

Libertarian Theories of Justice

Corine Wood-Donnelly, Darren McCauley and Stephen Przybylinski

Introduction

A libertarian theory of justice, so called, must be a system of justice that is based on the ideals of libertarianism. In general, libertarian justice can always be reduced to the precept of whether an action violates the principle rights of liberty. The theorist Brennan remarked that ‘Libertarianism is a demanding doctrine – it demands that we mind our own business, even though most of us would rather not’ (Brennan, 2012, p 3). While libertarian justice has much overlap with liberal theories of justice, mainstream libertarianism holds a much narrower understanding of justice. The rights to property protection are essential to liberty protections. Any theory of libertarian justice evaluates what is just by assessing whether property is protected and distributed according to how individual rights have been respected. In this sense, libertarian justice is more procedurally transparent than that of liberal justice.

While strict in definition, libertarian conceptions of justice are notably complicated in their outcomes. As this chapter will explicate throughout the following sections, the adherence to a conception of justice based on strict protection of individual rights alone flies in the face of common understandings of justice as a means towards equality. Whereas liberal conceptions of equality require both the protection of individual rights and a means of creating equitable outcomes in the distribution of primary goods, mainstream libertarianism requires only equal protection of individual rights. As the chapter will detail, this difference in how equality is preserved matters greatly. After detailing the essence of rights from a libertarian perspective, the chapter explains what libertarians define as just procedure and how this process shapes distribution. The section following that traces the historical development of libertarianism to show how the predominant understanding

of libertarianism and libertarian justice does not constitute the entirety of libertarian thought, suggesting that there is room for critique within libertarianism as commonly understood.

Throughout the chapter, we distinguish between ‘mainstream’ and ‘left’ libertarianism. We understand mainstream libertarianism to be the dominant understanding of libertarianism today, which is an economically conservative and thus ‘right’ leaning libertarian perspective. Although dominated by the mainstream, left-leaning libertarian positions have been around for much longer. Nonetheless, libertarianism particularly in Anglo-political theory has come to be associated with the political right. In the places throughout the text where libertarianism is used by itself, it refers to the broad tradition of libertarianism, incorporating both right- and left-leaning perspectives.

The basis of libertarian justice is rooted in natural rights. Natural rights doctrine understands that all individuals hold inherent rights as humans, which exist outside of and before rights deriving from the laws of political society. While rooted within ecclesiastical foundations, after the Enlightenment period, natural rights have come to be understood through the means of reason and rationality. From a natural rights perspective, then, rights are moral and enforceable claims to respect (James, 2003). As Locke (2016 [1689]) argued in the late 17th century, all men (women were property themselves) have natural rights to life, liberty and estate. To have a natural right to these things is to enjoy natural liberties that exist for humans outside of political and civic society.

Locke, among others, noted, however, that to best preserve natural rights, political authority is needed to protect natural liberties. For, within a state where humans are naturally free – the state of nature – the potential for anarchy would surely impose on people’s liberty. Describing such limits, Hobbes warned that in the state of nature:

[E]very man has a Right to every thing; even to one another's body. And therefore, as long as this naturall Right of every man to every thing endureth, there can be no security to any man (how strong or wise soever he be) of living out the time, which Nature ordinarily alloweth men to live. (Hobbes, 1904, p 87)

To ensure that humans would be able to preserve themselves, or their ‘nature’, a political sovereign was needed to uphold natural rights in society. In other words, a state was needed to enforce the natural liberties of individuals.

When rights are enforced through a state, rights are embedded in or adhere to the individual, rather than in society per se. The libertarian and liberal traditions share in common the need to protect individual rights, particularly ‘liberty’ rights. To attribute a liberty right to someone:

is to recognize that the individual in question has the capacity to act or not to act just as he pleases, and also the power to resist, availing himself in the last instance of the use of force (his own or others'), against whoever may transgress that right: so that potential transgressors have in turn a duty (or obligation) to abstain from any action which might interfere in any way with this capacity to act or not to act. (Bobbio, 2005, p 5)

Liberty rights thus are legal protections which secure for individuals a basic set of freedoms fundamental for leading a good life.

Liberty rights are not all the same and it is common to make the distinction between 'negative' and 'positive' liberty rights. A negative liberty constitutes a warding off of, or 'freedom from', interference, while a positive liberty suggests a 'freedom to' act (Berlin, 2002, p 178). Negative liberties are associated with what Jeremy Waldron (1993) calls first-generation rights, or the civil and political rights of citizenship that 'require only that we and our governments refrain from various acts of tyranny and oppression' (p 24). Negative rights are contrasted with second-generation rights, or rights to socioeconomic goods, which 'correlate to positive duties of assistance' (Waldron, 1993, p 24). Such 'positive' rights require assistance from the state to provide some good, such as welfare benefits, to society in general. Positive rights are critical for helping maintain basic levels of economic security for individuals and are understood to enhance equality rather than protect liberty.

Libertarianism and liberalism diverge from one another in regard to which type of liberty rights are justifiable. In libertarian thought, preserving liberty means strictly enforcing negative rights; the right to be free from coercion, force and the effects of power. To realise positive liberties requires an active state and as such is rejected from a libertarian viewpoint. For this reason, libertarianism is said to be based upon the 'principle of maximum liberty' (Kaufmann et al, 2018). The strict adherence to negative rights is found within the opening lines of the preeminent libertarian text of the late 20th century, Robert Nozick's *Anarchy, State, and Utopia*. Nozick opens the book with the following: 'individuals have rights, and there are things no person or group may do to them (without violating their rights). So strong and far-reaching are these rights that they raise the question of what, if anything, the state and its officials may do' (1974, p ix). To violate individuals' rights, from this perspective, is to treat individuals not as ends in themselves but as a means towards something else, violating the natural liberty of the individual. What follows from this is that the state can be no more than 'minimal' in the lives of individuals, organised solely to prevent fraud, theft and to uphold contracts.

From the libertarian view, therefore, respect for individual liberty is the central requirement of justice (Brennan et al, 2018). Essential for respecting

individual liberty within libertarianism is the upholding of rights of contract. Property rights, and more specifically ownership, are key conceptual principles that underpin libertarianism and its justice framework. Again, Locke's arguments for a private right to property are instrumental to the libertarian emphasis on protecting property. [Locke \(2016 \[1689\]\)](#) suggested that by investing one's own labour into a resource, property became properly owned by that individual. In other words, 'property' was invested within the individual and, as such, individuals were self-owning. The ownership principle of libertarianism, built on a moral basis of natural rights and individual liberty, is the starting point for examining libertarian justice. In what follows, we delve further into how these core principles shape the libertarian theory of justice.

Overview of main ideas and scholars within the tradition

The primary foundation of libertarianism is rooted in individual liberty with the individual viewed as an owner of themselves. The emphasis on the self-ownership of the individual facilitates private ownership as a product of one's labour. The idea of a just distribution, then, is fairly straightforward for libertarians. As [Nozick \(1974, p 151\)](#) argued, a 'complete principle of distributive justice would say simply that a distribution is just if everyone is entitled to the holdings they possess under the distribution'. Nozick's 'entitlement' theory is therefore representative of a mainstream (right-leaning) libertarian theory of distributive justice.

Nozick's entitlement theory argues that distributions of goods are just only if each individual is 'entitled' to their goods. According to such a theory of 'justice in holdings', people are 'entitled to [their holdings] by the principles of justice in acquisition and transfer, or by the principle of rectification of injustice' ([Nozick, 1974, p 153](#)). The acquisition and transfer of an individual's holdings is the foundation of libertarian distributive justice. Property is justly acquired, as Locke argued, by cultivating resources through one's own labour which affords one a private right to that property. It may be justly transferred among contractors through voluntary market exchange. Distribution of goods is therefore just only when an individual's entitlements are voluntarily exchanged to another individual without being coerced by any other entity.

The exacting standards of just distribution unique to libertarianism are controversial. Any 'forced' wealth redistribution is understood to be coercive ([Machan, 2001](#)). Taxation, for example, is viewed by libertarians as a violation of individual liberty rights ([Gaus, 2000](#)). For, taxation constitutes an unjust transfer of property, and for [Nozick \(1974\)](#), it equates to forced labour. This goes against liberal-egalitarian redistributive theories of primary

goods, which see taxation as a means of moving towards equality, in that it secures basic primary goods for the poor and for contributing to public goods shared by all of society, such as public infrastructure. For many, then, a libertarian theory of distribution enables social and economic inequality in that it secures wealth in fewer hands.

Mainstream libertarians, however, would reject the idea that wealth can never be redistributed (Wendt, 2019). Redistribution is defensible from a libertarian perspective only when the means of redistribution, voluntary transactions, are non-coercive. As such, the procedure of justice within libertarianism does not incorporate into its evaluation of justice the inequalities among individuals in a society. Rather, inequalities are understood to be naturally occurring and not the responsibility of other individuals to ameliorate. As Hayek (1998 [1976], p 64) argues, iniquitous outcomes from voluntary market exchanges are justified because they are not intended within the voluntary transactions of market exchange. And to 'demand justice' for these inequities by taxing individuals would be unjust. While individuals are free to give away their wealth to those with less as they see fit, they must not be coerced to do so by any person or entity. Tomasi, for example, reminds us that many left-leaning libertarians are committed to a distributive condition in which societies put their resources to the benefit of the least well off (2012).

The libertarian perspective holds that individuals are not means to be used for others' purposes, however, understanding that there is some role for redistribution under strict conditions. But redistribution has nothing to do with justice. Rather, the unequal outcomes of distribution within a society are inconsequential for a theory of libertarian justice. Libertarian 'distributive' justice is in this sense historically constrained in ways that are not seen in other justice theories. The very nature of these constraints means that it is a procedural interpretation of justice that dominates for libertarians. This also means that libertarian approaches to justice offer a very narrow range of remedies for injustice because of how it adheres to strict procedural mechanisms while avoiding material redistribution.

Debates of the tradition

This section traces the historical development of libertarianism to delve more deeply into the conceptions undergirding such a narrow theory of justice. It begins by tracing the roots of mainstream libertarianism, focusing on how self-ownership has been so attached to negative liberty. Given the many criticisms of mainstream libertarianism, the section also presents the diverging positions of left-leaning libertarians that counter mainstream notions of appropriation. To understand the direction of travel in the scholarship, we focus on placing the arguments already outlined into a historical context.

Unlike other political ideologies, the narrow basis for justice within libertarianism has led to a relatively underdeveloped theory. This is so as the systematic pursuit of reducing inequalities is not a stated objective of libertarianism. Discourse on what left-leaning libertarianism has to offer mainstream libertarian theories of justice therefore has not been subjected to ongoing theoretical debate and reflection. By examining key concepts historically within libertarianism in what follows, we tease out the commonalities within libertarianism broadly to show where a libertarian theory of justice may be developed which promotes a more socioeconomic sense of equality. We trace three fundamental concepts in particular, that of self-ownership, property and appropriation, to show the difference in thinking among mainstream and left-libertarians.

Self-ownership is an essential concept within right-libertarianism as that is where its theoretical origins largely derive. To the extent that right-libertarianism holds a moral view, the idea that individuals 'own' themselves is an ethical pillar. The notion that individuals own themselves is often traced to Locke's assertion that individuals have properties in themselves. As [Locke \(2016 \[1689\], ch 5, sect 27\)](#) famously stated, 'every man has a property in his own person: this no body has any right to but himself. The labour of his body, and the work of his hands, we may say, are properly his'. According to [Freeman \(2018, p 77\)](#), Locke meant not that persons are property themselves, but rather that a property in oneself means that 'no one is born politically subject to another but that each has upon reaching maturity rights of self-rule'. From this view, Locke provides the essential link to liberty of persons germane to both liberalism and libertarianism. But mainstream libertarians take Locke's claim to self-ownership beyond a right to self-rule. Embodying the mainstream libertarian claim that individuals own themselves is Nozick's argument that individuals are akin to possessions themselves. A 'full' right to self-ownership for Nozick is one where each person has 'a right to decide what would become of himself and what he would do, and as having a right to reap the benefits of what he did' (Nozick, as cited in [Otsuka, 2003, p 12](#)). When taken as an absolute right, Cohen states that the right of self-ownership is the 'fullest right a person (logically) can have over herself provided that each other person also has just such a right' ([Cohen, 1995, p 213](#)). What follows from an absolute property in our person, states [Freeman \(2018, p 76\)](#), is that all individuals 'have absolute power over what we own or acquire consistent with others' ownership rights'. It is this extension of ownership that enables a libertarian right to property.

In that libertarianism sees individual liberty as fundamental, the individual right to property is extended from this by connecting self-ownership rights with rights of private property ownership. For mainstream libertarians, ownership rights must be protected as the most important right of liberty. For, it is through the possession of property that an individual realises their

liberty, by being able to use their possessions for their self-preservation (Locke, 2016 [1689]), as well as to transfer and exchange their holdings for individual benefit. As Narveson (1989, p 71) argues, when we understand ‘liberty as property’, then the libertarian thesis is ‘really the thesis that a right to our persons as our property is the sole fundamental right there is’. Thus, Narveson argues that the libertarian right to property is no better epitomised than in the words of Murray Rothbard, who argued that:

In the profoundest sense there are no rights but property rights. The only human rights, in short, are property rights. ... Each individual, as a natural fact, is the owner of himself, the ruler of his own person. The ‘human’ rights of the person ... are, in effect, each man’s property right in his own being, and from this property right stems his right to the material goods that he has produced. (Rothbard, 1981, p 238)

For mainstream libertarians, the right to property is the right around which all political and philosophical answers revolve. As mentioned, justice is realised when the process of just acquisition and transfer in holdings is observed; a process in which all individuals are not coerced into a mutual exchange of their property or wealth. That liberty is defined by not interfering with an individual’s right to property, however, leaves a complicated if not implausible condition for justice from a mainstream libertarian perspective. Particularly the libertarian view regarding how property has come to be justly acquired historically has not been satisfactorily explained.

Mainstream libertarians contend that holdings are just when the acquisition and transfer of those holdings are legitimate. That is, when an individual is not coerced into transferring their property by someone or thing and when it was legitimately acquired through possession. But how do individuals legitimately acquire property in the first instance which can then later be justly transferred? Many go back to Locke, who argued that a resource becomes an individual’s property when they invest their labour into that resource. The right of the individual to possess that resource becomes a legitimate right to property, a legitimate right to own property in something. This process is just, Locke argued, only when the individual appropriating a given resource does so by cultivating only what they are able to use and no more, so as to leave resources for others. This so-called Lockean proviso justifies an ‘original acquisition’ that, while largely contested today, has also been central to libertarian notions of just acquisition and transfer.

While Nozick himself notes that Locke’s labour theory – which sees the mixing of one’s labour into a resource as the means of coming to own a resource – does not necessarily constitute a right of appropriation, Nozick’s ‘entitlement’ theory nonetheless relies upon the premise of historical acquisition in property holdings as the justification for rights of private

property. Nozick adjusts the Lockean proviso to instead ‘require that no one can be made worse off as a result of use or appropriation, compared with a baseline of non-use or non-appropriation’ of Locke (van der Vossen, 2019, np). Nozick would suggest, like Locke, that the appropriation of property ought to be based only on what one requires. However, if it is found out that other individuals became worse off from an individual’s acquisition, this constitutes an injustice to others’ rights to equally acquire property. The answer for Nozick is that some rectificatory action must be taken to compensate those who are affected by an unjust transaction.

Without further delving into debates over just acquisition, it is worth noting that many within, much less outside of, libertarianism see the historical acquisition of property as, at best, a grey area that remains to be adequately explained. Simply put, the mainstream libertarian view on justice is one maintaining that rights of liberty, property being the primary liberty, are legitimately held and cannot be redistributed by anyone other than the owner. Libertarianism, more so than liberalism, holds that justice is rooted within the protection of negative rights of liberty. By maintaining that rights of property are historically grounded, mainstream libertarianism obscures the consequences of acquisitions on other individuals’ freedom, independence and ultimately equality, by prioritising only the individual right of contract to property (Freeman, 2018). The naturalised process of self-ownership means that some will over time develop different abilities, motivations or inherit different primary goods. Rather than viewing this as something to correct, the libertarian justice framework accepts the natural distribution of these goods over time. The procedure of just distribution within libertarianism, therefore, separates itself from theories of justice which seek to mitigate inequalities in society.

Mainstream libertarianism as understood so absolutely would surely constrain any theory of justice rooted in social equality. But libertarianism is not contained within right-leaning, mainstream interpretations. There exists a range of libertarian perspectives, which to varying extents accept some or almost none of the positions held by right-libertarianism. At the absolute core of any libertarian perspective is that individual liberty is inviolable. Identifying *how* individual liberty is best preserved is where libertarian perspectives diverge. While individual liberty is a priority for right and left libertarians, the range of perspectives on appropriation and ownership differ markedly. What follows is a brief summary of the ways in which libertarian positions differ from the mainstream concerning these concepts.

One can see the range of libertarian perspectives when looking at the differing interpretations of the process of appropriation. The logic of appropriation, the right to cultivate a natural resource thus making it into one’s property, is strongest for right-wing libertarians, a position that moves towards outright rejection from left-wing libertarians. What can

and should be owned is the point of dispute here. Thus, what level of constraints are in place on appropriation is what matters. Somewhat of a middle ground between far right and left positions on appropriation, [Wendt \(2018\)](#) advocates for a ‘sufficiency proviso’. According to Wendt, humans are ‘project pursuers’ who require some level of property to fulfil their pursuits. The sufficiency proviso underscores a ‘practice of private property that ... should be designed in a way that makes sure that everyone has sufficient resources to live as a project pursuer’ ([Wendt, 2018](#), p 172). On the face of it, a sufficiency proviso requires that everyone must have enough to live as a ‘project pursuer’, going against a Nozickean interpretation of the Lockean proviso which leaves individuals without property when others appropriate it first. Similarly to Nozick, however, Wendt suggests that the sufficiency proviso is not a positive right in that it does not require a welfare state. Those who gain unjustly must compensate those who were negatively affected by an unjust acquisition of property, an idea in line with Nozick’s thinking.

Wendt’s sufficiency proviso can then be compared with a further left ‘egalitarian’ proviso. Steiner’s equal shares proviso, for example, argues that all ‘persons have a claim right that others do not appropriate more than an equal share of external resources’ (1994, p 235). [Otsuka \(2003\)](#) and [Vallentyne \(2007\)](#) argue similarly that all individuals ought to have a claim right ‘that others do not appropriate more than is compatible with equality of opportunity’ (cited in [Wendt, 2018](#), p 175). Wendt notes, however, that these more egalitarian provisos conflict with the libertarian position that goes against imposing ‘harsh restrictions on legitimate project pursuit’ ([Wendt, 2018](#), p 176). There is far more debate about what constitutes the appropriate libertarian proviso which cannot be addressed here, but there are a few points worth noting. A left-libertarian position acknowledges that the standard Nozickean position is not sufficient to meet the needs of individuals. This suggests that left-libertarians do not accept that appropriation rights are absolute nor that they are equitable. Rather, left-libertarian critique argues there must be negotiation over how those with few goods are negatively affected by acquisitions and transfers more so than the right-libertarian position affords through the idea of rectificatory compensation. Given that individuals’ rights are preminent for all libertarians, however, it remains difficult to discern a distributive theory of justice which does not violate at least some individuals’ property rights when understood as a liberty right.

As the perspectives on appropriation differ, so too do the justifications for the right to property differ along the spectrum of libertarian thinking. Outside of left-libertarian theories of justice specifically, exists a deep history of resistance to the idea of an absolute right to private property. Libertarian socialists, for example, reject most private ownership, instead insisting that personal property respects the liberty of individuals while avoiding the domination of capitalist property relations which are antagonistic to freedom

(Long, 1998, p 305). The abolition of private ownership over the means of production, a left-libertarian position (Chomsky, 2013), is also related to the abolition of the political authority vested in a traditional state. Different left-libertarian positions accept different levels of relationship with the state. Anarchists reject any state intervention, while strands of socialism accept limited roles for the state. The shared libertarian root of anti-authority stems from a disdain for an unauthorised power of the state to redistribute any personal goods from individuals, a violation of personal liberty. There is of course enormous variation on what state intervention is acceptable within libertarianism making it much too difficult to summarise here.

As far as how left-libertarian thinking on property and the state contribute to thinking on justice, the influences are many. Libertarians see a need for individual control over one's person. That notion that all individuals remain free recognises, if only rhetorically, that all individuals are equal. The protection of each individual's liberty is the means by which libertarianism understands equality. Equality is not to infringe on any individual's rights. While left-libertarian thinking does not offer a substantive theory of justice that right-libertarianism does, left-libertarian thinking remains useful as a foundation for critiquing the clear inequities of the mainstream libertarian theory of justice.

We conclude this section with the key weaknesses raised in debates regarding the cognitive reach and potential of left-libertarian thinking. It lacks voice. Libertarian (or other) scholars are silent on promoting its unique characteristics or engaging in contemporary applied critiques of real-world examples. This first weakness is existential. Justice is an intellectual frontline that most libertarian scholars want to avoid, as to do so would be to acknowledge its importance. A refusal to consider intervention as a means limits its appeal. While raising interesting arguments on individual rights and property, left-libertarian thinking in itself avoids proactivity to such an extent that it becomes ineffectual. Urgings remain too often in the abstract. The absence of a unified theoretical framework results in libertarian justice being questioned on its permissive and productive conditions, purpose and existence. Further scrutiny, and ultimately advocacy, is necessary for its development.

Conclusion

In prioritising equality, mainstream libertarianism seems to offer little by way of equity for a theory of justice. While libertarian arguments related to justice – especially related to the rights of the individual and property – can be imagined as commensurable to, for example, Indigenous concerns with community and the collective, the libertarian reduction of justice to only a question of individual liberty means that much that is central to

mainstream libertarianism would have to be jettisoned in conceptualising just distributions in the context of postcolonial justice or non-human subjects of justice.

By way of critique, however, left-leaning libertarian principles offer needed counter-perspectives against the rigid conception of justice emanating from mainstream libertarianism. To the extent that mainstream libertarian distributive justice shapes the procedures of justice within liberal capitalism today – the protection of individual property over that of equality – left-leaning libertarian perspectives identify what cannot be justifiable within social, economic, political and environmental relations. Following the previously mentioned debates over protection of property and the role of the state, left-libertarianism requires that we rethink how individual liberty be best protected by reconfiguring our relationships with property and of the state.

Like other ‘radical’ traditions critiquing mainstream theories of justice, left-libertarianism offers a few key ideas to consider for what more just relations could look like in the distribution of property, access to procedural justice or recognition justice through the lens of libertarianism:

- A critical assessment of how some property holdings have been unfairly acquired historically and how the protection of unjustly acquired property creates social, political, economic and ecological inequalities.
- A sensitivity to how states arbitrate between rights of property and personal rights of individuals and how the effects of such juridical decisions enable greater social and material inequities for particular groups who have been historically marginalised.
- An awareness of how the natural limits to ecological resources present the notion of an absolute right to property in perpetuity untenable.
- Above all, a left-leaning critique of mainstream libertarianism suggests that there is more than one way to advance a more just set of relationships while protecting individual liberties. A thorough rethinking of how individuals’ rights are not only protected but understood relationally is fundamental to advancing any theory of justice that seeks to move beyond the limitations of mainstream libertarianism.

There is significant diversity within libertarian thinking resulting from key points of convergence and divergence among libertarian scholars and how this forms a libertarian position on justice. The libertarian approach to justice provides much for reflection in regards to tolerance, respect and individual rights. We would urge justice thinkers to consider the implications of the varying positions on this spectrum when thinking through libertarian distributive, procedural and recognitional justice rooted in rights of property and self-ownership.

References

- Berlin, I. (2002) Two concepts of liberty. In H. Hardy (ed), *Liberty*. Oxford, UK: Oxford University Press, pp 167–218.
- Bobbio, N. (2005) *Liberalism and Democracy*. London: Verso.
- Brennan, J. (2012) *Libertarianism: What Everyone Needs to Know*. Abingdon, UK: Oxford University Press.
- Brennan, J., van der Vossen, B. and Schmidtz, D. (eds) (2018) *The Routledge Handbook of Libertarianism*. New York: Routledge.
- Chomsky, N. (2013) *On Anarchism*. New York: The New Press.
- Cohen, G.A. (1995) *Self-Ownership, Freedom, and Equality*. Cambridge, UK: Cambridge University Press.
- Freeman, S. (2018) *Liberalism and Distributive Justice*. Oxford, UK: Oxford University Press.
- Gaus, G.F. (2000) Review essay/A libertarian alternative to liberal justice. *Criminal Justice Ethics*, 19(2), 32–43.
- Hayek, F. (1998 [1976]) *Law, Legislation, and Liberty: A New Statement of the Liberal Principles of Justice and Political Economy*. New York: Routledge.
- Hobbes, T. (1904) *Leviathan: Or, The Matter, Form & Power of a Commonwealth, Ecclesiastical and Civil*. London: C.J. Clay and Sons.
- James, S. (2003) Rights as enforceable claims. *Proceedings of the Aristotelian Society*, 103(2), 133–147.
- Kaufmann, M., Leroy, P. and Priest, S.J. (2018) The undebated issue of justice: Silent discourses in Dutch flood risk management. *Regional Environmental Change*, 18(2), 325–337.
- Locke, J. (2016 [1689]) *Two Treatises of Government*, L. Ward. (ed). Indianapolis, IN: Hackett Publishing.
- Long, R. (1998) Toward a libertarian theory of class. In E. Paul, F. Miller and J. Paul (eds), *Problems of Market Liberalism*. Cambridge, UK: Cambridge University Press, pp 303–349.
- Machan, T.R. (2001) Libertarian justice. In J. Sterba (ed), *Social and Political Philosophy: Contemporary Perspectives*. New York: Routledge, pp 93–114.
- Narveson, J. (1989) *The Libertarian Idea*. Philadelphia, PA: Temple University Press.
- Nozick, R. (1974) *Anarchy, State, and Utopia*. New York: Basic Books.
- Otsuka, M. (2003) *Libertarianism with Inequality*. Oxford, UK: Oxford University Press.
- Rothbard, M. (1981) *Power and Market*. New York: New York University Press.
- Steiner, H. (1994) *An Essay on Rights*. Oxford, UK: Blackwell.
- Tomasi, T. (2012) *Free Market Fairness*. Princeton, NJ: Princeton University Press.
- van der Vossen, B. (2019) Libertarianism. In E.N. Zalta (ed), *The Stanford Encyclopedia of Philosophy*. <https://plato.stanford.edu/archives/spr2019/entries/libertarianism/>

- Vallentyne, P. (2007) Libertarianism and the state. *Social Philosophy and Policy*, 24(1), 187–205.
- Waldron, J. (1993) *Liberal Rights: Collected Papers 1981–1991*. Cambridge, UK: Cambridge University Press.
- Wendt, F. (2018) The sufficiency proviso. In J. Brennan, B. van der Vossen and D. Schmitz (eds), *The Routledge Handbook of Libertarianism*. New York: Routledge, pp 169–183.
- Wendt, F. (2019) Three types of sufficientarian libertarianism. *Res Publica*, 25(3), 301–318.