



## Episode 1,337: Tough Libertarian Questions: Blackmail, Bridges, and Outer Space

Guest: Walter Block

**WOODS:** So you are now closing in on 600 scholarly articles, peer-reviewed articles, so that doesn't include all the newspaper and magazine and online articles you've written over the years. Just in terms of peer-reviewed, nearly 600. You're likely to hit that, I would guess, in 2019. I bet you have a lot of articles out for review right now.

**BLOCK:** Oh yes, I usually do about 20 or 30 every year, and it's the beginning of the year, and I think I'm at about 590. Who's counting when you're having fun? So I'm sure I'll hit 600 within a month or two or three. And yeah, I've got maybe 10 or 15 out there, and so I'm sure I'll hit that soon.

**WOODS:** All right, now, let's talk about, before we talk about some specific libertarian questions, let's talk about that in particular, that accomplishment of yours. Once you have — you'll hit 600 and you'll just keep on going, but at some point, you do have to think about doing with them what you've done with some of your articles, which is to arrange them topically and publish them as books. Because a lot of these articles are hard for the average person to find, and you want to leave a legacy to us in a lot of different subject areas. So do you have plans to then go through them, find common themes, publish them as books, so that we don't have to look around for, you know, obscure law reviews or academic journals that maybe professionals read, but the general public doesn't?

**BLOCK:** Well, I've already done that a bit. For example, I have a book on blackmail, which consists of about 25 articles I've written just on blackmail. The reason I wrote so many on that one is that the University of Pennsylvania Law Review had a whole — what do they call it?

**WOODS:** Symposium?

**BLOCK:** A whole symposium, yes — dedicated to blackmail. And half the people were saying, well, blackmail should be illegal because of deontology, and half the people were saying, no, no, no blackmail should be illegal because of pragmatism or utilitarianism. And I wrote a critique of each and every one of them, and there are about 20 of them, and I said, no, no, blackmail should be legal and you're wrong. And I published these all in law reviews, and then I got it published in a book. The problem, though, is that a lot of publishers want to publish original stuff and they don't like to publish stuff that's in obscure law reviews, but I've bullied my way into it. So I've got about, oh, maybe 25, 26, 27 books, and I would estimate that half of those books — well, maybe a third anyway — are just reprints or just recycling of articles into those books. And the other half of my books are all original stuff. So I am already doing that, but it's hard because, as I say, a lot of publishers are very leery about doing that,

because they say, well, the stuff is available and if people want to see it, they can go to the obscure law review or the obscure economic review. But I am doing that, but thanks for the suggestion, but I beat you to it.

**WOODS:** Okay, well, I'm glad to hear that. And these publishers are very short-sighted, because if it were easy to find law review articles, for the average person or if the average person knew of the existence of these law review articles, maybe they'd have a slight point. But my book from 2014, *Real Dissent*, basically took a lot of my articles that I had published around the internet, a lot of them at LewRockwell.com, so you could have just gone to my archive and printed them all out like a cheapskate and gotten probably 60% of the book that way. But yet that book, even though I self-published it and there was limited marketing, that book flew off the shelves. It did really, really well, because people don't want to do that. They would like to have it organized topically and have it convenient and just read through it. So anyway, I'm with you. I want as many of these things read as possible. Now, having —

**BLOCK:** Tom, let me just interrupt you. You've got one advantage over me: self-publication doesn't count for any brownie points in academia. So perhaps I could do that, self-publish, but I really want to get it published with a reputable publisher.

**WOODS:** Oh, I totally understand that too. Yeah, and I don't think the publishers I've worked with would have — in fact, at that time, I had in my contract with Regnery, they have a right-of-first-refusal clause, so that if I want to publish anything, they get the first dibs on it. And I knew when I said to them I'm compiling some previously published essays, they wouldn't want to touch that with a ten-foot pole [laughing]. So you're certainly right about that.

So let's talk about some of these topics. And you know, Walter, the thing is, I know that I could have you on and we could talk about Austrian business cycle theory and we could talk about all kinds of just normal topics. But unfortunately, Walter, when you publish as much as you do, and when you are willing to entertain topics on the outskirts of libertarian research, well, doggone it, that's going to be what people want to ask you about. So I do kind of want to ask you about some of these topics that you've spent more time on, let's say, than a lot of other people. And as long as you mentioned it, you must be tired of talking about this, but I think that would be true of anyone other than Walter Block. You strike me, I think, as the sort who never gets tired of talking about this stuff. Could you actually talk with us just for a minute about blackmail? And let me state, given that I've not written 25 articles on blackmail, I've written nothing on it, I'm just trying to think from a Rothbardian framework that what's going on in blackmail is, okay, so let's say you've got some compromising photos of me —

**BLOCK:** [laughing]

**WOODS:** See, I say that freely, because that is a complete impossibility. There's no way. But let's say you've got that, and you're saying, if I don't do such and such, you'll release the photos. Well, okay, if blackmail's not allowed, then you'll just go ahead and release the photos, and I have no way to stop it. So there's no way that that's an improvement for me. And you're not threatening — you're not taking my property. You're not threatening me with violence. You're not doing anything like that. Therefore, there's nothing that strictly violates the nonaggression principle, unless we get into the question of how you acquire the photos, and obviously, if you stole them, that's a problem. So tell me if I'm on the right track.

**BLOCK:** Tom, I'm a professor. I'm never allowed to answer a question directly, so before I answer your question, I just want to say one further thing about getting tired of repeating issues like this. I think you, me, and Murray Rothbard have one thing in common: we never tire of talking about this stuff. I remember Murray, I'd see him at a conference or something and some high-school kid would come up to him and ask him about, I don't know, minimum wage or free markets or something. And Murray would be enthusiastic. And I notice you do that, too, and I do it, so we three are the same on that issue.

**WOODS:** Great. I'm glad to be in that company.

**BLOCK:** Okay, well, me too. Me too. Okay, now to get back to your point. Yes, I agree with you entirely. What I am now threatening you with is to become a gossip. I'm now going to tell your wife or tell your boss or whoever, tell everyone that you did whatever it was that you did that you don't want me to tell about. And all I'm threatening you with is something that I have a right to do anyway, namely, become a gossip or to engage in free speech or to show this picture around to everyone.

Now, you have to distinguish between blackmail and extortion. In extortion, what I'm threatening you to do you — see, blackmail and extortion have two things in common. In both cases, you're making a threat and you're demanding money. So Tom, I say, "Give me a thousand bucks, and I'll shut up, and I won't show anyone this picture." And in extortion, I'm also saying, "Tom, give me a thousand bucks," but now the threat is very different. Now the threat is: I'll kill you or I'll kidnap your kids or I'll beat up your wife or something very, very bad, something that libertarians would disapprove of because it violates the nonaggression principle. So blackmail and extortion have something in common: a threat coupled with a demand for money or demand for sexual services or whatever it is, whatever the demand is. But the difference is crucial. In extortion, what you're threatening is something you have no right to threaten, namely, to violate the nonaggression principle. In blackmail, the threat, you have every right to make that threat and it's really an offer.

It's sort of saying, "Hey, let's make a commercial interaction. I'll shut up if you give me money." It's no different — I mean, in a sense, I see you're wearing a shirt and a tie on your picture, and when you bought that tie, you made a threat to the seller. You said, "Unless you give me that tie, I'm not going to give you money." And he made a threat to you also. He said, "Unless you give me money, I'm not going to give you that tie." It's a lovely tie, by the way. So what I'm saying is that blackmail is just like a commercial interaction, and it should be legal.

Now, you're quite right, that if the way I got that picture was by trespass or in some nefarious way that violates the nonaggression principle, then yes, certainly what I'm doing is illicit. But assuming that I got the picture in a legitimate way — I just saw you doing whatever it was you were doing that you shouldn't be doing, and I snapped a picture of you or I took a tape recording of you saying something that you shouldn't be saying — and now I'm just making a commercial offer to you, which you're free to accept or not. See, if you're in the hands of a gossip, it's game over. The secret is out. But at least the blackmailer has the decency to come to you and say: hey, give me a thousand bucks, and I'll shut up, and since you value your privacy more than the thousand bucks, you agree, and since I value your thousand bucks more than the thrill of talking about you negatively, well, we both gain in the ex-ante sense, as in the case of all commercial interactions, like when you bought that tie. You value the tie more than the money, the guy who sold you the tie valued your money more than the tie, and there was a mutual benefit in the ex-ante sense. Well, it's the same in blackmail.

**WOODS:** I guess the problem is that, for most people, they look at the transaction with the tie and it seems morally right to them, whereas there's a visceral response to blackmail, isn't there, and I think that interferes with people's clear thinking about it.

**BLOCK:** Well, I share that visceral response. It's sort of nasty, whereas when you buy a tie —

**WOODS:** Oh, yeah, nobody wants to be a victim of it, sure.

**BLOCK:** Right. You see, there's this thing called the drop dead theory. Did you wish that the guy who sold you the tie would drop dead and therefore be out of the picture? No, you were happy to have him selling ties. And he didn't wish you to drop dead. But in the case of blackmail, you really wish that I would drop dead or that I didn't have the information in the first place. So there is that difference. But we libertarians are not really that interested in the morality of it, although as individuals we have the same moral sense as any other decent people. But we're interested in whether something should be against the law or not. Look, there are a lot of things that viscerally you and I might disapprove of. For example, we both have daughters. I don't think either of us want our daughter to be a prostitute. I think what we're hoping for our daughters is they need some nice guy and have a good, loving marriage, and it's sort of yucky to think of them as a prostitute. So we share the visceral dislike for prostitution, and neither of us patronizes prostitution, although I've got a picture of you, Tom — no, I'm kidding, of course.

**WOODS:** [laughing] Geez, Walt.

**BLOCK:** [laughing] But the thing is, suppose one of our daughters, God forbid, became a prostitute. The libertarian question is: should they go to jail? And the answer is no, they shouldn't go to jail, because they didn't violate the nonaggression principle, assuming it's sexual acts between consenting adults. So yes, I share with you and all other decent people the abhorrence of this sort of thing that — although, you know, there is something to be said in favor of blackmail in my book *Defending the Undefendable* had one chapter on that, whereas in my book on blackmail, the whole thing was on blackmail. It was like 400 page. But there is one benefit of blackmail, and that is if we allow blackmail, criminals will blackmail each other, and therefore demand curves slope downward and the demand curve for criminal behavior also slopes downward, and if we have more blackmail, then there'll be less criminality of other sorts, like, say, robbery or murder or whatever because, now it's legal to blackmail each other, and since it's legal, we assume the same downward-sloping demand curves, so that criminals will blackmail each other a little bit more, and therefore they'll worry about that, and there'll be a little less crime. So in my book *Defending the Undefendable*, I said not only should blackmail be legal, and on the other hand there are these negative effects, but there are also positive effects of blackmail, namely that we'll have less regular crime or non-blackmail crime.

**WOODS:** All right, let's move on to another controversial book of yours, and that's one —

**BLOCK:** What do you mean "controversial"? That's not controversial.

**WOODS:** [laughing] Not in our crazy circles, of course.

**BLOCK:** Right.

**WOODS:** But they'll shock the heck out of people. This is a book I have not actually had you on to discuss up to now, and that is the newest Walter Block, or coauthored book, *Space Capitalism: How Humans Will Colonize Planets, Moons, and Asteroids*. So I'm going to be a little bit unfair and not give you — I mean, maybe at some point we could do a full episode on this, but just for right now, give people a flavor of this. I guess there are two things that I'd want you to focus on. Number one: who cares? Why is this important? And number two: what would be the general principle according to which these sorts of things would happen?

**BLOCK:** Okay, fair enough. First of all: who cares? Well, I think we should all care. One of the problems with our present situation with the warmongers and neocons and all sorts of evil people out there is there's a chance that we could blow each other up, and the whole planet goes kaput. And I think all libertarians share with all decent people the idea that we're sort of pro-human. We're humanists; sort of like racists or sexists, we're humanists. We favorite human beings. We're weird, okay. We admit it: we're a bunch of weirdos. We like human beings. We would like human beings to survive. And if the planet goes kaput with a nuclear exchange, that's it — except if people had a colony on Mars or on the moon, then conceivably the human race would continue. And I like the idea of the human race continuing, even though it's not my grandchildren or great grandchildren. Just the idea that human beings exist, I like the idea. I confess, I'm a humanist. You know, sue me. Or I'm politically incorrect. But I think this is politically correct. I'm not sure. I'd have to consult the experts in that, and I don't think you and I are experts in that. So I want human beings to survive.

And one way that — I won't say it's a guarantee because, heck, you could have a nuclear exchange on Mars or the moon. It's the human condition. Although, let me get off on that just for one second. It's the human condition that we have people like Stalin and Hitler and other very bad people, and I don't like that because they're not nice human beings. And how do I justify this? Well, not justify this. How do I make myself happier? How do I face the day knowing that I share something with Hitler and Stalin, namely my humaneness or the fact that I'm a human? And the way I do it is sort of sociobiologically. Notice I'm getting off the topic. But you know, I'm a professor; I'm supposed to do this stuff.

What I say to myself is, a million years ago when we were in the caves or the trees or wherever we were, all we had were sticks and stones. And then there were these guys, these bears and lions and tigers and all sorts of creatures that really could kick our butts. And what we really needed was some really nasty human beings, and I think you have to be really nasty to take a little stick or a stone and face a saber-toothed tiger or a lion or whatever they were or a bear. And maybe that's why we have a Hitler and Stalin, because they were really nasty and we needed nasty people a million years ago. I don't know if this is biologically sensible, but it somehow gives me comfort, so I thought I'd share it with you. And that's why we have Hitlers and Stalins and murderers and rapists, because millions of years ago, we needed these people to protect us from the lions and tigers. And without them, none of us would have survived anyway. So I'd rather human beings survived with one or a half a percent of people that are really nasty than no human beings at all.

Okay, now back to the point. One reason we want to have free markets for space is because we want to have colonies on the moon or Mars. And we know that free enterprise is more efficient than government, so if the government is in charge of space exploration and rocket ships and things like that, we're not going to, as soon as or as likely as, to have colonies on the moon and Mars. And I understand that some of the moons of Jupiter and Saturn are habitable. I'm not sure about that. I think so. My understanding is that, one time — you know,

we just had very cold weather in the Northeast, and I think that it's true that at one time, the temperature in Canada somewhere or in Minneapolis was colder than on Mars. So, you know, if we can live in Canada, and we can, maybe we can live on Mars, and maybe we can live on a moon in Saturn or somewhere like that. But the point is: the more free enterprise we have in international exploration — not international — solar exploration, the sooner we'll get there, and the more likely to get there. So that's one reason why it's important to push for free enterprise in space.

And another reason it's important is we want to make the general case in favor of free enterprise. Okay, we should privatize the post office, and yes, we should get rid of the farm price supports or whatever, and that's good, and I'm not knocking that, and I think we should demonstrate the benefits of free enterprise in any way we can, including space exploration. So that's the second reason why it's important. One, because it'll possibly save the human race, and two, because we want to make the general case in favor of markets and private property rights and free enterprise, and we want to do it not only in a pedestrian issues like privatizing sanitation or something, but also in esoteric areas like space.

**WOODS:** All right, so now, not having read the book — and I never do this. I never, ever ask a guest about a book I haven't read. I have always read it. So again, maybe we can revisit this. But is it just a matter of: we would treat outer space the way we would treat, let's say, completely uninhabited land on earth? We would use Lockean at homesteading. Are there any special considerations that apply in space, or is this a false dichotomy? If Lockean homesteading works on earth, why shouldn't it be applicable elsewhere?

**BLOCK:** We have a chapter on that. Yes, we would just extrapolate from Lockean, Rothbardian, Hoppean homesteading theory and just apply it to the moon. There are differences, though, because, you know, Murray used to say east of the Mississippi, it's fertile, 160 acres ought to do for a mother, father, and two children, because they can make a living, whereas west of the Mississippi — and the problem was that the government extrapolated from east to west, and they said, well, we should limit land to 160 acres. But west of the Mississippi, it's not as fertile, and you really need more land, and the Lockean homesteading theory would work itself out, such that you really needed more land west of the Mississippi than east. But then there's land in the middle of Alaska, and you might need even more. And then if you wanted to privatize the Sahara Desert, you couldn't limit yourself to 160 acres or even the 1,600 acres. You'd need a lot more to keep a family alive. Well, the moon and Mars are even less habitable than the Sahara desert or internal Alaska, so you'd need even more. So now the question comes: well, suppose a private person lands on the moon. Does he get the whole moon? Well, no, he doesn't get the whole moon, but he's not limited to one square mile. What the heck? Give him 10 square miles. Heck, even give him 100 square miles. So we discuss that, namely, how would the very straightforward, pedestrian, mainstream, libertarian Lockean theory apply to the moon? And we say we extrapolate from the earth, namely, the less fertile, the more land you need.

And on the other hand, when the government planted a flag on the moon, what do they own? Well, then we go into that. Well, the answer is they don't know squat, because they're a criminal gang, and a criminal gang shouldn't be allowed to own anything. They should pay a penalty. So we go into all sorts of applying libertarian theory to exotic, esoteric areas like the moon or Mars.

**WOODS:** All right, well, as I say, there's a lot to be said there, and I am kind of interested a little bit in your ideas about colonizing Mars, because there are people even today who say there should certainly be a manned mission to Mars. And there's more discussion about that than you would think, actually.

But I want to round this out with a couple more things. Obviously, we've talked about roads a bit. You have a book, *The Privatization of Roads and Highways*, and you talk about how we might supply roads without coercion. How about something like bridges? Because when people say "infrastructure," they mean roads, but they also mean things like bridges or harbor installations or whatever. And it's not easy, let's say, for people to see how you could make a profit on a bridge, or if you did build a bridge, why you wouldn't just charge everybody \$300 to cross it. And then, yeah, sure, somebody else could build a bridge and maybe he'd only charge 200, but maybe this is a case where we just need the state to take over and charge reasonable tolls for the bridge.

**BLOCK:** Yeah, the state is always reasonable. [laughing] That sounds good to me, Tom.

**WOODS:** Yeah.

**BLOCK:** You're right. Harbors, bridges, tunnels, roads, whatever, it really doesn't matter. And there is this doctrine called *ad coelum*, and that's the idea that if you own a square mile on the surface of the earth, you own down into the core of the Earth, 4,500 miles down because of the radius, and also you own up into the heavens. Well, this *ad coelum* doctrine is very much different and incompatible with the Lockean homesteading theory, because you didn't mix any of your labor with the land down 300 miles or up in the air. The people who've been mixing their labor up in the air are airplanes, and you're a farmer and my plane goes over your farm 50,000 feet above, you can't charge me a fee, because if anyone owns the right to go in 50,000 feet, it's the airplane, not you. And by the way, this is one of the reasons that we get out from under the requirement that you have to have expropriation of land — what do they call it when we seize your land against your will to build a road?

**WOODS:** They call it land reform. No, I'm only kidding. Eminent domain.

**BLOCK:** Eminent domain, that's the word I was looking for.

**WOODS:** Land reform is when we seize your land and then we starve you to death. That's different.

**BLOCK:** Right. Well, no, actually, land reform, we libertarians have a view on land reform and that's —

**WOODS:** I know you've written on this, yes. Let's pause and say something about it.

**BLOCK:** Okay, we'll get off the topic of roads and talk about land reform a little bit. Yes, the lefties and the Marxists have land reform: take land from rich, give it too poor. Take land from whites, give it to blacks, like in South Africa, stuff like that. But we too, I think, have a view on land reform, and that is reparations. Slavery is evil. No quarrel there. But what should have happened in 1865? And here you had some black slaves working on a plantation, and slavery was over and they were free. That's great, but the land that they worked on, that

they homesteaded, that they mixed their labor with was given to the master. And there's some black guy now in Harlem and there's some white guy, the great grandchild of the plantation owner in South Carolina, say, and then there's some black guy in Harlem, who's the great-great-grandchild of some slave who used to work on that plantation. Is it fair, is it proper that the white grandchild has that plantation and that the black guy in Harlem has nothing to do with that? No, I would say that he should get a part of that plantation. And if there were 500 slaves, you should get 1/500th of that plantation. Now, the burden of proof is always on the plaintiff. Possession is nine-tenths of the law. The white grandchild has that plantation in South Carolina. The burden of proof is on the black guy to show that his great-grandfather was a slave on that plantation. But if he can, well, then we're open to land reform. We're open to reparations. Whereas people like David Horowitz say, you know, you shouldn't have any reparations, which I think is wrong, because we believe in return of stolen property, and there's no time limit on that. There is a natural statute of limitations, namely, the further back you go in history, the harder it is to prove anything. There might not even be a written language. But we shouldn't have a statute of limitations, period, because if the black guy can prove — heck, 2,000 years ago, if he can prove something from 2,000 years ago, he should get the land based on at least my understanding of libertarianism.

**WOODS:** Well, I would just say —

**BLOCK:** Okay, so —

**WOODS:** Okay, I know you want to get back to roads, but this is a huge parentheses that you and I are inhabiting right now. Because when you said that, obviously, we know there are going to be very, very few, if any, claims that actually date back 2,000 years. But what some people could say in response to what you've said is a practical matter — and I know you would say that libertarian ethics trumps these consequentialist and practical arguments. But they might say that there would be such a cloud of uncertainty over the legitimacy of everybody's property titles because some guy citing papers from 2,000 years ago could always come along and take your property. On the other hand, one way you might deal with that is maybe the same way we have title insurance today that ensures that the owner really was the owner and you legitimately got title to it. Well, likewise, perhaps you could insure against this in some way, right? Given that it seems potentially insurable — I'm not thinking it through all the way. Maybe I'll regret saying that. But I don't know. Is that a solution? Because I mean, surely you would admit that this would increase the amount of uncertainty around the legitimacy of property titles. Maybe you could have something analogous to title insurance for that.

**BLOCK:** Well, I agree with you. I'm in favor of title insurance, and I also want to mention access insurance when we get back to roads, so remind me about that. But I think that there would be a one and once-and-for-all increase in uncertainty and then it wouldn't be a continual thing. Because look, suppose libertarianism were the order of the day. Suppose we're always libertarian and Ron Paul were now president and Rand Paul would be the next president and you're going to be the president right after Rand Paul. I'm too old to be president, but you could do it, Tom. Suppose we had a totally libertarian society where this was the order of the day always. Well, if anyone was going to claim anything, they would have claimed it already. So there wouldn't be all that uncertainty. And every time somebody claims something, let alone from 2,000 years ago, from 50 years ago, it would be in the newspapers and everybody would say, "Wow, isn't that weird? Why did he wait so long?" So I don't think that there'd be all that much uncertainty, because people would be in the habit of — all the reparations that were justified would have been long ago done, and any new claim,



like I just discovered something in my grandfather's locker or something like that, it would be very, very unusual. And there wouldn't be that much uncertainty. So I think that the amount of uncertainty from a pragmatic or utilitarian point of view would be much less than you'd might first think.

Yes, if we instituted this right now, yes, there'd be a lot of uncertainty, because there are a lot of pent-up claims. The Japanese Americans would claim stuff; the black people would claim stuff. But after a couple of years, when all that died down, they'd be very, very few new marginal changes. You know, from an economist's point of view, you're always supposed to look at this in terms of marginal; otherwise, you get into the diamonds-water paradox. So I think that there would be some uncertainty if libertarianism were in order for many years. There'd be a little teensy weensy bit of uncertainty, because every once in a while somebody would discover something, but there wouldn't be quite as much as one might first thing.

And I think I agree with you that there would be insurance. There would be title insurance. Insurance companies would go to the plantation owner in South Carolina and say, "Look, there might be some black guy who's going to claim something, so if you want to have insurance, we'll ensure you, because we're going to ensure a lot of plantations and maybe 1 in 1,000 will succeed, but very few will. And everyone kicks in a couple of dollars, and we'll ensure the thing, like any other kind of insurance." So I don't think that there would be any real problem certainly, not deontologically, because it's just. But even from a pragmatic, utilitarian point of view.

**WOODS:** All right, now let's get back to roads. You were in the middle of talking about eminent domain, and I made that snarky remark about land reform, and I totally derailed you, so to speak.

**BLOCK:** You're so snarky, Tom [laughing].

**WOODS:** Normally I just let the guests talk, but when it's you, there are so many things we could talk about. All right, so you were talking about roads, and I don't know if you remember where you left off. If you did, that would be miraculous. That'd be amazing. Because I don't. It was eminent domain. That's all I remember.

**BLOCK:** You see, you were talking about title insurance. I'm now talking about access insurance. Suppose we had private roads, and what I do is I buy all four roads around your house. You have a house on a block, and now all of a sudden, I buy all the roads, I buy the road right in front of your house. And I say, "Hey, Tom, guess what. The price of getting out onto this road out of your house or getting back into your house after you come back from work is a million dollars each time. Haha, Tom." Well, that's a problem. And in my book on roads, I have like a chapter on that one. I think one third of the book is about objections to private roads, and this is one of the objections: that you'll be hemmed in.

And now the answer to that is a thing called access insurance. Before you bought your house, you would buy access insurance, or the only reason you'd buy your house on this road is you would make a deal with the road owner that he's not going to charge you any more than he charges anyone else or something that will preclude them from doing that. And the road owner will have an incentive to contractually obligate himself not to do it because he wants you to buy a house there. If nobody buys houses on the side of his road, he's not going to make any money. So I don't think that that would be a problem.

And also, getting back to *ad coelum* and bridges and tunnels and the idea that you could have a road, let's say — where are you now? You're in Florida?

**WOODS:** Yep, Florida.

**BLOCK:** Okay, I'm in New Orleans and I'm thinking of building a road from New Orleans, Louisiana to Florida. Do you know how many people own property between you and me? I don't know, 100,000, a million? A lot of people. So I want to build a road straight as the crow flies. Let's say you live in Pensacola, so if you live in Miami, you'd have to have a dogleg in there. And one way to do it is straight as the crow flies, a straight road. But now my favorite cartoon character on movies is Cartman on *South Park*. And Cartman is known for saying, "Screw you guys. Screw you guys. Screw you guys." And he's got land right in the path of where the road from me to you is going to be that I'm going to build as a private construction person. And Cartman says, "Yeah, sure, you can build a road here for a trillion dollars," and that would make it unviable. Well, now what I do is I build a tunnel under his property or a bridge over it. And since the *ad coelum* doctrine is not valid, I can do that. So that would be a way of getting around the eminent domain problem, and we could build roads that way.

**WOODS:** So is it possible — by the way, when you mentioned Cartman. I only watched a handful of episodes of *South Park* many years ago, but I actually do a really good impression of Cartman, and maybe someday at listener request I will do it on an episode. But it's good, like you'll think it's the real guy. But anyway, on this issue, how can we envision a bridge being profitably run? A bridge is expensive. Is the idea that obviously they'll make the money back by charging tolls? But there's just this visceral feeling that they'll charge too, much because it's not practical to build 12 bridges and to see which one of them is going to have the lowest price, so probably we're going to wind up paying a lot for that toll. I personally don't think that'll happen, but my personal assurances are rarely enough for most debating partners.

**BLOCK:** Well, I'm convinced, Tom, and I'd love to hear you do Cartman.

**WOODS:** [Cartman impression]. I'll have to do a bigger one later.

**BLOCK:** That's pretty good. Not to get off the point or anything, but Murray did a play called *Mozart Was a Red*.

**WOODS:** Yeah, of course. I've seen it.

**BLOCK:** And it's magnificent. I mean, Murray's a playwright. What we've got to do is get a whole bunch of people who can do various Cartman — you know, you could do the Cartman, and we'll do as a libertarian *South Park*. Oh, no, *South Park* is pretty libertarian, so they're already doing it, so I'm not sure. But if you ever want to give up your day job and get a job as Cartman, maybe the *South Park* people could use you.

**WOODS:** All I can say is, if there were a play in which you and I both had parts and all our friends had parts, I would love to both be in it and see it.

**BLOCK:** Yes.

**WOODS:** Anyway, so if you're a playwright out there, we want that. All right, now answer my bridge question, because I'm genuinely curious about this.

**BLOCK:** No, no, no, I can't answer the bridge question. That's why I got off on Cartman. No, I'm kidding [laughing]. Take Lake Pontchartrain. Lake Pontchartrain is a little north of New Orleans. It's about, oh, 40 miles wide, and it's about 25 miles high. North-south, 25 miles; east-west, 40 miles. And there are three ways you can get to the other side of the lake. You can go east through Slidell. you can go west through — I forget what town it is — Ponchatoula. Or you can go over the bridge. There is a causeway bridge. And the government owns the causeway bridge, and I think they charge five bucks. But suppose a private person owned that bridge and charge the not 1,000, but say, \$100. Well, now a lot of people would go around, because, say, \$100 or \$1,000 is too much. And also what would happen is that the last thing that the owner of that bridge wants is for another bridge to be built.

It's very similar to what happened in California. There was this, I think, muckraking novel called *The Octopus*. And the railroad in California was a very bad railroad. They would play havoc. They would exploit the farmers, this sort of crony-capitalist type of railroad. They would tell the farmers, well, if you plant peas, we'll charge you this much, and then when the pea crop came in, they tripled the price. The question always came: why didn't all the farmers get together and say: hey, let's build our own railroad north-south in California? And the obvious reason was, well, in order to build a road, you had to get the permission of the state legislature, and the state legislature was a totally owned subsidiary of the railroad. You know, they say you can't buy a politician; you can only rent one. Well, the railroad was renting heavily the politicians. Under a free enterprise system, that railroad never would have treated the farmers so meanly or brutally, because the last thing they want is for the farmers to start thinking, *Hey, let's build another railroad*. Because once another railroad is built, the first railroad, the present discounted value of its future income streams is very bad.

Well, the railroad in California is very similar to the causeway over Lake Pontchartrain. I own the causeway, and the last thing I want is for you, Tom, to start thinking, *Hey, you know, maybe I'll build another causeway over the Lake Pontchartrain*. I don't want you to think about that. I don't want anyone to think about that. I want that to be the last thing that anyone thinks about. So therefore, I have an incentive to make sure that I treat people very nicely, not only financially, but I build things to make sure the wind doesn't knock over cars and motorcycles or whatever, namely, the entrepreneur, the capitalist wants to treat his customers nicely so that they'll keep coming back, and he doesn't want competition to come about. And competition can always come about, because you can always build another bridge. And not only can you build another bridge or another causeway at a different part of the lake, but you can build it right above. In other words, you can have double-decker, triple-decker, quadruple-decker bridges right over the causeway, because again, there's no such thing as *ad coelum* for libertarians. So the bridge owner has very, very strong incentives to make sure that he treats customers nicely and doesn't jack up the price.

**WOODS:** All right, on the show notes page, which is [TomWoods.com/1337](http://TomWoods.com/1337), I'm going to put links to the books on these topics. So the roads book, the space capitalism book, your blackmail book — which I love, *Legalize Blackmail*. I love the design on it, too. It's got a manila envelope on the cover. You wonder what's in that envelope. That's really good.

**BLOCK:** It's that picture I took of you, Tom [laughing].

**WOODS:** [laughing] That's right, that's right. Okay, but before we go, I have had a few people ask me about what ended up happening with your suit against *The New York Times*. And when I saw you in New Orleans for the libertarian convention last year, I got a little bit of the answer and I think as much of the answer as you're allowed to give. So maybe you can comment on that? First, can you just set the stage? Some listeners will remember if — maybe I'll just say this. Some listeners will remember the context here, that Walter, whom you've just heard in this very episode, has long favored reparations for slavery. I mean, not willy-nilly, all whites have to pay all blacks. It's a little bit more nuanced than that. But he's long favored that. He's as anti-slavery as it is metaphysically possible to be.

And yet, *The New York Times* quotes him to make it look like he more or less thinks slavery isn't such a big deal. That's obviously false. If you listen to Walter for five seconds, we all know that. And I remember I wrote a letter publicly, it was either in that student newspaper or to the president of the university, about the absurdity of immediately jumping on the anti-Walter Block bandwagon, knowing full well — what, do you have an IQ of 47? — knowing full well Walter Block is not for slavery. I mean, you won't even stand up for your own faculty member, you bum, pathetic loser? So I wrote this letter.

So Walter then went and sued *The New York Times* for libel. Now, first of all, you're going to have to give a reckoning of that, because people will say, "Oh, hold on a minute, Walter Block. Wouldn't you be the first person to say that, in libertarian theory, you're not entitled to your reputation? Your reputation is something that is held in other people's minds, and you don't have access to other people's minds." So first of all, why did you think that was legitimate from a libertarian point of view to do? And I ask you that not as a gotcha question, but because I know you always live your life in such a way that you want to be able to justify yourself by that standard.

**BLOCK:** Yes, I'm delighted to tell this story. What happened was *The New York Times* did a two-part interview with me, and it was about maybe an hour each time. And later I learned what they were trying — this was in 2015 when Rand Paul was running for office, and they wanted to besmirch Rand Paul. They don't like Rand Paul. And the thesis or the theme that they were doing is: Rand Paul is a bum, because he has all these weirdos who support him, and they were all Rand Paul fans. And I was one of them, and there were maybe a dozen others. And what this long, long thing — I think it appeared in the Sunday magazine of *The New York Times*. It was saying that, you know, *Rand Paul is no good, and the proof is not so much what he said, but look at all the people around him. They're all weirdos.*

So anyway, this was — I later learned what they were trying to do, but during the interview, they were just saying, *You know, we want to find out what is libertarianism?* So I'm giving them the usual stuff, you know, the nonaggression principle. You can do anything you want; just keep your mitts off of other people and their property without their permission. Boxing is okay because people agreed to it. Sadomasochism is okay, because it's between consenting adults. But apart from that, don't be hitting other people, don't be taking their property. That's principle one. Principle two is private property rights based on homesteading and free and legitimate title transfer, like buying and selling or renting or lending or gambling or whatever. And the third one is free association. The idea here is that all acts between people should be, freely engaged in. No one should compel anyone to associate with them against their will. For example, the Christian baker shouldn't have to bake a cake for the gay couple, whatever.

Okay, so I'm giving them this stuff. And, you know, it takes a while, because they interrupt and they want examples. And they're just not getting it. Either they're not getting it because they're stupid, which I don't think. They're very bright people. Or they're not getting it because they're malevolent. And so I had to come out with the A-bomb. And what's the A-bomb? The A-bomb is voluntary slavery. What's this voluntary slavery? And by the way, here, my position in the libertarian movement is very much in the minority. With the exception of Robert Nozick and maybe one or two other people, I'm the only one that favors this voluntary slavery. Murray Rothbard disagreed with me, and most libertarians disagree with me.

So what's this voluntary slavery business? What it is, is Tom, you've long wanted me to be a slave on your plantation, because you could ask me economic issues, and if I don't answer the way you want, you could whip me. And you're a very wealthy man. My child, God forbid, has this horrible disease, and it'll cost 10 million to save him. And I don't have 10 million. I'm relatively poor. And the only way I can save him is to become your slave. And you're a very rich guy, think a Bill Gates or Charles Koch. You've got all this money. And what you'll do is, here's the deal, give me 10 million, Tom. I'll be your slave forever, and I'll take the money and I'll give it to my son's doctors, and they'll save his life. And I value his life more than my freedom. And you value my servitude more than the \$10 million. For you, \$10 million is chicken feed. It's not much. And as in all cases of voluntary trade, there's mutual gain in the ex-ante sense. You profit off the deal because you value my servitude or slavery, servitude to you more than the 10 million, and I gain because I value my son's life more than my freedom. So now I'm at your plantation, and you're whipping the crap out of me, because I didn't answer the question the way you wanted. And now I call upon a passing policeman and I say, "Hey, Tom is engaged in physical abuse. He's assaulting and battering me. Get him to stop it." And the policeman knows what's going on. He says, you know, "Sorry, you're his legitimate slave." So I was giving this to *The New York Times* and saying that libertarianism even favors this, or at least I favor this and I'm a libertarian.

Okay, so I'm trying to explain what libertarianism is, namely based on the nonaggression principle and private property rights and free association, and I agree to associate with you as a slave. Voluntary slavery is legitimate. Okay, so I'm trying to explain libertarianism, and I reached for the A-bomb, and that was what happened.

So then they publish the article, and what they do is they say that I favored actual slavery. Actual slavery? Come on, give me a break. I don't favor actual slavery. Actual slavery was kidnapping. You coerced the black person or the Egyptians coerced the Jew into being slaves. I don't favor that. But they wrote this thing, and it was a little controversial because 15 paragraphs after they said one thing, they sort of half took it back. So then what happened is that in *The Maroon*, the student newspaper at Loyola, the president wrote a blistering attack and 17 different professors wrote another open letter saying, you know, *Block is a bum. He favors slavery. We're Jesuits. We're against slavery.* And by the way, there are students nowadays who still won't take my courses even though this happened, oh, six years ago, seven years ago, because one generation of students tells the other generation.

So I decided to sue. And now, you're right — also in my book *Defending the Undefendable*, I have a chapter about libel. And you know, if I say, Tom is a bum and I lose your reputation for you, well, your reputation consists of the thoughts of other people. Paradoxically, you don't own your reputation. So how can I justify in my own mind suing *The New York Times*? Well, based on ruling class theory. I regarded *The New York Times* as part of the ruling class, and they're in sync with the government. They're not officially part of the government, but they're

a government vehicle, and Sulzberger contributes vast amounts of money to all sorts of governmental enterprises. So I justified it in my own mind to sue them for libel. And I sued them for libel. I had a hard time getting a lawyer, but finally I got a lawyer who was a libertarian, a friend of mine. And we sued them. And the lower court threw out my case based on various grounds, and then we went to the upper court, I forget the appellate court, and the appellate court went back to the lower court. And the lower court, again, refused and said that my case should be thrown out on various grounds. And then we went back up to the appellate court, and the appellate courts again overruled the lower court.

And now I'm ready to go to the lower court and have the case and pick a jury and whatever. And we went to a reconciliation meeting with a different judge, not the judge who had twice thrown out the case, but a different judge. And this judge got us together in a room, and the result of that meeting was we agreed to settle the case. And as in all commercial agreements, there was mutual gain and the ex-ante sense. Each side thought that they would be better off by settling the case than by pursuing it. *The New York Times*, I assume, thought that what they gave me — and I'm not at liberty to say what the settlement was — what they gave me was less than the chances of losing the case, not only money, but reputation. And from my point of view, what they gave me — again, I'm not at liberty to say what it was — I regarded as better than the chances of winning the case and getting whatever the court would decide.

So that's the long and short of it. It's been quite an exhilarating experience. And I hope everyone realizes that I do favor voluntary slavery, because I value my son's life more than my freedom, and I ask everyone who opposes that — Tom, you have children. Which would you rather: God forbid, one of your children die, or you become a slave? And you don't have to answer it if you don't want to, but I think any decent parent who loves his child wants that child to live.

**WOODS:** Yeah, I would basically do anything for them. Whatever it took, I would do it.

**BLOCK:** Yeah, me too. And I viscerally feel that. I mean, it's true that afterwards when I'm being beaten up, I might ex post regret it, but I would just tell myself, "Hey, my son's alive, and I don't care how much it hurts. My son's alive." And probably even ex post I would benefit from that. So again, this is a very controversial area among libertarianism. Murray used to say you can't alienate the will. And I agree. You can't alienate the will. You know, while you're beating me, Tom, I might say, "I hate you. I wish I didn't do this." But I didn't sell you that. All I sold was the right to beat me, and that I can alienate. So in my view, will, shmell. I'm not interested in the will. I never sold you the will. All I sold you was the right to whip me. And now the question: well, you can you kill me? Can you torture me? It all depends upon the contract. Probably, I would go so far as to, you know, kill me. I don't know about torture. Meh, I'd probably do that too, because I really value my children's lives.

**WOODS:** All right, we're going to leave it there with that interesting answer. And I don't — I only know — well, look, I can't say anything other than to say I'm glad it was resolved in a way that you find satisfactory. And remember that [TomWoods.com/1337](http://TomWoods.com/1337) is the show notes page for this episode. We'll have some great Walter Block links there. And Walter, first of all, thanks for talking to us, and congratulations in advance on 600 published articles and on all those books that are going to be coming out of them, no doubt, in the coming years. Thanks a lot.

**BLOCK:** Tom, it's always a pleasure to be with you. Thank you.