that 'tis the taking part of what is common, and removing it out of the state Nature leaves it in, which *begins the property;* without which the common is of no use."[1]

Again,

> "Crusoe finds virgin, unused land on the island; land, in short, unused and uncontrolled by anyone, and hence *unowned.* By finding land resources, by learning how to use them, and in particular, by actually transforming them into more useful shape, Crusoe has, in the memorable phrase of John Locke, "mixed his labour with the soil". In doing so, in stamping the

[1] Murray Rothbard, *The Ethics of Liberty*, (NY: New York University Press, 1998), 21-22. It was originally published in 1982

> imprint of his personality and his energy on the land, he has naturally converted the land and his fruits into his *property.* "[2]

Two problems immediately attend when one reads this as Rothbard offering a philosophical treatise on private property. To begin with, one thing seems rather obvious, and especially frustrating to the philosophically trained reader. The force of the homesteading theory relies more on an argument from authority than anything. There is no attempt to critically engage the Lockean theory of homesteading: on the contrary Rothbard seems to rest content to assume that the theory is sound because Locke held the same view. If this is all that the proof consists, then one must say that this is a disaster. No philosophical argument is weaker than an argument from authority: to say that something is true because someone else said so is to beg the question—how can we trust what he says? And of course, the answer is that we can trust what he says only if what he says is a good argument, meaning to say then, that until we engage the argument itself, it matters not whoever said it, the argument cannot be trusted. Now, *if* we actually engage the argument, we see that it is a poor one: no one would ascribe ownership of a forest to a person who puts a torch to it and burns it down in an act of vandalism, yet surely the conditions for Locke's theory of ownership have been met—labour has been applied to the forest. It is therefore clear that mere labour is no sufficient condition for the ownership of anything at all.

And worse still, to say that John Locke held the same view is not going to help matters: anyone half familiar with his philosophical writings which riddle with contradictions will realize that this is not a man with a very clear mind, as Rothbard himself even attests.[3] In a word, if this is all that there is to it, then the homesteading principle is standing on very, very weak ground. As a piece of philosophical proof, it comes very close to nonsense on stilts. Secondly, this defacting shift from his earlier explicit adherence of thomism—since as early as 1957 he had claimed to be writing "as an Aristotelian and Neo-Thomist"[4]—to the modern natural law theorists is something of a radical change: has the later Rothbard now denounced thomism and migrated to the Enlightenment thinkers? Perhaps later in life he abandoned the medievals for the moderns, and there are clear indications in the *Ethics of Liberty* that suggest so, since in chapter 4 just before pointing his readers to Locke he writes,

> "the great failing of natural-law theory—from Plato and Aristotle to the Thomists and down to Leo Strauss and his followers in the present day—is to have been profoundly statist rather than individualist."[5]

Yet Rothbard's last writings suggest that for him Locke was not so much a final philosophical authority as a kind of a bridge to something else. Let me quote a text taken from his final writings published posthumously.

---

[2] *ibid*., 34. Rothbard here seems to go quite a way beyond Locke in his reference to the *greater value of the new formality* that is applied to matter in its transformation.
[3] *Ibid*., 22
[4] Murray Rothbard, "In Defense of 'Extreme Apriorism'" in *Southern Economic Journal*, Jan 1957, 314-320
[5] Murray Rothbard, *The Ethics of Liberty, op. cit*., 21

> "developing the Roman theory of acquisition, Aquinas, anticipating the famous theory of John Locke, grounded the right of original acquisition of property on two basic factors: labour and occupation. The initial right of each person is to ownership over his own self, in Aquinas's view in a 'proprietary right over himself'. Such individual self-ownership is based on the capacity of man as a rational being. Next, cultivation and use of previously unused land establishes a just property title in the land in one man rather than in others. St. Thomas' theory of acquisition was further clarified and developed by his close student and disciple John of Paris (Jean Quidort, c. 1250-1306), a member of the same Dominican community of St. Jacques in Paris as Aquinas. Championing the absolute right of private property, Quidort declared that lay property 'is acquired by individual people through their own skill, labour and diligence, and individuals, as individuals, have right and power over it and valid lordship; each person may order his own and dispose, administer, hold or alienate it as he wishes, so long as he causes no injury to anyone else; since he is lord.' This 'homesteading' theory of property…[i.e., t]he Aquinas—John of Paris—Locke view is the 'labour theory' (defining 'labour' as the expenditure of human energy rather than working for a wage) of the origin of property."[6]

I think there are strong grounds to say that the person Rothbard was ultimately aiming at is not at all John Locke but Thomas Aquinas. And the fact that this is one of his last writings is significant. For Rothbard, in the end, John Locke's theory is not merely a Lockean one, but a Thomistic one. It is the "Aquinas—John of Paris—Locke view" of the origin of private property. In other words, what we have here is an example of a revisionist history of the thomistic tradition as the source of the Austrian take on property, here tracing the homesteading principle through John Locke all the way back to St. Thomas Aquinas and John of Paris. If we append this piece of information to our reading of the *Ethics of Liberty*, then some rather interesting insights into Rothbard's argument in the *Ethics of Liberty* come to light.

Firstly, the authority cited in the *Ethics of Liberty* may be John Locke, but ultimately what Rothbard had in mind was that Locke was teaching something that St. Thomas himself and his disciple John of Paris taught. That is to say, if John Locke is nothing more than a modern instantiation of the John of Paris/Aquinas thomistic principle of homesteading, then to say that John Locke held the homesteading principle is really to say that St. Thomas Aquinas held the homesteading principle. What this means is that the later Rothbard is as eager to claim St. Thomas as master as the earlier one, or rather, there is no later Rothbard different from the earlier. Both are the same one self-professed neo-thomist.

---

[6] Murray Rothbard, *Economic Thought Before Adam Smith*, (Massachusetts, USA: Edward Elgar Publishing, 1995), 56-7. I credit Oskari Juurikkala for pointing out this text to me.

Secondly, if the citation of Locke is merely of instrumental interest, i.e., merely a means to link the Austrian homesteading principle to St. Thomas Aquinas, then there is no philosophical proof at all, but an effort to relate the thomistic tradition with the homesteading principle. Meaning to say, Rothbard was writing a *history* of philosophy, not philosophy *per se*. In particular, he was establishing a historical link between his own homesteading principle and the doctrine of St. Thomas through John of Paris on private property, using Locke as a stepping stone. For Rothbard therefore, the historical thesis is that his theory of private property is thomistic in the sense that it traces itself to St. Thomas. And again, what this means is that as a historical thesis it is automatically absolved from failings which would otherwise be for a philosophical proof.

Going hand in hand with this historical thesis is his attempt to reconcile praxeology with the perennial philosophy, as the following makes clear.

> "Turning from the deduction process to the axioms themselves, what is their epistemological status? Here the problems are obscured by a difference of opinion within the praxeological camp, particularly on the nature of fundamental axiom of action. Ludwig von Mises, as an adherent of Kantian epistemology, asserted that the concept of action is a priori to all experience, because it is, like the law of cause and effect, part of "the essential and necessary character of the logical structure of the human mind." Without delving too deeply into the murky waters of epistemology, I would deny, as an Aristotelian and Neo-Thomist, any such alleged "laws of logical structure" that the human mind necessarily imposes on the chaotic structure of reality. Instead, I would call all such "laws of reality," which the mind apprehends from investigating and collating the facts of the real world. My view is that the fundamental axiom and subsidiary axioms are derived from the experience of reality and are therefore in the broadest sense empirical. I would agree with the Aristotelian realist view that its doctrine of radically empirical, far more so than the post-Humean empiricism which is dominant in modern philosophy."[7]

Clearly what Rothbard is doing here is that he is trying to relocate Mises' praxeological axioms from an impositionist Kantian theory of knowledge onto an Aristotelian/Thomistic epistemology. In fact this seems to me the properly *philosophical* parallel to the *historical revisionist strand* in the *Rothbardian project*, which as I have tried to surface is to transpose the tenets of the Austrian school into the Thomistic tradition. The text above is not isolated, of course. In another paper published in the *Southern Economic Journal*, which we also referred to earlier but here now quote in greater length, Rothbard writes,

> "Whether we consider the Action Axiom "a priori" or "empirical" depends on our ultimate philosophical proposition. Professor Mises, in the neo-

[7] Murray N. Rothbard, "Praxeology: The Methodology of Austrian Economics" in *The Logic of Human Action I.* 63-4

> Kantian tradition, considers this axiom a *law of thought* and therefore a categorical truth *a priori* to all experience. My own epistemological position rests on Aristotle and St. Thomas rather than Kant, and hence I would interpret the proposition differently. I would consider the axiom a *law of reality* rather than a law of thought, and hence "empirical" rather than "a priori." But it should be obvious that this type of "empiricism" is so out of step with modern empiricism that I may just as well continue to call it *a priori* for present purposes. For (1) it is a law of reality that is not conceivably falsifiable, and yet is empirically meaningful and true; (2) it rests on universal *inner* experience, and not simply on external experience, that is, its evidence is *reflective* rather than physical; and (3) it is clearly *a priori* to complex historical events. The epistemological pigeon-holing of self-evident propositions has always been a knotty problem. Thus two such accomplished Thomists as Father Toohey and Father Copleston, which resting on the same philosophical position, differ on whether self-evident propositions should be classified as "a posteriori" or "a priori," since they define the two categories differently."[8]

By now it should quite clear that in the earlier days Rothbard understood himself situated squarely in the thomistic tradition, and as a neo-thomist, he was struggling to assimilate and synthesize the Misesian logic of human action with what he understood to be principles central to thomism. In other words, if one can speak of Rothbard's life-endeavour, it seems to me that he was trying to link the Austrian school all the way back to St. Thomas and Thomism, whether this was done historically or philosophically.

On the historical aspect of Rothbard's project, there has been some important advances, in particular in the work of Jesus Huerta de Soto, who traces the Austrian value theory all the way through Carl Menger and Franz Brentano to the Spanish Scholastics. Again, in the philosophical direction, Barry Smith's work has the merit of reconciling the Austrian synthetic a priori with an Aristotelian epistemology, and research has been done by scholars from the Acton Institute to synthesize Mises' Human Action with the Lublinist Thomism of Karol Wojtyla. Let me chart another course, in the light recent reading of Aquinas' natural law, to take this project one step further, and this I propose by situating the Austrian thinker Hans-Hermann Hoppe's praxeological defense of the principle of original appropriation upon that theory.

II. Hopp(e)ing onto New Ground

In his introduction to the most recent edition of Rothbard's *The Ethics of Liberty*, Prof Hans-Hermann Hoppe comments:

> "Rothbard's distinct contribution to the natural-rights tradition is his reconstruction of the principles of self-ownership and original appropriation as the praxeological reconstruction—*Bedingung der Moeglichkeit*—of argumentation, and his recognition that whatever must

[8] Murray Rothbard, "In Defense of 'Extreme Apriorism' ", *op. cit*., 314-320

> be presupposed as valid in order to make arguments possible in the first place cannot in turn be argumentatively disputed without thereby falling into a practical self-contradiction."[9]

Yet despite Hoppe's claims, there is nothing of this to be found in Rothbard's text. The closest that comes to this is a self-referential defense of the value of life, which we will meet with later in our essay, but other than that there is simply no hint of such a defense of the praxeological principles of ownership via the method of practical self-refutation. As a matter of fact, as we saw, for Rothbard the proof of the right of original appropriation is lifted off John Locke, which proof does not at all proceed by self-refutation. To find such a defense, one goes not to Rothbard, but to Hoppe himself, whose *Economics and the Ethics of Private Property* provides such a proof. There he explicitly tells his readers,

> "In the following I want to outline an argument that demonstrates why this position is untenable, and how, in fact, the—essentially—Lockean private property ethic of libertarianism can be ultimately justified. In effect, this argument then supports the natural rights position of libertarianism as espoused by the other master of the modern libertarian movement, Murray N. Rothbard—foremost in his *Ethics of Liberty.* Yet the argument establishing the ultimate justification of private property is different from the one typically offered by the natural rights tradition. Rather than this tradition, it is Mises, and his idea of praxeology and praxeological proofs, who provides the model."[10]

In the text, several arguments are proposed for the ownership of the things which one originally appropriates. Restricting our analysis to such arguments defending the principle of original appropriation and leaving aside arguments for bodily ownership, one argument which I think is particularly successful and that can be easily fortified further to show its practical undeniability is as follows.

> "it would be…impossible to sustain argumentation for any length of time and rely on the prepositional force of one's arguments, if one were not allowed to appropriate next to one's body other scarce means though homesteading action, i.e., by putting them to use before someone else does, and if such means, and the rights of exclusive control regarding them, were not defined in objective, physical terms. For if no one had the right to control anything at all except his own body, then we would all cease to exist and the problem of justifying norms—as well as all other human problems—simply would not exist. Thus, by virtue of the fact of being alive, then, property rights to other things must be presupposed to be valid too. No one who is alive could argue otherwise. And if a person did not acquire the right of exclusive control over such goods by

[9] Hans Herman-Hoppe in his "Introduction" to Murray Rothbard, *The Ethics of Liberty, op. cit*., xxxiv.
[10] Hans-Hermann Hoppe, *Economics and the Ethics of Private Property,* (Massachusetts: Kluwer Academic Publishers, 1998), hereafter cited as *EEPP,* 204

> homesteading action, i.e., by establishing some objective link between a particular person and a particular scarce resource before anybody else had done so, but if instead, late-comers were assumed to have ownership claims to things, then literally no one would be allowed to do anything with anything as one would have to have all of the later-comer's consent prior to ever doing what one wanted to do. Neither we, our forefathers, nor our progeny could, do or will survive if one were to follow this rule."[11]

The argument proceeds by pointing out that only if I admit the principle of original appropriation, can I actually create the necessary conditions for me to be alive and to be around long enough to articulate my denial of the very same principle for some period of time. Hence for someone who wants to hang around to deny the principle of original appropriation, he must paradoxically presuppose it, since his very persistent existence presupposes the utilization of scarce resources (be it food, water or shelter) to which he has access to only thanks to the principle of original appropriation.

However, the argument can be further fortified, since the argument actually proceeds by showing that such is denial is self-*defeating* rather than self-*refuting*, since it does not show any intrinsic contradiction *per se*, but demonstrates its practical unfeasibility. Suppose I affirm conditions that make life impossible for long, this is not immediately self-*refuting*, since my affirmation is still possible in so far as I am alive, and while I am doing this refutation alive, nothing in my activity actually contradicts my claim, although may die soon, which will totally incapacitate my utterance of the denial—but this last is not self-*refuting* so much as self-*defeating*. It snubs my life, and kills me so that I am silenced and cannot say anymore, but this is quite different from saying that when I consign myself to this self-destructive fate I am being inconsistent in anyway. In fact, one could be very consistent, although very foolishly so. I could very consistently affirm the denial and suffer the consequences, but in all of this I have done nothing to contradict myself. That means to say, while in the long run the precept of the original appropriation may be eventually self-defeating, i.e., whoever in fact denies it will not live too long to do so, the fact remains that from the time of the denial until the time he in fact expires from not being able to appropriate scarce resources like food or shelter, his denial still is not practically self-refuting. So to such a person we would not say that he is contradicting himself, but merely that he is being foolish and making his own life miserable.[12] But there is a way to demonstrate its inconsistency, as follows.

Now, the argument points out, as a matter of fact, that the denial of the principle of original appropriation clearly opposes the commitment to support and preserve life, since the denial precisely commits oneself to oppose the necessary conditions for life to be sustained. Meaning to say then, such a person implicitly is not committed to the precept that life is a good that ought to be preserved. Put it another way, if I truly affirm that life

---

[11] Hans-Hermann Hoppe, *EEPP*, 206

[12] The distinction between the self-defeating and self-refuting argument does *not* apply, however, to Hoppe's argument concerning the undeniability of one's self (bodily) ownership, since it is immediately clear that our interlocutor who denies the precept of one's ownership of one's body is immediately refuting himself by using his tongue, vocal cords, standing place to physically argue or articulate his denial. I am grateful to Oskari Juurikkala for pointing this out to me.

is a good and ought to be preserved, I cannot coherently approve of whatever that makes life impossible. If I in fact do approve of that which makes life impossible, which essentially is the case when I deny the principle of original appropriation, then it follows *modus tollens* that I do *not* affirm that life ought to be preserved. Therefore we have, from our analysis of Hoppe's argument, this premise: *if I ought not own that which I originally appropriate, then I affirm that I ought not preserve (the good of) life.* If we are to represent this propositionally, with: "p. *I ought to own that which I originally appropriate*" and "q. *Life is a basic good and I ought to preserve life*", then the same premise would be "$\sim p \Rightarrow \sim q$".

To this then we may add that the good of life and of its preservation cannot be coherently denied by our interlocutor *here and now,* since for the simple reason that he is still actively engaging in activity which aims to preserve his life, as for a fact that he is *breathing*. In other words, while he denies that life ought to be preserved, he is doing what he can to preserve it. The precept that life is a good itself is therefore practically undeniable to the extent that our interlocutor should take a breath before, in the midst of or after he makes his denial. Rothbard concurs with the above when he writes,

> "It may well be asked why life *should* be an objective ultimate value, why man should opt for life (in duration and quality). In reply, we may note that a proposition rises to the status of an *axiom* when he who denies it may be shown to be using it in the very course of the supposed refutation. Now, *any* person participating in any sort of discussion, including one on values, is, by virtue of so participating, alive and affirming life. For if he were *really* opposed to life, he would have no business in such a discussion, indeed he would have no business continuing to be alive. Hence, the *supposed* opponent of life is really affirming it in the very process of his discussion, and hence the preservation and furtherance of one's life takes on the stature of an incontestable axiom."[13]

In this case, we see that such a person who is denying the good of life and its ought-be-preserved-ness is indeed being *inconsistent,* if he at the same time is acting in such a way as to preserve it. Hence for him, he says that that life ought not be preserved but acts in such a way that shows him to think otherwise. So here was have an instance of self-refutation, and *ipso facto* the contrary is undeniable.

Now the practical undeniability that life is a good that ought to be preserved is one of the precepts of the first principles of practical reasoning, meaning reasoning when thinking about what is to be done.[14] These precepts are what St. Thomas calls the principles of the natural law, which is a certain participation of the eternal law in the rational creature. While these self-evident precepts cannot be demonstrated, at the same time skepticism

[13] Murray Rothbard, *The Ethics of Liberty, op. cit.,* 32-33.
[14] See John Finnis, *Natural Law and Natural Rights*,(Oxford: Clarendon Press, 1980), esp. 23-25

with regards such precepts is, as instantiated in what we saw above, simply indefensible.[15] John Finnis puts it this way:

> "What *are* the basic aspects of my well-being? Here each one of us, however extensive his knowledge of the interests of other people and other cultures, is alone with his own intelligent grasp of the indemonstrable (because self-evident) first principles of practical reasoning. From one's capacity to grasp intelligently the basic forms of good as 'to-be-pursued' one gets one's ability, in the descriptive disciplines of history and anthropology, to sympathetically (though not uncritically) see the point of action, life-styles, characters, and cultures that one would not choose for oneself…A first basic value, corresponding to the drive for preservation, is the value of life."[16]

Putting these together, I argue that even though the principle of original appropriation *seems* for our interlocutor *here and now* not immediately axiomatic, it can none the less be shown to be so in so far as the precept of the preservation of the good of life from which it follows is axiomatic, as was said above. I demonstrate its axiomatic necessity below, insofar as it follows necessarily from the axiomatic precept that life is a basic good or value that ought to be preserved.

p. *I ought to own that which I originally appropriate*
q. *Life is a basic good and I ought to preserve life*

1.	ÿ (~q ⇒ performatory self-contradiction)	[Assumption, from Finnis/Rothbard]
2.	∴ (~{~q}) *reductio ad absurdum 1.*	[1]
3.	∴ q	[1]
4.	~p ⇒ ~q	[Assumption, from Hoppe]
5.	~(~q) ⇒ ~(~p) *4 modus tollens*	[4]

[15] It is interesting to note that Rothbard's self-refuting defense of the value of life is similar to Finnis' own defense of the good of knowledge in that both proceed by pointing out performatory contradictions that occur when one actually engages in denying their valuableness. See John Finnis, *Natural Law and Natural Rights, op. cit.,* 74-5: "The skeptical assertion that knowledge is not a good is operationally self-refuting. For one who makes such an assertion, intending as it as a serious contribution to rational discussion, is implicitly committed to the proposition that he believes his assertion is worth making, and worth making *qua* true; he thus is committed to the proposition that he believes that truth is a good worth pursuing or knowing. But the sense of his original assertion was precisely that truth is not a good worth pursuing or knowing. Thus he is implicitly committed to formally contradictory beliefs."

[16] John Finnis, *Natural Law and Natural Rights, op. cit.,* 85-6. John Finnis' theory of natural law builds on Germain Grisez's interpretation of St. Thomas' natural law theory, which argues that for St. Thomas' the self-evident precepts of natural law are self-evident in the sense that they are not inferred or derived from any prior premise. Whether this interpretation is an accurate exegesis of Aquinas' doctrine of natural law is still a matter of debate amongst thomists today, with critics from the more conservative readers of St. Thomas who read him as deriving the precepts from a philosophy of nature. The very important paper that sparked this new interpretation of Aquinas' treatise on natural law is Germain Grisez's paper "The First Principle of Practical Reason" first published in the *The Natural Law Forum,* 1965. Rothbard, very interestingly, in note 4 of page 4 of *The Ethics of Liberty* has a reference to that paper which he describes as "[a]n important analysis of Thomistic natural law theory".

6. $q \Rightarrow p$ [4]
7. $\ddot{y}q \Rightarrow \ddot{y}p$ *from 3,6* [1,4]
8. $\ddot{y}p$ [1,4]

First, we start with the precept that life is a basic good that ought to be preserved. Now suppose we deny this precept, what we get from this denial is a performatory self-contradiction, as was shown further up. And since this occurs always, it would in fact be true that necessarily, the denial of the precept of life as a basic good leads to a contradiction (1). Therefore from this it follows *modus tollens*, that necessarily this denial must be denied (2), which in turn implies that the precept that life is a basic good is a necessary truth (3). From this it follows that 'life is a basic good' is a precept of natural law, as John Finnis points out.

Further. From our slightly modified Hoppe's argument, we saw that to deny someone the right to private ownership of his body and the things he originally appropriates makes life impossible for any person, and hence insofar as I approve of such a denial, I imply that life is not a good, for unless I did I could not possibly agree to anything which makes life impossible. Meaning to say then, that someone who denies the right to private property is really committed to denying the good of life (4). Hence it follows *modus tollens* that the denial of the denial of the good of life entails the denial of the denial of the right to private property (5), and simplifying the logical sequence, we have in effect the conclusion that the affirmation of the good of life implies the affirmation of the right to private property (6).

Finally, therefore, since we have already affirmed the necessity of the good of life, it follows then that necessarily also the right to private property has to be affirmed (7, 8). *Ergo,* private property necessarily follows as a secondary precept from the first practical principle of the good of life.

Thus I conclude that the right to private property has the status of a secondary precept of natural law which cannot be denied save at the expense of denying the proper precepts of natural law.

In this paper therefore I have tried to demonstrate the practical axiomatic status of the principle of original appropriation, otherwise called the 'homesteading principle', and to show that it follows as a secondary precept of natural law from the more basic primary precept of natural law which prescribes the value and preservation of life. In this way, I have grounded a fundamental Austrian principle of ownership, substantially developed by Hans-Hermann Hoppe, in the thomistic natural law tradition—a procedure which as I had tried to propose is not too alien to the spirit of Murray Rothbard. It is my belief that this will provide a credible meta-praxeological ground for the Austrian economic school. With this note then, I end my paper.[17]

[17] I am grateful to Prof. Hans-Hermann Hoppe who kindly discussed with me his theory of private ownership which he had developed in his *EEPP* and other ideas expressed in this paper. I am also grateful to the Ludwig von Mises Institute for the fellowship towards its *Rothbard Graduate Seminar 2002* and for making available to me its Ward and Massey Library. I also wish to especially thank the Institute's O. P. Alford Fellow, Oskari Juurikkala, who read my draft and gave me many helpful suggestions and references.

Contributor Vita:

The Author is doctoral research scholar and president graduate fellow in philosophy at National University of Singapore, Singapore and visiting graduate fellow (2003) at the Center for Philosophy of Religion, University of Notre Dame, South Bend, IN, USA. He has published in *The Modern Schoolman, Journal of Markets and Morality* (forthcoming) and *Doctor Angelicus: Internationales Thomistisches Jahrbuch*, amongst others.

Email: judechua@singnet.com.sg

Iâ€™ve written umpteen times on Hans-Hermann Hoppeâ€™s groundbreaking â€œargumentation ethicsâ€ theory for libertarian rights, since 1994 or so. I still hear the same, tired old arguments and criticisms over and over. Itâ€™s amazing to me how cocksure some libertarians are, who have no theory of rights of their own, and many o.Â Jude Chua Soo Mengâ€™s Hopp(e)ing Onto New Ground: A Rothbardian Proposal for Thomistic Natural Law as the Basis for Hans-Hermann Hoppeâ€™s Praxeological Defense of Private Property; And of course my own e.g. Punishment and Proportionality: The Estoppel Approach, 12:1 Journal of Libertarian Studies 51 (Spring 1996) (also publishedâ€”in a law reviewâ€”A Libertarian Theory of Punishment and Rights 30 Loy. L.A. L. Rev. 607-45 (1997)). Gun laws, drug laws, prostitution laws, drinking laws, smoking laws, laws against prayerâ€”all of these things could be defended on the basis that many tax-paying property owners would not want such behavior on their own private prop- erty. Such examples are hardly without a real-world basis. Large numbers of Americans would not allow guests in their homes if those guests had machineguns or crack cocaine in their possession. The principle of the freedom to exclude and set conditions for entry onto private property simply cannot be extended to the socialized public sphere, or else all sorts of un Ackerman, Bruce A., Private Property and the Constitution (New Haven: Yale University Press 1977). Alexander, Gregory S., â€œThe Socialâ€“Obligation Norm in American Property Lawâ€ (2009) 94 Cornell Law Review 745. Alexander, Gregory S., â€œPropertyâ€™s Ends: The Publicness of Private Law Valuesâ€ (2014) 99 Iowa Law Review 1257.Â Barnett, Randy E., â€œA Law Professorâ€™s Guide to Natural Law and Natural Rightsâ€ (1997) 20 Harvard Journal of Law & Public Policy 655. Barros, D. Benjamin, â€œHome as a Legal Conceptâ€ (2006) 46 Santa Clara Law Review 255. Barros, D. Benjamin, â€œProperty and Freedomâ€ (2009) 4 NYU Journal of Law & Liberty 36.