

Contents

The Capital Structure of Libertarian Production <i>(Jakub Bożydar Wiśniewski)</i>	1
Animal Rights from the Perspective of Evictionism <i>(Walter E. Block)</i>	10
Some Prospects of Libertarian Punishment Theory: Rejoinder to Blasco and Marcos <i>(Walter E. Block)</i>	20
Predicting the Consequences of Perceived Data Privacy Risks on Consumer Behaviour: An Entropy-TOPSIS Approach <i>(Sulaimon Olanrewaju Adebisi, Gloria Amaka Olayemi)</i>	25
The War in Ukraine and a Real Evil <i>(Howard Wettstein, Andrew Schumann)</i>	49

The Capital Structure of Libertarian Production

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Abstract:

The purpose of the present article is to reflect on the intellectual origin of the close relationship between Austrian economics and libertarian philosophy. It suggests that the relationship in question is grounded in the fact that personal liberty and individual initiative, in addition to being significant moral values, are also crucial reservoirs of organizational efficiency and developmental drive. This implies that libertarian values can be disseminated, promoted, and implemented particularly effectively as a result of utilizing theoretical insights of the Austrian school, which is singularly committed to explaining the efficiency-enhancing features of the unhampered market process and entrepreneurial rivalry. In this connection, special attention is devoted to the liberty-promoting potential of Austrian contributions to the fields of capital, entrepreneurship, and the firm.

Keywords: Austrian economics, libertarianism, capital theory, entrepreneurship, organizational science.

1. Introduction

Historically speaking, there exists a close relationship between the Austrian tradition of economic theorizing and the libertarian tradition of social thought. That is to say, adherents of the former are typically sympathizers of the latter, and vice versa. One should hasten to add that this is a contingent correlation, not a necessary causal connection, since Austrian economics is a purely positive scientific discipline, while the libertarian philosophy is a paradigmatically normative scholarly endeavor.

Hence, one might wonder what causes this relationship to be so consistent and pronounced. One promising answer to this question may start with the observation that several important varieties of libertarianism regard individual liberty not only as an end in itself, but also as a crucial prerequisite of human flourishing. Since human flourishing can be defined both in utilitarian and in Aristotelian terms – that is, both in terms of desire satisfaction and in terms of virtue formation – it is no surprise that both utilitarian [13] and Aristotelian [16] varieties of a consistent philosophy of individual liberty have been developed over time. In other words, individual liberty has been

identified in the philosophical literature as an essential source of material prosperity, psychological well-being, and character development alike.

One can easily conclude that none of the above phenomena can be fully actualized in the absence of large-scale social cooperation based on productive specialization and division of labor. This is because human beings are essentially social entities, whose productive potential grows in proportion to their ability to harmonize each other's interests, talents, and capabilities, which, in turn, is possible only insofar as a given society embraces the natural order of personal freedom and strictly protected private property [9].

Unsurprisingly, this is where economics comes into the picture, since, in perhaps its most compelling definition, the discipline in question is the science of cooperation. As such, it is primarily focused on describing the institutional prerequisites and organizational potentialities of concerted human action, thus implicitly studying the requirements and promises of a system of ordered liberty. However, one could make a reasonable argument that it is not just economics, but in particular the Austrian tradition in economics that deduces the whole edifice of laws that govern complex collaborative interactions by investigating the ramifications of unhampered human activity.

In this connection, one has to emphasize that the Austrian tradition (or, for that matter, any other analytically mature school of economics) does not endorse individual liberty as a normatively desirable foundation of a well-functioning society, since this is not the task of positive science. Nor does it study exclusively the workings of those cooperative orders where instances of human action are wholly harmonious – far from it, it devotes serious attention to the counterproductive effects of coercive incursions into the market as well [10]. That being said, it nonetheless makes arguably the fullest and most comprehensive connection between the unhampered pursuit of more satisfactory states of affairs and praxeological phenomena that enhance this pursuit's effectiveness – phenomena such as the competitive incentive structure, the market price system, and the intertemporal coordination of resources guided by unmanipulated interest rates.

Thus, the informal alliance between Austrian economics and the libertarian philosophy becomes eminently comprehensible – without encroaching upon each other's distinctive circles of competence, two important sources of social analysis reinforce each other's conclusions.

In this article, however, I would like to put forward a somewhat less obvious suggestion: namely, the suggestion that libertarian thought can learn from the Austrian tradition not only on the substantive level, but on the instrumental and organizational level as well. More specifically, I would like to propose that the former can be disseminated, promoted, and implemented more effectively as a result of utilizing theoretical insights derived from the latter, in particular those belonging to the areas of capital, entrepreneurship, and the firm.

In other words, I would like to use a specific example to illustrate the more general contention that Austrian economics, in virtue of its perspicacious analysis of the universal logic of action, can also offer useful guidance in the realm of coordinating particular instances of action aimed at accomplishing complex organizational goals. Since boosting the popularity of the libertarian philosophy in a world where much effort has been devoted to subverting our natural intuitions regarding the nature of aggression, self-ownership, and authority [6, chap. 6] can be rightly seen as a formidable challenge, I regard this challenge as a highly suitable illustration of not just the theoretical, but also the practical application of the Austrian tradition.

2. Capital Theory and Organizational Complementarity

One of the cornerstones of Austrian economics is its distinct theory of capital [12]. In contrast with the mainstream neoclassical approach, the Austrians regard capital goods not as elements of a homogeneous blob representable by a single variable in an equation, but as heterogeneous resources that differ in terms of their productive attributes, including, in particular, their specificity and substitutability.

One could make a solid argument that the theory in question is the conceptual common denominator of all the major intellectual achievements of the Austrian school. In connection with the socialist calculation debate, the Austrians never tire of stressing that the essential weakness of socialism is its logical inability to evaluate the relative economic worth not of consumer goods, but of various combinations of capital goods [18]. In connection with the theory of entrepreneurship and the firm, the Austrians emphasize that the gist of entrepreneurial activity – that is, firm ownership – consists in creating, recreating, and otherwise managing productive structures of heterogeneous capital assets [5]. And in connection with the theory of business cycles, the Austrians point to economy-wide clusters of capital malinvestments induced by the artificial suppression of interest rates as the main source of boom-bust sequences [22]. In sum, in the absence of understanding the nature of capital goods as expounded in the Austrian tradition, it is impossible to grasp the reasoning behind any of the major economic insights mentioned above.

It is my contention that the observation under consideration can be extended beyond the purely theoretical context and applied to the field of organizational practice. With regard to the latter, it offers a number of suggestions as to how to address large-scale collaborative challenges successfully. Furthermore, since enacting major shifts in public opinion clearly belongs to the category of such challenges [7], and since expanding the scope of individual freedom through the promotion of the libertarian philosophy evidently entails enacting such a shift, the task in question can be treated as an illustrative case here.

The Austrian insight into the nature of capital goods implies that, just as particular productive assets need to be combined into complementary modules in order to unleash the full extent of their economic value, particular organizational methods need to be similarly combined in order to make the accomplishment of a given goal maximally feasible. To take a simple example, if a company wishes to establish goodwill among its customers, it may avail itself of a range of mutually reinforcing methods, both retrospective and prospective: it may rely on a history of exceptional performance, publicly accessible positive customer reviews, brand recognition, product guarantees, etc. The greater the number of such concurrently utilized methods, the greater, other things being equal, the likelihood of establishing a positive rapport with one's customers successfully.

Similarly, if one wishes to attain a broader cognitive goal – say, learning how to become a prosperous market entrepreneur – one should consult as many relevant sources of knowledge as possible. For instance, one might appeal to deduction in attempting to grasp the economic foundations of entrepreneurial activity, make use of induction in studying specific historical cases of entrepreneurial success and failure, advert to perception in studying the decisions of actual entrepreneurs in their everyday environment, and exercise intuition in making similar decisions as an entrepreneurial novice. Again, the greater the number of epistemic sources that one draws upon, the greater, other things being equal, one's likelihood of addressing a given complex cognitive challenge successfully.¹

Having made the above introductory conceptual remarks, let me proceed to applying this line of argumentation to the specific case of promoting a consistent philosophy of individual liberty. In this context, one often encounters disputes aimed at determining the optimal method of reducing the extent to which initiatory violence is generally regarded as an acceptable foundation of social organization. According to some, independent education should take the center stage here – the kind of education that consistently underscores the ethical self-evidence of the non-aggression axiom, exhaustively highlights the benefits of peaceful social cooperation, and carefully identifies psychological biases and ideological tricks that are routinely exploited to whitewash intuitively immoral acts of institutionalized coercion. According to others, since deeds speak louder than words, it is more advisable to point to successful instances of communal self-organization and entrepreneurial innovation as practical and tangible victories of voluntary social arrangements in the area of solving collaborative challenges. Still others contend that the best way to neutralize the influence of coordinated aggression lies in promoting secessionist and decentralist efforts,

especially insofar as they allow for tapping into local communities' desire for economic, administrative, and cultural self-determination.

In view of the main proposition of the present chapter, the above disputes should be thought of as futile at best and counterproductive at worst. This is because various methods of advancing liberty sketched in the previous paragraph are not only not mutually exclusive, but, much more importantly, they are likely to be relatively fruitless unless they are strategically combined and deployed in a mutually reinforcing manner.

For example, educating others about the wealth-destroying effects of fiat money and central banking can be a tough and ungrateful task if one is restricted to relying on abstract economic theory. If, however, one can supplement one's message by pointing to financial innovations such as cryptocurrencies and the blockchain protocol [3], describing such novelties as modern-day instantiations of the classical gold standard and its inherent fiscal advantages, then one can make one's teachings both more comprehensible and more inspiring. The obvious caveat here is that introducing additional technical complications into one's statements can generate additional explanatory challenges as well, but, especially if one addresses a wide and heterogeneous audience, many of its members may conclude that the greater the overall appeal of the message heard, the greater the intellectual difficulties one should be willing to confront in trying to grasp its contents.

Similarly, expounding the liberty-enhancing features of decentralization, secession, and local autonomy in terms of theoretical concepts such as institutional polycentricity and easily exercisable voice and exit options may be a singularly tall order. However, bringing into the picture concrete historical, contemporary, and speculative examples may put some much-needed meat on the conceptual bones of abstract social philosophy. On the historical front, one can appeal to cases such as that of 19th century Germany and the great scientific and cultural accomplishments of this country made under the then prevailing conditions of decentralist classical liberalism [15], especially when compared with its later unificationist downfall culminating in the totalitarian horrors of the 1930s and 1940s. When it comes to the contemporary scene, one can point to the impressive liberty and prosperity of micronations such as Andorra, Monaco, and Liechtenstein [26]. And with regard to speculative analysis, one can combine the above two perspectives and suggest that a world divided into hundreds of thousands of micronations and other forms of small, purely consensual territorial entities could make the kind of liberty and prosperity enjoyed by Andorrans, Monegasques, and Liechtensteiners a worldwide phenomenon [19].

It is worthwhile to note that method complementarity of the sort described here might crucially determine whether one's overall course of action is liberty-enhancing or the opposite. Trying to organize a successful secessionist movement, for instance, can be motivated by libertarian considerations, but it can be motivated by nationalist statism as well. In the latter case, if secession does in fact happen, the newly established territorial entity may quickly become much more impoverished and repressive than the one from which it broke off. If it subsequently goes bankrupt or otherwise dissolves into economic chaos, its inhabitants may well decide to petition their erstwhile "oppressors" for reintegration, thus giving ideological ammunition to those eager to ridicule the very idea of secessionism and consistent political decentralization. If, on the other hand, would-be secessionists are well-versed in the organizational benefits of the free enterprise system, then, regardless of how cosmopolitan or ethnocentric they may be, they are unlikely to believe that the flourishing of their dreamed-of autonomous community can be achieved by means of restrictionism and other forms of politically enforced patriotism.

In addition to method complementarity, discipline complementarity can also be fruitfully utilized in this context. Philosophical considerations surrounding the non-aggression principle, self-ownership, and inalienable natural rights are doubtless of high importance when it comes to enacting palpable pro-liberty shifts in public opinion, but speculative social theory may not be perfectly digestible for an average layperson. Hence, to increase one's persuasive powers it might be advisable to supplement the philosophical message of libertarianism with relevant insights coming from other scholarly fields.

For instance, in the area of motivational psychology, one may encounter the concept of “flow”, which describes the state of being engaged in a given activity to the point of losing oneself in it while nonetheless remaining highly focused and self-possessed [2]. What is crucial here is that, on the one hand, the activity in question has to be specialized enough to require advanced cognitive and emotional skills to perform it effectively, but, on the other hand, it has to be sufficiently demanding to pose a challenge even to individuals who possess such skills. Now, a promoter of the libertarian philosophy might cogently argue that the state of flow can be entered into only by those who exhibit a liberty-oriented mindset, which emphasizes entrepreneurial thinking and trial and error based training. By the same token, he might justifiably claim that the state of flow can never be entered into by those raised in the spirit of mental enslavement characteristic of the culture of welfare statism [14]. Insofar as having a robust sense of purpose in one’s life and work is rightly seen as singularly important, and insofar as being capable of entering the state of flow can be seen as instrumental to developing such a purpose, respect for individual liberty can thus be identified as essential not just to ethical propriety and economic prosperity, but to psychological well-being as well.

To take another pertinent example, in the field of organizational theory one may encounter the concept of “derived judgment”, which describes the practice of entrusting specifically entrepreneurial tasks to hired managers in the context of complex business frameworks [4]. The idea behind this practice is that beyond a certain level of organizational complexity full-blooded entrepreneurs – defined as firm owners – are incapable of evaluating the performance of their executive employees on the basis of any pre-defined criteria of professional competence. As a result, tapping fully into the productive potential of such individuals may require endowing them with broad discretionary powers over the assets they manage, similar to the ones previously restricted only to firm owners themselves.

In other words, in order to allow large, internally specialized organizational frameworks to run smoothly, it is advisable, so the argument goes, to reduce the degree of hierarchical micromanagement and broaden the scope of personal autonomy within their confines, at least with regard to the workstyle of higher-level employees. However, such an approach can bear fruit only if the employees in question are sufficiently reliable and trustworthy – otherwise allowing them to exercise derived entrepreneurial judgment is bound to generate a particularly dangerous form of moral hazard. Here one might plausibly suggest that social arrangements based on unconditional respect for individual liberty – and its necessary corollary, strict personal responsibility for the consequences of one’s actions – are optimally suited to endowing people with the entrepreneurial mindset needed to fulfill the above role dependably. Thus, internalizing genuine libertarian values over the course of the formative period of one’s life may be justifiably regarded as instrumental to organizational efficiency, especially within highly specialized cooperative environments.

Finally, in the field of risk management one might argue that a maximally decentralized network of independent decision-making centers is uniquely suited to withstanding unpredictable large-scale shocks of a singular nature. Since, by definition, it is impossible to prepare for such shocks, nor is it possible to deploy any standard, universally applicable mitigation procedures when faced with them, the only promising response here appears to be widespread experimentation based on organizational variation. In the aftermath of such catastrophic events, some nodes of the network under consideration may fail, some others may survive, and yet others may flourish, having successfully dealt with the danger and having gained valuable experience along the way. Hence, the overall social system structured along these lines is likely to be not just resilient, but “anti-fragile” [23] – that is, capable of growing stronger under the pressure of stressors, including the unique and unpredictable ones.

For such a system to emerge, however, individual liberty and private property would have to be respected unconditionally so that people could voluntarily segregate into as many independent communities and self-governing administrative units as they might please [24]. If, on the contrary, the process of political unification were to continue up to the point of the establishment of a world state, with the attendant unification of laws, regulations, and emergency measures [8], then the

global economic and social organism would become maximally fragile and susceptible to systemic breakdowns.

To conclude, libertarian inclinations can be best promoted when complementary streams of intellectual capital are devoted to that purpose. And while this principle may apply to fostering the cause of any idea, it is likely that its effectiveness can be particularly impressive with regard to ideas that are multifaceted, interdisciplinary, and ubiquitously relevant, personal freedom clearly belonging to this category.

3. Organizational Success and Institutional Resilience

Another area in which Austrian economics may turn out to be a potent source of organizational insights pertains to the economic and institutional roles of private property. While almost every school of economic thought prides itself on recognizing and underscoring the crucial role of private property in fostering productive incentives and managerial farsightedness, it might be argued that only the Austrian tradition captures the praxeological essence of rivalrous ownership that makes advanced social cooperation not so much effective, but possible at all. More specifically, it points out that it is only the free exchange of property titles to factors of production that can instantiate the intellectual division of labor whereby the contributions of individual market participants to the total economic product can be evaluated in intersubjectively meaningful and quantitatively precise terms.

By the same token, the Austrians demonstrate that the phenomenon that constitutes the primary driving force of the abovementioned process of competitive appraisal – namely, entrepreneurship – is inextricably bound with capital ownership [21]. Since economic calculation is ultimately a praxeological, not a psychological process, and since it necessarily involves speculative deployment of scarce resources, entrepreneurs have to be strictly distinguished from inventors, consultants, educators, thinkers, and other individuals who operate exclusively in the realm of conceptual abstractions. In other words, one might suggest that regardless of the organizational importance of great ideas, sound advices, and heroic statements, it is entrepreneurship that serves as the essential bridge between word and action in a world of limited goods and uncertain outcomes [25].

The above observation applies to all kinds of entrepreneurial ventures, including those that are sometimes especially dignified by being designated as “non-commercial”. While, strictly speaking, this is an incorrect term here, since all instances of peaceful social cooperation are grounded in broadly understood commercial values – namely, the consensual exchange of scarce goods and the pursuit of psychic profit – it might be agreed that some of them appear particularly disinterested in virtue of their sheer intellectual ambition. Projects aimed at causing substantial shifts in public opinion are typically seen as belonging to this category, and perhaps this is at least partly why institutions that orchestrate them are traditionally referred to as “non-profits”.

This, again, is an inaccurate term at best, since no non-coercive institutions can operate on a profitless basis – unless they are able to generate the revenue necessary to cover their operational costs, they eventually have to cease their activities. The popular impression that such entities are insulated from “mundane” economic considerations is most likely the result of the fact that their intellectual beneficiaries need not be their economic benefactors. The process of reciprocal value creation assumes a more circuitous form in such contexts – the form whereby economic benefactors support a given entity insofar as they regard it as capable of genuinely satisfying its intellectual beneficiaries. In other words, idea-driven “non-profits” must ultimately strive to satisfy their indirect customers – thus, they, too, clearly need to follow the strictures of economic calculation, but its “roundabout” character saddles them with an additional layer of uncertainty.

This realization allows for disabusing oneself of the notion that successes in the realm of ideas are outgrowths of purely “spontaneous” undertakings, understood as cases of viral dissemination of novel insights crafted by creative geniuses and propagated by enthusiastic volunteers. While a touch of genius supplemented with copious amounts of intellectual enthusiasm may be regarded as necessary conditions of such undertakings being successful, they are

nonetheless not sufficient. This is because, as indicated earlier, intellectual entrepreneurship is, organizationally speaking, at least as demanding as its straightforwardly “commercial” counterpart. In fact, on account of the former’s characteristic feature described above – the roundabout relationship between customer satisfaction and monetary gratification – it can be justifiably seen as even more demanding.

Hence, it becomes clear that successful intellectual entrepreneurship requires professional organization, which implies that think-tanks and other idea-driven institutions must be considered as firms in their own right. As such, they need to possess their own capital structures of production, command their own qualified and reliable staff, and oversee their own carefully planned educational and promotional projects [20].

Furthermore, it appears that building such an institutional background is particularly vital for libertarian establishments. The reason for this is twofold. First, professionalization and organizational efficiency enjoyed by such intellectual outlets testifies to the practicality of purely voluntary, consensual, and liberty-driven administrative arrangements. More specifically, it indicates that unconditional respect for individual liberty is both a sound principle of managerial success and a reliable incentive for excellent performance. And second, possessing one’s own operational infrastructure is crucial in disseminating ideas that, due to their character, may be actively opposed and even repressed by political regimes and their corporate allies [17]. Phenomena such as online deplatforming and other forms of “soft censorship” are among the clear examples of the necessity of owning physical technological assets in the context of maintaining uninterrupted informational presence in physical and virtual space alike. By the same token, they highlight the fact that no matter how noble, insightful, and beneficial certain ideas may be, their purely spontaneous dissemination can be easily overwhelmed by concerted efforts at suppression, vilification, and caricaturization.

In sum, setting up and skillfully managing a well-organized and well-funded institutional framework is an essential prerequisite of being a successful intellectual entrepreneur. However, even having deeply internalized this truth, liberty-minded educators and promoters have still further managerial challenges to address. Chief among them is perhaps the one having to do with charting a healthy middle course between ideological authoritarianism and petty sectarianism.

Thus, on the one hand it is imperative that libertarian organizations reject all attempts at coalescing into a single ideological front, let alone into a unitary operational structure. This has to do both with formal and substantive reasons. On the formal side of the issue, libertarians should be particularly conscious of the inherent dysfunctions of sprawling command-and-control systems, in particular of their inability to respond effectively to local organizational challenges and to engage in sound economic calculation [11]. Likewise, on the substantive side of the issue they should be especially aware of the unique power of centralization to sap the potential of proactive individuals to promote constructive causes. In other words, establishing a unified institution for the furtherance of libertarianism would be something of a performative contradiction – the emergence of an entity whose supposed ability to leverage administrative economies of scale actually undercuts the integrity of its core mission.

On the other hand, however, libertarians should be wary of losing the clarity of their message in misguided attempts at appealing to every self-proclaimed “marginalized group”. One of the main selling points of the libertarian philosophy is that it is perhaps the only truly “thin” sociopolitical doctrine – i.e., one that is compatible with practically every comprehensive normative worldview that is grounded in consensual acceptance [1]. Consequently, whoever aims at “thickening” the message of libertarianism runs the risk of creating a sect that is more likely than not to engage in mutually destructive ideological conflicts with other self-identified adherents of this philosophy over the appropriate understanding of its contents. This necessitates that intellectual entrepreneurs committed to the cause of individual liberty avoid the siren song of edgy radicalism capable of attracting the attention of various fringe groups at the expense of alienating the majority of regular people otherwise sympathetic to the message of purely voluntary social cooperation.

In sum, establishing and maintaining a well-functioning institutional framework for the promotion of libertarian ideas requires navigating the tension between decentralized organizational diversity and overarching intellectual consistency. Thus, combined with the previously discussed necessity of engaging in “roundabout” economic calculation characteristic of “nonprofit” management, it amounts to a considerable and in many ways unique administrative challenge. It is to be hoped that Austrian insights into the nature of private property and the functioning of the firm can help guide liberty-minded intellectual entrepreneurs on the road to meeting this challenge successfully.

4. Conclusion

Austrian economics, though a tradition of a purely positive science, turns out to offer numerous noteworthy observations capable of facilitating the quintessentially normative task of enacting major changes in public opinion, especially insofar as the promotion of intellectually abstract and morally demanding ideas is concerned. Since libertarian ideas clearly belong to this category, one might argue that the observed close relationship between Austrian theorizing and libertarian advocacy is, at least in some measure, grounded in the fact that personal liberty and individual initiative, in addition to being significant moral values, are also crucial reservoirs of organizational efficiency and developmental drive. In this article, my goal was to point out that the analytical cross-fertilization between the abovementioned two disciplines has much to offer in terms of exploiting these reservoirs to the fullest, including most importantly their administrative and managerial dimension.

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Notes

1. One should keep in mind that this is much more of a heuristic rule than an exceptionless principle, since many cognitive problems are narrow and specialized enough not to require the use of multiple sources of knowledge. Solving even very complex mathematical problems, for example, may require nothing more than exhaustive deduction. Furthermore, in any given case the relative importance of each relevant source of knowledge may differ.

Animal Rights from the Perspective of Evictionism

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Abstract:

In this paper, the conception of Anthony J. Cesario about the philosophy of animal rights is critically reviewed. His approach is a valiant effort to defend the philosophy of animal rights. He is a moderate on this matter, offering all sorts of compromises. He applies an unusual insight to this matter with using the libertarian doctrine of evictionism.

Keywords: philosophy; libertarianism; law; animal rights; evictionism.

1. Introduction

The conception of Anthony J. Cesario in respect to animal rights was presented in [6] and it is worth reviewing from different perspectives. It is brilliantly written, addresses a crucially important subject, and makes just about the strongest case for animal rights ever written. However, I deviate from this author in his conclusions. The present paper is then an attempt to correct what I see in the reasoning of this author.

Cesario starts off on the right foot. He clearly demarcates the views of Murray N. Rothbard [16], Hans-Hermann Hoppe [16] and Walter E. Block [4]; [5] to the effect that the case for animal rights is flawed. There will be no straw man arguments in Cesario's sights, nor any passing of ships at night. At the very least, we will together, Cesario and I, reach real disagreement.¹

In Section 2 of this paper we consider Cesario's case for animal rights. Section 3 is given over to a criticism of it. The burden of Section 4 is to analyze the contribution to this debate made by Huemer. In Section 5, 6, and 7 we consider Cesario's views on, respectively, aliens, evictionism and children. We conclude in Section 8.

2. Cesario's Case

Cesario² begins his support of the animal rights position by slightly modifying the important contribution of Thomas Raskin [14]. The results are three critiques:

1. "Block assumes from the outset that the human-animal division is legally significant, even though that division's legal significance is the very thing that Block needs to prove" [6, p. 39].
2. "Block seems to make the inappropriate assumption that individuals have rights if and only if they belong to a species that can articulate a sincere respect and desire for rights" [6, p. 39].
3. "Block pays inadequate attention to sentience when determining who has a right not to be tortured" [6, p. 39].

3. Critique of Cesario

Let us consider each of these points in turn. As to the first, this could easily be turned around. To wit Cesario and Raskin "assume from the outset that the human-animal division is *not* legally significant, even though that division's legal significance is the very thing that Cesario and Raskin need to prove" [6, p. 39]. These two authors in effect accuse the denier of animal rights of arguing in a circle. But the same charge can be leveled against their hypothesis. Upon which side should the burden of proof reside? Upon theirs. For, if their thesis were correct, that all animals have rights, there is no reason to be a "sizeist," e.g., to think that only cute and cuddly animals, such as deer and cows, dogs and cats, have rights. This should also apply to insects and other creatures so small that they can only be seen with a microscope. Yet, we vicious humans kill, nay, murder, zillions of them practically every second, whenever we walk outside and step on them or inhale them. If we refrained from so doing, all humans would die, and thus the need for libertarianism would be ended; again, if animal rights were taken seriously – pursued to the logical conclusion of this argument. Cesario might think animals have rights, but, surely, not even he would acquiesce in the notion that they are capable of engaging in philosophical discourse.³ But with all human beings deceased, this issue could not arise. So if there are any circular arguments going on here, they would appear to emanate from his side.

Second, to the contrary, "belong(ing) to a species that can articulate a sincere respect and desire for rights" [6] is crucially important for deserving and bearing rights. Animals don't respect each other's rights. The lion kills the gazelle. No one, not even the most fervent animal rights advocates, would charge the king of the jungle with murder. Yet, if they were serious about their stance, they would be logically obligated to do just that.

Third, sentience. This applies, only, to torture, not to humane⁴ killing, and thus rights. It is possible that animals do not have the right to not be killed, and, yet, the right not to be tortured. Thus, this issue is somewhat adventitious to the subject now under consideration.

4. Huemer's Case

The next point on my critic's list stems from Huemer [9, p. 44]:

Block makes no effort to explain why species classifications are morally special but not genus classifications, race classifications, hair color classifications, or any other grouping – nor, indeed, why the moral rights of an individual would depend upon a grouping of that being with any other entities at all, rather than on the actual characteristics of that individual.

Further, Huemer opines:

Block invites us to take land ownership as the model for all rights. But land ownership certainly does not work in the way that Block and Rothbard require: I do not own a plot of land because I could homestead it in the future, or because someone else homesteaded it, or because other members of my species homesteaded other things. The way homesteading works is that the individual who actually homesteads a plot of land acquires that specific plot of land and nothing else. So again, on the homesteading theory, there is no basis for infants or severely disabled humans to have any rights. The idea that they have rights because they might homestead something in the future or because other conspecifics have homesteaded other things is a non-starter [9, p. 44].

But this is a disanalogy. There is all the world of difference between how we get to own ourselves,⁵ and how we get to own inanimate land. It can be expressed by the following joke: “Do you know the difference between a bathroom and a living room? No? Well, then, don’t come to my house!” The differences between living rooms and bathrooms are pellucidly clear to all. However, the same exact situation pertains to land and self-ownership. They are entirely different. It is illicit, as per Huemer, to infer that what is true of the one is necessarily true of the other.

5. Aliens and Their Rights

In the section of his paper “4. Arriving at a Crossroads” Cesario [6, p. 41] comes up with a very powerful argument against the Rothbardian position, the latter of which I support. Cesario writes as follows:

Consider, for instance, that alien life is discovered on another planet. Suppose further that this alien life has the exact same features as humans do. The only differences are that for some reason they do not have human DNA and, as a species, they are all intellectually disabled, meaning that they lack the ability to petition for their rights. To be clear, this alien species is not a part of the human species even though they look and act identical to them [6, p. 41].

According to the Rothbardian view of animal rights, while it would be completely illegal to abuse and torture intellectually disabled humans since they are a member of the human species, it would be perfectly legal to abuse and torture the alien creatures who look and act exactly the same as the intellectually disabled humans merely on the grounds that they evolved separately on a different planet and consequently have different DNA. Why, though? On what grounds, qua libertarianism, does membership to a particular species grant individuals rights, especially when those individuals may never be able to petition for rights or respect the rights of others themselves? Such a distinction does not appear legally significant, qua libertarianism [6, p. 41].

This is a strong critique indeed. Our heartstrings tug at the prospect of these quasi, demi, semi human like creatures being abused. However, the opponents of animal rights are not without a response. It is this: In the future, robots will be manufactured to look just like us. Mannequins, especially very expensive ones, already do. We may of course still abuse them in any way we wish, legally, from a libertarian perspective. The point is, Cesario’s “humans” are nothing but flesh and blood robots, or mannequins. They are no more really human than are these man-made objects made out of ceramics and clay, or metal and wires. We should get over our squeamishness about “mistreating” these human look alikes just as we would now have no compunction about physically abusing a robot or a mannequin.

Cesario's next sally in favor of animal rights concerns the continuum problem: "It consequently calls into question the assumption that being a part of a species that can articulate a sincere respect and desire for rights is what grants a species legal rights and it suggests that the issue is a 'continuum problem,' which means that the answer cannot be determined qua libertarianism."

Again, he sets up a strong bulwark in favor of his position. He is entirely correct in his claim that when the continuum problem arises, "the answer cannot be determined qua libertarianism."⁶ For example, you can infer, deduce and reason from the basic non aggression and private property rights foundations of libertarianism as much as you want, and you will not arrive at a proper and unambiguous statutory rape age. It is 15? 16? 17? 18? Somewhere in there perhaps, but if you are expecting libertarian theory to pinpoint an exact age, you will be sorely disappointed.

But there is simply no continuum for this author to utilize when it comes to animal rights. There is such a gigantic gap between *homo sapiens* and the next most intelligent species⁷ that there is simply no continuum problem. However, we will concede to Cesario that if these other species doubled, or tripled, maybe quadrupled in intelligence,⁸ then, indeed, there would be a continuum problem. Then, but only then, would there be a difficulty in claiming that a red line can justifiably be drawn in the sand, and on one side there are rights bearing species, and on the other, there are none. But that is for another day. For the present, relying on the continuum issue to support animal rights is to depend upon a weak argument.

6. Evictionism

Next in the batting order is this claim [6, p. 42]: "... it could still be legal to abuse, torture, and kill animals even if it's given that animals have legal rights, then such an approach would make the analysis 'more logically robust.'" This much cannot be denied. Cesario attempts to make good on this claim in his section 5. "A Primer on Evictionism" by relying upon the evictionist theory of abortion.⁹

One difficulty with his analysis is that he mis-states the evictionist position. Cesario [6, p. 42] describes it as follows: "... despite assuming that life begins at birth, the evictionist view ends up supporting the pro-choice position related to it being legal for a woman to remove an unborn baby from her womb at any time during the pregnancy for any reason even though the child in the womb lacks mens rea..." This is wrong for two reasons. One, evictionism posits that human life begins not at all "at birth." Rather, it starts at the fertilized egg stage. Two, evictionism does not at all "end ... up supporting the pro-choice position." Rather, it explicitly rejects not only the pro-choice position, but also the pro-life position [2].¹⁰

Cesario then utilizes libertarian child-care rights, forestalling, stem cell research and trespass, which he brilliantly and accurately renders, to apply to the point at issue, animal rights. It is in his section 8. "Tying It All Together: Application to Animal Rights" that the denouement occurs. Let me say at the outset that I think this is the most ingenious attempt to rescue animal rights from its critics I have ever read, but, that, ultimately, it fails.

He [6, p. 46] starts this section of his paper as follows:

How does all of this relate to animal rights? First off, much like the way that the theory of evictionism stipulates that life starts at the moment of conception, the compromise in this paper will assume, for the reasons mentioned earlier, that animals are included under libertarian legal theory and consequently have the same rights as non-rational humans such as infants or the intellectually disabled. This is one point in favor of vegans. To be clear, this means that animals own themselves, at least partially; people do not own animals as property and therefore cannot legally violate their negative rights. Despite this, people can come to homestead ownership of the trustee or guardian role for particular animals by

caring for them. If, however, a person stops caring for an animal, then they forfeit ownership of their trustee role, meaning that someone else can come in and, by caring for the animal, become the guardian of it. As long as there are people who want to care for particular animals, it would not be legal for individuals to abuse, neglect, or starve those animals since doing so would make them guilty of forestalling.

One minor problem with this is that Cesario misconstrues the role that compromise plays in evictionism. In his view, it is a crucial aspect of that philosophy. But a more correct exegesis of it is that it is merely superficial. Yes, things work out nicely for evictionism in that it is a compromise between the pro-life and pro-choice perspectives, but this is only accidental. It is only the way the cookie happens to crumble. The essence of evictionism is that it is congruent with the libertarian theory of property rights. The woman, not the fetus, is the proper owner of the premises under dispute, namely her womb, and thus the latter just happens to be a trespasser.

A more serious difficulty is that Cesario applies forestalling where it does not belong. He argues in a circular manner; assuming as true the very issue under disagreement: that animals do indeed have rights. He avers they are helpless, true enough, and therefore akin to babies or needy adults, which is not at all the case. It only logically follows that our brothers of field and stream should be treated on the basis of forestalling if they have rights in the first place, and this author has not established that they do.¹¹

Yes, I do indeed regard it as “one of the greatest weaknesses in libertarian theory” that under its aegis we are unable to declare animal torture¹² a crime, as Cesario mentions. Every fiber in my being cries out in anguish against people are so vicious, so depraved, so nasty, as to conduct themselves in this evil manner. I am indeed mortified and proud of it that this is not considered illegal under this philosophy. I am sorely tempted to renounce libertarianism in this one instance. But, as a social scientist, and a would-be philosopher, my job is to weigh and assess libertarianism. And I cannot see my way clear as to condemn this wicked behavior as a crime under this perspective, Cesario’s important efforts notwithstanding.

Our author is entirely accurate in transposing the correct libertarian view of children onto animals when he asserts that “... a property owner would be legally justified in ending the life of an animal that is currently on their property in a situation where nobody else wants to take care of the animal because, in that case, using lethal force would be acting in the gentlest manner possible consistent with stopping the violation of rights” [6].

But this claim is only valid if there is no libertarian distinction to be made between beasts and helpless humans. It is my viewpoint that he has not successfully defended this position.

What about medical research on wildlife, so as to cure cancer, stroke, heart disease, etc. Again, Cesario very cleverly utilizes the forestalling argument to maintain that this could only be done, licitly, if “Similarly, under the compromise position in this paper, it would also be legal contingent on the fact that no one else wants to care for the animals in question. If someone wants to care for the particular animals, though, then they would get priority over them.” But this fails for the same reason: the major premise, that children, or fertilized human eggs, have the same rights as beasts is unproven.

7. Children and Their Rights

Cesario [6, p. 49] is unafraid of reductio *ad absurdum*; I find it admirable that he sticks to his logic no matter how unexpected, not to say peculiar, are the results. Here, he is likening animals to (human!) children, and does not at all even shy away from equating them:

Next, consider the implications of this compromise if courts were to draw the line at larger predator and prey mammals. Since all of these animals would, by stipulation, have legal

rights, *the predator and prey would both be thought of as children under the law*. Not as long as there are others who want to care for the child being killed and eaten. Similarly, it would not be legal for one mammal, such as a lion or wolf, to kill and eat another mammal, such as a gazelle or deer, as long as there are people who want to care for the prey of the other animal. A mammal that kills and eats one of these animals which someone else wanted to care for, then it would be guilty of a negative rights violation as well as forestalling, their lack of mens rea notwithstanding. In addition to that, trustees who allow one of their animals to kill and eat other animals which they're the guardians of would similarly be guilty of a rights violation as well as forestalling (emphasis added).

This is indeed a compromise of sorts and I appreciate that. But it is not a principled one, based on rights.

Cesario [6, fn. 54, p. 64] is not loath to stretch the bounds of credulity, and, again, I admire him for his intellectual courage. He goes so far as to bring into his ethical analysis, of all creatures, vampires: "If there was a vampire species that could only survive by sucking the blood out of living humans, it would not be legal for those vampires to aggress against others and involuntarily suck their blood out of necessity. If they end up going extinct as a result, then so be it."

But this seems unduly harsh against our brother species, the vampire. What happened to his penchant for compromise? Can we not just all get along together? Surely, some humans should be sacrificed to our fellows from this biological category? After all, apart from that relatively minor detail of blood, they are otherwise very human-like. Do they not bleed, if scratched? After all, if rats have rights,¹³ why not vampires? The latter are on two legs and resemble us humans far more than rodents.

But our author [6, p. 50] goes further than this, much further:

Moreover, consider the even more extreme case of plants and vegetables. Would the compromise position still hold up if it was insisted, even if only to test out the limits of this theory, that these living organisms would likewise be protected by the law just like germs, insects, animals, and children? Certainly. While it may seem absurd at first, such a radically fringe view of life would not necessarily pose any problems to the theory. To clarify, just like with all of the other living organisms, what would matter would be whether or not there are more individuals who want to care for the plants and vegetables than there are existing plants and vegetables.

Again, his adherence to carrying through, logically, on a theory, no matter where it leads him, is admirable. However, even Cesario admits this exercise "may seem absurd." One wonders then, why he did not "check his premises"¹⁴ and rethink whether or not an illogical, irrational conclusion, coupled with impeccable logic, does not imply some flaw in the basic premise.

Rothbardians and Cesarions do not diverge as regards cannibalism. The former would certainly allow voluntary cannibalism, where the only way most of the group can survive is by eating one of their own, and they all agree to draw lots, fairly, to see who is sacrificed in this manner. The latter points to an extreme case, as is his wont, and discusses justice in the situation where there is overpopulation, and there is no place for a person to go, without necessarily trespassing on someone's land. Then, too, this practice would be allowed, if no one is willing to rescue such an individual.

The author of the paper [6, p. 52] under examination makes a valid point when he writes:

Given that it could be possible to kill and eat livestock and game animals under the theory presented in this paper, the main difference between the two views is essentially related to whether or not people can torture or sexually abuse their own pets if others are willing to

care for them. Under the Rothbardian view, doing so would be legal whereas under the compromise position, such acts would be criminal animal abuse.

However, this is not at the expense of Rothbard, who would not prohibit by law any interaction whatsoever between pets, livestock, and their owners. Rather, it shows the hypocrisy of those¹⁵ who would allow legal slaughter of animals but shrink from allowing these other types of abuse. The libertarian position on this is clear: either you own the fauna in question or you do not. If you do, you may treat them exactly as you wish; if not, then of course, not.

When he talks of the tide shifting, Cesario makes yet another insightful and incisive contribution to libertarian theory. He [6, p. 62] avers:

... in the distant future, it's entirely possible the tide shifts and the people in favor of animal rights get their way and consequently make it illegal to kill and eat animals even if no one else wants to care for them. In this type of situation, the non-vegans would ultimately lose the battle since they wouldn't be able to abuse or kill any animals, even their own. Under the compromise position, though, non-vegans would be in a much better situation. Specifically, if the compromise was adopted, then in the future situation just described, the non-vegan people would at least be able to consume animals that no one else wanted to care for rather than not being able to consume any animals at all.

This is similar to an understanding in an entirely different context. Under laissez faire capitalism there is room for voluntary socialism, of the variety "from each according to his ability, to each according to his need." That is, communes, homeowners associations, kibbutzim, condominiums, etc., would be allowed in the free market system. However, the inverse does not hold. With more traditional socialism, in which the government owns all the means of production, there would be no room at the inn, at all, for any free enterprise whatsoever.

Cesario [6, p. 53] offers a very powerful argument against one criticism of animal rights. He states:

A third possible non-vegan objection that could be brought up is that this compromise grants rights to animals that they are unable to reciprocate. Specifically, Block has argued, "The problem with this more "humane" system is that if adopted, we humans would be granting to mammals, for example, more rights than they, in turn, accord to the creatures upon which they prey. To take but one example, the cat tortures the mouse, playing with it, not putting it to an immediate and relatively painless death. To prohibit by law abusing cats would be to grant to them more rights than they offer mice" [14, p. 90].

Continues this author [6, p. 53]:

This objection (of Block's)¹⁶ fails, however, for multiple reasons. First, even the traditional Rothbardian view grants rights to individuals who are unable to reciprocate those rights, such as the severely intellectually disabled. While they may belong to a species that has other members that can petition for rights and respect the rights of others, that doesn't change the fact that they cannot reciprocate whatever rights are granted to them.

Second, as established earlier, granting rights based on the ability to reciprocate the respecting of those rights does not appear to actually follow from the NAP and private property rights. Instead, it is more of a continuum problem.

Third, while some cats may torture some mice, that doesn't mean that other cats that haven't ever tortured mice don't have any rights. If a particular cat has never tortured or killed another mouse, then this objection doesn't apply.

Fourth, under the compromise presented in this paper, if the courts granted rights to both cats and mice, then any cats that torture or kill mice would be treated the same as any child or intellectually disabled person who tortures and kills another child or intellectually disabled person. In other words, just because some animals may not respect the rights of others doesn't mean that those animals, or the trustees of those animals, cannot be held accountable for violating the rights of others.

Cesario offers four important and compelling points. Each of them is true; they all are incisive. Yet, my claim is that my original point, still, has not been refuted. Despite the undoubted power of his four critiques, it is still the case that there remains an anomaly in the animal rights position: advocates of it want humans to stop torturing animals, even though some animals, not all of them to be sure as Cesario points out, engage in that selfsame horrendous behavior.

As to the first of these four critiques, yes, "even the traditional Rothbardian view grants rights to individuals who are unable to reciprocate those rights, such as the severely intellectually disabled." But I fail to see why this accurate statement demonstrates that what is being asked on behalf of cats establishes its justification.

As to the second, certainly it is within the "penumbra" of libertarian theory to demand of rights bearing entities that they at least be able, at some point in their lives, or be a member of a species that can do so, to respect the rights of others. Can this be said of insects, rodents, even mammals? No. Even if a dog never bites, nor a cat scratches, is it not because they are "respecting rights." That would imply mens rea on their part; such that if they failed to do so, we would hold them guilty of a rights violation. Not even animal rights advocates hold cats guilty of torturing mice. Rather, that is just their nature, it would be agreed on all sides of this debate.

As to the third, regarding the "particular cat" who has never tortured a mouse, even assuming he has found himself placed in a position to do just that, still, it cannot be to his "credit" that he has refrained. He does not know right from wrong; he has not resisted wrongful action, even though he would have liked to indulge. He is simply not capable of any such thought process. People are. Not all of us. Hitler and Stalin and Mao failed this test. But at least they failed. Cats did not fail this test. They are incapable of even taking this examination.

As to the fourth criticism, Cesario likens a child who kills another child to a cat that slays a mouse. Yes, it cannot be denied, there is a similarity; both terminators lack mens rea, at present. But that is where the difference ends. The healthy child, but not the cat, will grow up with this ability.

8. Conclusion

Reading and responding to Cesario has been an exhilarating experience for me. In so doing, I am struck that I am in the presence of a first-class mind, with practically a limitless imagination, and courage to match. If anyone could make the case in behalf of animal rights, it would be this author. Unhappily for the animal rights position, even he cannot be fairly said to have succeeded. I regard the case for animal rights as roughly akin to the argument that the earth is flat.

Why, then, have I "wasted" so much verbiage in an attempt to refute Cesario on this matter? It is due to the fact that this is just about the best attempt in this regard I have ever read, and thus deserves repudiation. Along the way he has made important contributions to legal philosophy. His attempt to apply the insights of evictionism to this case is nothing short of magnificent. Cesario's analysis of child-care rights, forestalling, stem cell research, mens rea, positive and negative rights, trespass,

punishment theory, defense, invitation, law versus morality, obligation, the lifeboat situation, are superlative, not so much intrinsically; these are all grist for the libertarian mill. Rather, this honorific is due to the fact that he applies these concepts in totally uncharted waters, animal rights. This is never before been done, and Cesario does it in an unsurpassed manner.

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Notes

1. This is no mean accomplishment. All too often, “debates” in law and philosophy are exercises where each side pretty much ignores the views of the other.
2. All mention of this author, unless otherwise indicated, will refer to this one article of his, Cesario [6].
3. Only Gary Larsen would go this far! https://www.google.com/search?q=gary+larsen&sxsrf=APq-WBvd8OrjQ5A7iZ3wgm-DLcJ6dz4QHg:1643430001686&tbm=isch&source=iu&ictx=1&vet=1&fir=B8z5gECiKRyW8M%252CB27Aijl64Z4eAM%252C_%253BczMvi4OnINf-yM%252CKaGQbBuwBBGnbM%252C_%253BSUNBKm-2D4hpVM%252CYQ9eEiPwmc6EIM%252C_%253B9zjYMhskgLy1kM%252CB27Aijl64Z4eAM%252C_%253BrKmgQkE2qMzkEM%252CWkGgoDxBshZ1tM%252C_&usg=AI4_-kQZtuLU8w_i9iCOAgd_JuehMz9aIQ&sa=X&sqi=2&ved=2ahUKEwi2odrrjdb1AhVpAWMBHYqLCSMQ_h16BAg9EAE#imgrc=SUNBKm-2D4hpVM
4. Animal rights advocates might object to the use of this word in this context.
5. For libertarian discussions of this highly complex issue, see [1]; [7]; [10]; [11, p. 353-544]; [12]; [16]; [18, pp. 242-24]; [19]; [20]; [20]; [22]; [23]; [24]; [25]; [27].
6. See on this Block and Barnett [3].
7. What are they? Pigs? Dolphins? Chimpanzees?
8. They would also have to improve in other aspects we associate with a civilized order: compassion, ability to see the other persons’ (ok, ok, entities’) point of view, morality, fairness, mens rea, etc.
9. See Block [2].
10. On the other hand, Cesario’s is an entirely accurate rendition of this position when he states: “In other words, a pregnant woman may evict the unborn baby from her womb, according to libertarian legal theory, but she may not unnecessarily kill it.²³ This is because the unborn baby, by being an unwanted occupier of another person’s property (the woman’s womb), is a trespasser (albeit one that lacks mens-rea, otherwise known as a guilty conscience) and libertarianism permits individuals to use any means necessary, up to and including deadly force, to put an end to a rights violation such as trespass.” Does this mean that the mistake mentioned in the text is no more than a typographical error on his part? That is my strong suspicion, based on his further description of this theory. This is further demonstrated by this explicit statement of his: “... according to the theory of evictionism, it is stipulated that life starts at the moment of conception.”
11. Nor has anyone else, including [8]; [9]; [13]; [14]; [15]; [17]; [26].
12. Here, we are not talking about uncaring, even cruel, “industrialized farming” or even dog or chicken fights. We are discussing disgusting things like burning animals alive.
13. Writes Cesario: “... suppose that someone’s house becomes infested with rats and the courts have drawn the line for legal rights to include small rodents in addition to large mammals. According to the compromise presented in this paper, each of those rodents would be assumed to be rights bearing creatures, which means it would not be licit to aggress against them as long as others want to care for them.” Ditto for germs and insects, even down to microscopic size in his view: “According to the compromise position presented in this paper, they would all likewise have legal rights similar to other animals, children, and the intellectually disabled.”
14. This is a favorite saying of Ayn Rand.
15. Most of us, to be sure.
16. I have added the material in parentheses for clarity’s sake.

Some Prospects of Libertarian Punishment Theory: Rejoinder to Blasco and Marcos

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Abstract:

Libertarian punishment theory was initially articulated by Murray N. Rothbard and Walter E. Block. It was broken down into four separate stages. To a great degree, this theory was accepted by Eduardo Blasco and Davie Marcos. However, they maintain it is in need of some slight adjustments and improvements, mainly dealing with the interest rate. The present paper claims their suggestion while valid, is unnecessary, since this theory already incorporates that element, at least implicitly.

Keywords: capture costs; scaring; interest rate; compensation; libertarianism; punishment; law; use of force; violence.

1. Introduction

There is a valuable review written by Eduardo Blasco and David Marcos [1] about libertarian punishment theories. These authors announce that “the aim of (their) paper is to review the current literature on libertarian punishment theories, contribute to Murray N. Rothbard and Walter E. Block’s [2];, [3]; [4]; [5]; [6]; [7]; [8]; [10]; [14] theory, and determine what represents a limit to this theory that future work will have to solve, and a limitation that is inherent to any libertarian punishment theory” [1, p. 83]. One main “limit” that they see concerns the failure of this theory to incorporate the interest rate; and time preference. My overall reaction is that the theory is fine as is, and that while, to be sure, it does not mention interest payments, this is implicit and thus already incorporated.

First, what is this Rothbard, Block theory? It is an attempt to set the limits on what may be imposed upon the criminal who has violated his rights. Let us exemplify this as follows: Posit that *B* has stolen a car from *A* and has now been captured by the forces of law and order, whoever they are.¹ The short-hand version of this theory is that *A* may now impose upon *B* two teeth for a tooth, costs of capture, and scare him. The first “tooth” is that *B* must hand back that automobile which he stole from

A. If he has destroyed it in the interim, he must give A his own vehicle, assuming that the two of them are of equal value. The second “tooth” is that what B did to A must now be done to him, B. Since B relieved A of a car, the same must be done to B. That is, B must give A his own automobile, or an equivalent monetary value.² The third element of legitimate punishment for B, that miscreant, concerns costs of capture. If, immediately upon taking A’s car B returned it to him, and/or drove to the police station reporting his own crime against A, then there would be no such charges laid against him. However, if it took five years and the efforts of 10 men to find him, B is in hock for that amount, also. Fourth is scaring. When B imposed upon A in that manner, he scared him. We must now do the same to B. How do we do that? Sneak up behind B and yell “Boo” at him? Not at all. Rather, we impose upon him the obligation to play Russian Roulette with himself, where the number of empty chambers, and bullets, and the part of B’s body that the gun must be aimed at, depends upon just how much fright B originally imposed upon A.

In Section 2 of this paper we take to task, and, also, congratulate, Blasco and Marcos for their contribution.

2. Criticism of Blasco and Marcos

In Section 2 of their paper, “Justifications for Punishment” our authors [1, p. 84] hold forth as follows:

Punishment, or non-initiatory coercion use, can be justified as deterrence, rehabilitation, utilitarian, defensive, restitution, and retribution. The deterrent justification of force prescribes to punish evildoers so as to set an example to the rest. Deterrence is not deontologist, because it uses people, in this case, criminals, as a means to achieve an end, not as ends in themselves. This is perverse and immoral. We punish an individual because the victim deserves justice. Rothbard cites the example that under the deterrence theory it is justified to punish an innocent man if that dissuades future offenders to commit a crime.

I fail to see why using people as a means, rather than as an end in themselves, would occasion any libertarian opposition such as that offered by Blasco and Marcos. I just purchased a pair of shoes. I was polite to the salesman, as is my wont. But, true confession, I used him as a means toward my end of being well shod. I did not befriend him. I did not ask about his family, or in any other way treat him as an end, deserving of my attention. His life, his goals were the furthest thing from my mind. Sad to say, I usually behave even worse to clerks at supermarkets, newspaper stands. I am not impolite to them, but I am not polite, either. Rather, intent upon my own ends, not theirs, I coldly make these purchases. At worst, I am not honorable. But I am hardly behaving in a manner incompatible with libertarianism, the focus of the debate I am now having with Blasco and Marcos. Remember, this philosophy is concerned with one thing and one thing only: the proper use of violence. Since I am never violent in making purchases of this sort, I do not offend any libertarian law.

In Section 3 of their paper, “Libertarian Theories of Punishment” these two scholars do a splendid job of summarizing the four-part libertarian theory of punishment outlined above. I would only add that the scaring aspect of this proposal obviates the object that a very rich man could get away with crime, because he could afford to pay off his victim. Not so fast. If he is compelled to undertake Russian Roulette to an important part of his body,³ that will make him reconsider his choice to embrace criminality. Also, since the victim may allow the criminal to eschew this part of the punishment, the wealthy person may well come out of this very impoverished.

In Section 4 of their otherwise splendid essay “Our Addition to the Libertarian Theory of Punishment” they come to the nub of their criticism of the Rothbard-Block perspective on this matter. Blasco and Marcos [1, p. 86] state as follows:

Walter Block says his theory ‘is a four-part penalty, consisting of two ‘teeth,’ costs of capture, and the imposition of terrifying the evildoer. But that is it! There is no more. Any other penalty would be adventitious, arbitrary, capricious, over and above the call of justice.

We, however, do think the wrongdoers should bear another cost to make the punishment fairer. That is a percentage of the first tooth’s value from the moment the victim’s property rights were violated until the rest of the punishment was completed equal to the interest rate of the currency used by the victim or a penalty equal to the percentage increase in its market price – whichever is higher...

But this interest rate payment is implicit in all cases. Typically, whenever there is a time gap between loss due to theft and recompense, the interest rate is taken into account. It does no harm on Blasco and Marcos’ part to make this explicit, as do these authors; but this already applies in virtually all cases. Thus, it pertains, at least implicitly, in the Blockian four stage punishment theory also. This problem plagues all examples of making compensation; there is simply no need to make it explicit in cases of libertarian punishment theory. What is the evidence for this claim? According to Prejudgment [12] “the successful party is usually entitled to have interest added to the money awarded by the court.” This practice is very widespread. It applies not only in the United States, but in many other countries. Also, not only to governmental courts, but, even, to private arbitrators. For more on this see [10, 11, 13]

These authors [1, p. 87] have one more arrow in their quiver in criticism of the theory now under consideration:

... if the first tooth’s market value has increased, the wrongdoer should pay a penalty equal to percentage increase of the first tooth’s market price as a compensation because this is a signal that other actors in the market value it more and the victim did not enjoy his good when he would have done so even more or had the opportunity to transfer its property title for other property and obtain more benefit.

No, there should be no extra penalty extracted from the criminal just because the price of the stolen good rose. The malefactor robbed or damaged the victim’s property at time t_1 , when the good was worth \$100 for example. It is now worth \$150 at time t_2 , when the compensation is made. the wrongdoer owes only \$100, not \$150.⁴ In order to see this more clearly, posit that the market value of the good *fell* to \$75. Then, according to these scholars’ views, the criminal would only owe the latter, lower, amount. But this is clearly unjust to the owner.

While we are nit picking on the four elements of punishment, here are a few more nits to pick. First, there is a difficulty about market value. *A* ruins *B*’s computer. The first tooth would be to give to *A* *B*’s similar computer. But suppose the latter has no such device. We move smoothly to saying the *B* must pay the market cost of that item, which we can posit is \$100. But there are difficulties here. Perhaps *A* had sentimental value for his computer. Even if *B* had to one to give to him, it would not be the same. Ditto for purchasing a new one. In addition, when *A* purchased his initial computer for \$100, how much did he value it at? You can bet your boots that this figure was more than \$100. If it was exactly that amount, *A* would have been indifferent between it and the purchase price and would have made no such purchase. He never would have bestirred himself to buy that machine. It was, obviously worth more to him. By how much? By his consumers’ surplus: the profit he made, at least ex ante, from the purchase. So, the first tooth, and the second one too, are in need of modification, a la Blasco and Marco’s contribution? Not a bit of it. This problem plagues all examples of making compensation; there is simply no need to make it explicit in cases of libertarian punishment theory. When analyzing this perspective, there is simply no need to bring in extraneous considerations.

Second, Russian Roulette to the head means that the death penalty might be imposed, rarely to be sure, for stealing one stick of bubble gum. A much better solution would be to aim the gun at lesser parts of the body for such minor infractions: perhaps at the small toe or the tip of the pinky or the ear lobe. That will still lead to criminals sitting up and taking notice, but seems more congruent with our basic intuition about justice.

In Section 5 of their essay, “The Case for Arbitration” our authors place emphasis on this means of adjudication.

Arbitration is all well and good. If there are competing defense agencies under anarcho capitalism, as opposed to government institutions where supreme courts render final judgements, this is even more important. And, Blasco and Marcos are insightful in mentioning this aspect of criminal law. However, it is always possible to query: the arbitrator or government court made thus and such a determination: but was it just? The four-stage punishment theory criticized by Blasco and Marcos as insufficient is one such litmus test against which all such findings may be measured.

3. Conclusion

Blasco and Marcos conclude their paper in Section 6 “A Limit and a Limitation.” They so on a note that is rare for authors, and should be emulated by all of us: they acknowledge a weakness in their own theory. That is, it cannot be completely and definitively deduced from basic premises the exact punishment that should be meted out to wrong-doers, nor, precisely who they are.

They [1, p. 87] make this point clear with this statement:

... any libertarian punishment theory needs to provide a limit to whom can be held liable for their crimes. We intuitively know we cannot punish a newborn for ruining your favorite shirt, the case is unclear with a ten-year-old, and we would undoubtedly punish a guilty thirty-year-old. We are against a continuum problem.

I diverge from these authors on this matter. There is no necessity to invoke the continuum issue [2], important as it is in many legal issues facing libertarians.⁵ All three should owe the same amount, whatever it is, in the just society. The newborn’s parents or guardians must pay. This applies, as well, to those in charge of bringing up the ten-year-old. As for the thirty-year-old, he of course is on his own. Children are a problem for all political philosophies. It is no shortcoming of libertarian punishment theory that it cannot fully wrestle to the ground this challenge

They [1, p. 88] conclude with one more complication: “If *A* cuts *B*’s hand, how can we calculate its value to *B*? And how can we make *A* pay for the second tooth to *B*? By cutting *A*’s hand, maybe? If *B* is a renowned pianist, should we cut *A*’s whole arm?”

Yes, yes, well said; this is a pithy pianist example. But these sorts of problems afflict *all* punishment theories. It is again improper to single out the libertarian four stage solution on these grounds. There is nothing wrong with adding complications to this theory, of course; and these authors do that superlatively. But why do it under the heading of criticizing the theory when these are extraneous to that theory?

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Notes

1. From a pure libertarian perspective that would be competing defense agencies; from a limited government point of view that would be the state apparatus.
2. This amounts to exactly 2.0 “teeth”; not 1.9 or 2.1 teeth.
3. Not his earlobe or tip of his pinky
4. Plus an interest payment; Blasco and Marcos are entirely correct in this claim of theirs
5. For example, what should be the proper statutory rape age? How close and in what context must the fist approach the nose before the owner of the latter is entitled to use defensive violence against the owner of the former? [1]

**Predicting the Consequences of Perceived Data Privacy Risks
on Consumer Behaviour:
An Entropy-TOPSIS Approach**

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Abstract:

Advancement in internet of things (IoT) and proliferation in the use of smart devices have raised concerns about the data privacy of online users. This study predicts the consequences of perceived data privacy risks on consumer behaviours in Lagos State, Nigeria using the integrated Entropy-Technique for Order Preference by Similarity to Ideal Solution (TOPSIS). We employed Entropy to assign weights to each criterion. Subsequently, responses were systematically ranked to arrive at an inference using TOPSIS. 84.8% agree that any perceived cyber security threat or a breach in their data privacy would stop them from proceeding with the transaction or activity online, or the use of a digital product. Similarly, (86.7%), agree it is critical that online businesses only ask for customer information that is relevant to the use of the product or service. Thus, the findings indicate that the privacy paradox of enlightened online consumers tends to diminish when they are faced with perceived data privacy and cybersecurity risks.

Keywords: data privacy; data security; cyber security; TOPSIS; digital technology.

1. Introduction

The increasing cases of data privacy breaches and alarms across several digital platforms is a global issue. Numerous researches have shown that people are presently more concerned about threats to their data privacy than ever before ([22]; [26]). As personal data is being collected without the knowledge of individuals, all stakeholders involved become more concerned [35].

With the burgeoning advancement of new technology and the Internet of Things (IoT), there's been an active-to-passive shift in data collection. Smart devices are increasingly gaining their way into the daily lives of people and households with the expectation of enriched living [31]. Nevertheless, the increase in the use of these devices results in the increased concerns, of the amount of sensitive data being accessed, often without the householders' awareness, and its use [19].

In a survey on privacy and data protection of firms, 63 percent under study had experienced notable breaches, while 85 percent of companies have had some major privacy breach in the preceding year. Rather than taking the initiative in preventing them, most of the companies attested to being reactive to the privacy breaches [24]. Due to the predictable nature of these developments, the need for personal protection via the increased level of cyber security skills of online users cannot be overemphasized. Also, the need to predict the reactions of consumers faced with perceived data privacy risks factoring such dynamics as experience, demographics, geographical location, class etc., will go a long way in identifying sectors of the citizens that are prone to cyber-attacks, for required attention.

Economic growth in any society is buttressed by new technologies. Information and communication technologies (ICTs) are the pillar of economic evolution. The extent to which digital technologies are accepted would define the future of nations, industries, and entities. However, as the digital economy is developing exponentially, the inappropriate increase in the use of personal information not only poses a high level of privacy risks but trigger consumer worries. A topical study concluded that many reputable firms share records of customer data with their conglomerates [30].

In recent times, various governments have taken proactive measures to ameliorate the privacy risks inherent in the inevitable divulge of personal information from the use of digital technology by their citizens [75]. This is achieved by enacting strict data privacy regulations with stringent penalties for failing to adhere to the rules. These include; Protection of Personal Information Act (POPIA) [61]; The Federal Trade Commission (FTC) [28] – Privacy & Data Security Update ([28]; [60]); The General Data Protection Regulation (GDPR), 2018 regulation of the European Union (EU) and the European Economic Area (EEA) and the Nigeria Data Protection Regulation, 2019 (under NITDA Regulation) [54]. Thus, ensuring that firms have access to the information of only those customers who have consented to make it accessible would sustain the fundamental rights of data privacy of consumers [67]. Despite the aforementioned measures put in place by the government, there seem to be new cases of data breaches and controversial issues regarding privacy policies with some of the largest social media networks.

In the face of increased apprehensions about privacy threats by the proliferation and use of IoT, individuals' online activities show some level of little or no concern, [4]. Thus, online consumers continue to use services that undermine their privacy – a privacy paradox [66].

While many studies detail significant factors influencing the data privacy of consumers, to date, little or no research has been made with a focus on a preventive approach for consumers. Violations of privacy expectations are difficult to measure and are highly contextual [45]. And as such, specifics as to the prediction of the most likely response of consumers faced with privacy risks have not been examined. This study seeks to identify practical reactions of consumers when faced with privacy risks and proffer hands-on measures for enhanced data security.

Thus, with the integration of Entropy-TOPSIS, this study validates empirically the effect data privacy risks have on consumer behaviour by predicting an informed online consumer's most probable behaviour when faced with data privacy risks. Secondly, the research helps determine the extent to which

privacy paradox exists in online consumer behavior. Finally, it establishes the relationship between data security and cyber security, highlighting the need to combine them towards greater security of (online) consumers. This is because, in reality, a failure in one of the two aspects would lead to the failure of the other.

2. Literature Review

Theory of Reasonable Action

The Theory of Reasonable Action (TRA) is an intention model used in predicting and explaining human behaviour [32]. It is a general-purpose theory that relates to beliefs, norms, attitudes, and reasons for actual behaviour. TRA has been used in diverse studies in the information systems literature. It suggests that behaviours will match actual intentions. However, the actual behaviour of consumers may not be a reflection of their privacy concerns. To this extent, the privacy paradox holds.

Theory of Planned Behaviour

The Theory of Planned Behaviour (TPB) adapted in this study. The perceived behavioural control (PBC) is added as an improvement of the TRA model. Explaining and predicting human behaviour in precise conditions is the overall objective of the TPB. According to the TPB, this can be achieved through the understanding of an individual's behavioural intention and behavioural control. The degree of effort an individual is willing to exert in exhibiting certain actions is described by behavioural intention [20]. The perceived behavioural control, further describes how comfortable the performance of the activity under study is as perceived by an individual.

The application of TPB in diverse studies and user contexts may be challenging because a pilot study with unique control variables in each situation is required to identify relevant outcomes.

Technology Acceptance Model

Based on the TRA, the Technology Acceptance Model (TAM) introduced by Davis, [23] was developed to explain and predict the use of information systems by end-users. The model outlines the influence external factors have on an individual's internal attitude, intention, and beliefs. The adoption of the model is guided by two principles: perceived usefulness – the benefit of improved performance when used by an individual, and perceived ease of use – how effortless the use of the technology in question will be. Like the TRA, the TAM is used to ascertain that the use of a given technology is explained by behavioural intention. As has been discovered in some situations, there could be other (social) variables besides the existing principles and this has raised concerns.

Theoretical Framework

Information Privacy describes the desire of individuals to control or decide how their personal data is being used, [63]. Previous studies have been explored in explaining the various theories vis-à-vis data privacy and consumer behaviour. Areas of research and findings include how online privacy affects consumers behaviour [2], privacy as an antecedent to consumer purchases online ([13]; [26]), acceptance of new technology ([43]; [76]), perception of firms' disposition toward consumers' personal information [46], the role of regulation of businesses [70], the relationship of information privacy to other constructs such as risks ([52]; [18]), trust, and the impact of data privacy breaches on consumers trust [45]. Further studies have also explored information privacy concerns are addressed internationally [16] and an interdisciplinary review [68].

Although the TPB is the most relevant to the aim of this study as it is capable of tapping independently, the significant control variables and the specific factors for each situation [48], the research aims to predict the consequences of perceived data privacy risks, using a theoretical integration of TRA, TPB and TAM. As such, the overall research question that guides this study is what are the foreseeable consequences of perceived data privacy risks on consumer behaviour? The application of the TOPSIS model will be applied in answering the aforementioned question and other related questions. The model and its application in this context are quite flexible and permit the modification and inclusion of new variables for varying outcomes. Findings from the prediction will be instrumental in making better decisions for all stakeholders.

Conceptual Review

Privacy Awareness

Privacy awareness is the level an individual is cognizant of the privacy practices of a company [59]. Individuals' experiences affect their level of data privacy concern. Hence, more concerns are expressed by victims or consumers exposed to data privacy issues in the past [68]. Although consumer concerns may be triggered when they become aware of the collection or use of their personal information without their consent, research of Nowak & Phelps, [56] suggests that when permissions are being sought, customers seem less they tend to be less anxious about their privacy.

Dinev and Hart [26] opine that social awareness is a determiner of privacy concerns. Individuals who have high social awareness are conscious of privacy policies, issues, and trends. A *Privacy Policy* is a document (contained on a website) that describes the collection, storage, protection, and utilization of the information provided by its users. Several studies have explored the impact of demographic differences on individual privacy concerns ([41]; [22]). The current investigation is in the Nigerian context.

Privacy Paradox

The privacy paradox describes the inconsistency between an individuals' intent to protect their privacy and their behaviour online. Individuals assert privacy concerns but their actions indicate otherwise [36]. Research has shown that for all information types, individuals significantly disclose more information than they intend to during online activities [55], and are thus, oblivious to the accumulated risk of such information disclosure over time.

The Need for Integration of Data Privacy and Cyber Security

Business Perspective

Martin [45], in a recent survey, postulates that the level of a consumer technological expertise influences the importance placed on his/her privacy. In the rise of data collection and storage, organizations take precautions by ensuring the safety of consumer data and compliance with privacy regulations such as the GDPR. To ensure the prevention of data breaches, numerous cybersecurity and information privacy experts ([8]; [27]), in recent times, strongly advise that organisations combine their data protection and cybersecurity strategies. Results from the analysis of major breaches in the past show that access to personal data was instrumental to the success of cybercriminals [8]. This presents the need for the integration of Data Protection and Cybersecurity efforts and strategies.

In time past, cybersecurity has been handled separately from data protection, such that cybersecurity is generally perceived as a technical matter, while data privacy and security is regarded

as an issue relating to illegal and unauthorized data access. However, they both share a salient goal – the protection of personal data from unauthorized access. Therefore, the skills of cybersecurity and data protection specialists should be combined in preventing data breaches. Companies are encouraged to combine data protection and cyber-security strategies and efforts. This will also ensure they comply with all the relevant regulations.

Unlike the role of cybersecurity experts, data protection is the responsibility of all employees dealing with sensitive data. Thus, companies’ policies should be all-encompassing, promoting the collective attitude of data safety. This can be achieved through the regular training of all staff that addresses emerging digital threats, improved compliance, and the implementation of an integrated risk assessment [27].

Individual Perspective

IoT technologies have become pervasive. These Smart Devices simplified the means companies collect and use personal information. With the popularity of cloud services, third-party vendors hold most of the sensitive data. Cloud services providers now have unrestrained access without privacy contractual agreement with the consumer. For example, there have been numerous speculations that companies spy on online users' conversations via the phone, record video footage and screenshots of users’ activity, and share these records with third parties. While some Tech experts have discredited these as mere assumptions, [71], others have confirmed the users’ fears [39].

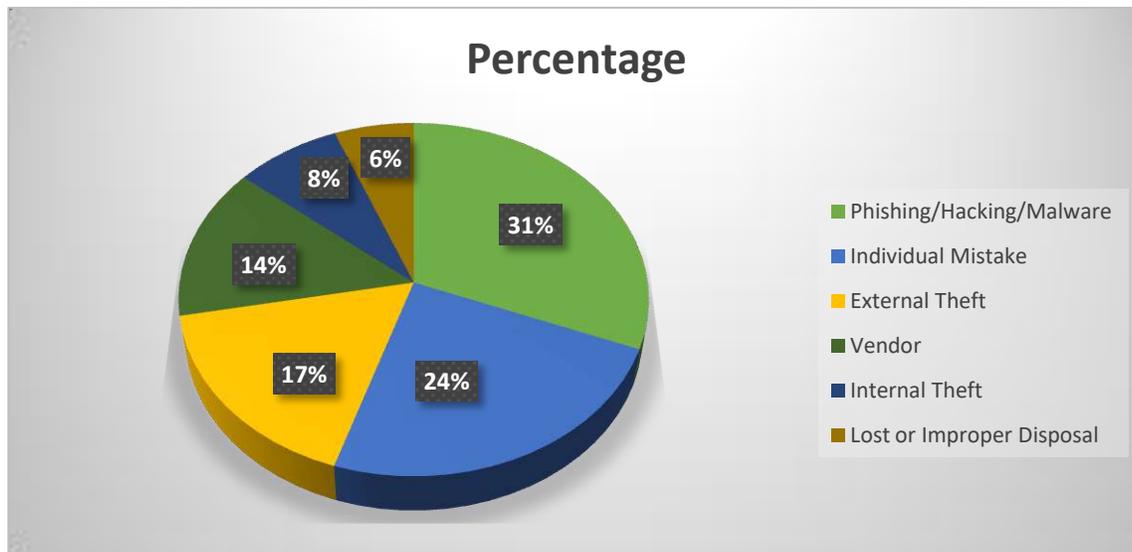


Figure 1: Data Security Incident Response Report, 2016, (adapted from BakerHosetler, [10, p. 6]).

Despite the efforts to educate online consumers wielded by tech experts, cyber security, privacy activists, and governing bodies and companies, there is a salient need for businesses to become more actively involved in the process. For example, the European Union’s efforts to protect its citizens are implemented by “educating businesses and consumers about privacy and security issues”. The recent Data Security Incident Response Report (2016) developed from analyzing over 300 incidents revealed human error as the major reason of these incidents. While phishing, hacking, malware incidents took the number one spot, accounting for about 31% of incidents, human error remains a significant underlying issue allowing the success of these incidents over half of the time. Hence, there’s a crucial need for cyber security education and awareness in the fight against cybercriminal activity and ensuring lesser impact of the security breaches by companies. Hence, although consumers may not be able to stop a data breach, they will be

able to positively diminish the adverse effect of possible data privacy breaches, and similar risks with increased cybersecurity knowledge and skills.

Conceptual Framework

Studies of Acquisti, Sleeper, Wang, Wilson, S., Adjerid, Balebako, & Schaub, [3] suggest that educating individuals does not provide sufficient protection against the risks associated with new technologies. Thus, this research suggests a new practical approach to foster a healthy “self-defence attitude” and empower consumers to actively play their role in the preservation of their privacy. Hence, the findings in this research may result in an increased combined effort of consumers, businesses, and government or regulatory bodies to regularly educate online users on recent cybersecurity trends and tricks and increase awareness.

Empirical Review

Empirical studies have shown significant importance in issues related to online privacy across various disciplines [67]. More than ever before, there is the collection and analysis of large data at a faster speed [44] sometimes, oblivious to the users [14]. In integrating the concept of data privacy in numerous studies, the Theory of Planned Behaviour (TPB), Theory of Reasonable Action (TRA), and the Technology Acceptance Model (TAM) have been used to explain consumer behaviour. These studies show that privacy concern has a positive impact on perceived risk [25] and a negative impact on trust ([21]; [77]; [64]), on online buying behaviour [57] and divulging of personal information [44]. The major effect of privacy concerns is shown on perceived behavioural control [29].

Individual privacy concerns can impact his level of trust online [37]. It is noteworthy that the main role of trust vis-à-vis privacy remains vague due to the inability to demonstrate the relationship between these constructs consistently in previous studies [67]. Although studies propose trust as an antecedent [74], a moderator [17], or an effect of privacy concerns [11], some debate that trust and privacy concerns are autonomous factors capable of wielding separate influences on online consumer [26]. Studies on consumer behaviour show that although individuals often think that risks and benefits correlate negatively, in reality, the reverse occurs [6].

Businesses may implement privacy protection practices as a marketing strategy. The conclusion reached in research [73] suggests that when privacy information is made noticeable, and websites seem safe, consumers would be eager to pay more to purchase from the websites. However, it is ironic that half of the population do not read privacy policies [49], or understand them [9].

Finally, the privacy of consumer information is often seen as a consumer right from both legal and ethical perspectives. However, the societal approach to information privacy differs across continents and borders. While some countries approach the issue from a human rights perspective (for example, EU), others view data as a commodity with sectoral regulation [67]. A recent study on the intercontinental differences in privacy concerns [16] confirmed that cultural values and Internet experience influence the level of privacy concerns across countries.

3. Methodology

This session of the study discusses the procedure and process involved in collecting data on the research. The research design adopted for this study is the descriptive and quantitative research design with the use of primary data. The population of this research is infinite because the number of users keeps increasing and is unlimited in size. The simple random sampling technique was used as the electronic questionnaire link was randomly distributed to a sample size of 160 of Lagos state, Nigeria.

Sample

In this study, primary data was collected using electronic questionnaires. Due to the limited access to experienced online consumers who would be willing to participate in the research, the electronic questionnaire URL was distributed to a random sample size of 150 experienced internet users in Lagos State. A total of one hundred and five (105) respondents completed the questionnaire which is considered appropriate for most research works ([65]; [40]). Hence, out of 150 samples, 105 responses were obtained (66 percent response rate). The data were collected utilizing the well-developed, structured, and verified scale. Linguistic variables were used to evaluate the importance of the attributes and the ratings of alternatives regarding the attributes. All the questions in the first four sections were measured using five-point Likert scales of 1 = Strongly disagree, 2 = Disagree, 3 = Neutral, 4 = Agree, and 5 = Strongly agree. Then the respondents were asked to rank the criteria based on the predefined attributes in the last section.

Method of Data Analysis

This study applies an integrated Entropy-TOPSIS technique for predicting the consequences of data privacy risks on consumer behaviour. Technique for Order Preference by Similarity to Ideal Solution (TOPSIS), and its integration with the Entropy technique has proven to be suitable when solving practical problems among other MCDA/MCDM ([5]; [62]). The TOPSIS method, which was introduced [34] has been further advanced by many authors. In this model, the chosen alternative should have the shortest Euclidean distance from the ideal solution and the farthest from the negative ideal solution.

Numerous methods have been used to calculate weights of identified criteria across several research works. In this study, the Entropy method was preferred because unlike other subjective weighting methods such as analytic hierarchy process (AHP) which relies on experts' opinion, the entropy method is effective an objective approach in which the criteria weights depend on the decision matrix values ([53]; [1]; [78]).

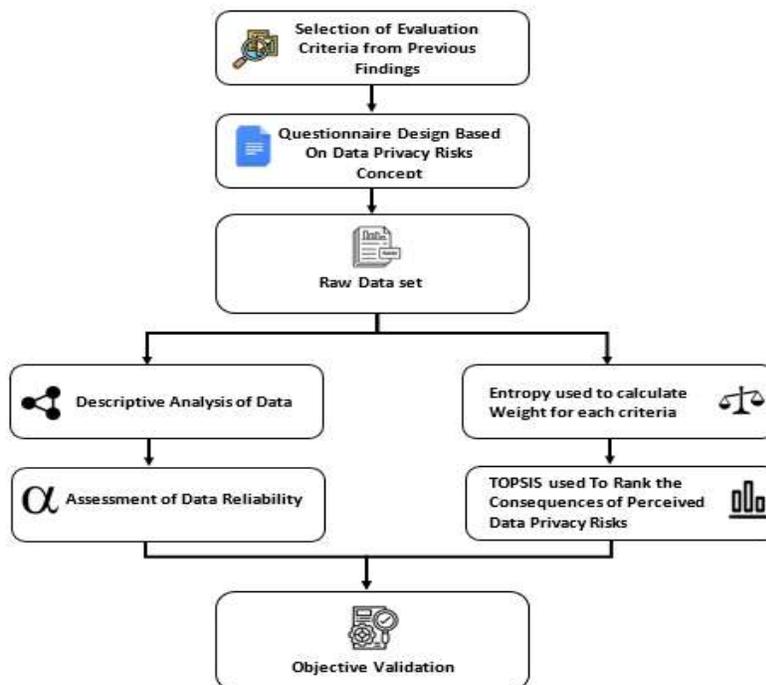


Figure 2: Schematic structure of this research.

As shown in Figure 2 above, previous findings were used for the identification of the evaluation criteria. Then for the construction of hierarchy, the weights are calculated for each criteria using the Entropy method. Finally, the identified weights are entered in the TOPSIS method for final ranking of results. On the other hand, the rest of the research questions are explicated through the analysis of responses received, after which will be the discussion of findings.

Demographic Data

The summary of statistics related to the questionnaire distribution of this study is captured in Table 1 below. Information regarding the personal data of the respondents was analysed with the aid of percentages and descriptive statistics. The personal data includes gender, education level, occupation, and age.

Table 1: Frequency distribution of respondents by demographic status. Source: Field Survey, 2021.

VARIABLES	Frequency	Percentage
GENDER		
Male	61	58.1%
Female	44	41.9%
Total	105	100
AGE		
18yrs - 25yrs	4	3.8%
26yrs – 35yrs	64	61%
36yrs – 45yrs	27	25.7%
46yrs – 55yrs	8	7.65%
56yrs and above	2	1.9%
Total	105	100
HIGHEST LEVEL OF EDUCATION		
High School Cert./Diploma	2	1.9%
Bachelor	50	47.6%
Masters	49	46.7%
PhD	4	3.8%
Total	105	100
OCCUPATION		
Paid professional	67	63.8%
Business owner/ Self-employed professional	31	29.5%
Unskilled worker	3	2.9%
Student/Unemployed	4	3.8%
Total	105	100

The participants' genders as indicated in Table 4.1 above reveal most of the respondents' age fall between 26-35, followed by 36-45, then 46-55, 18-25, 56 and above in the orders of 61%, 25.7%, 7.65%, 3.8%, and 1.9% respectively. Thus, the majority of the respondents are in the most agile age brackets of their life and are reasonably experienced with the use of digital technology. The data also reveals the majority of the participant's level of education as, Bachelor, Masters, Ph.D. and High School Cert./Diploma holders representing (50) 47.6%, (49) 46.7%, (4) 3.8%, and (2) 1.9% respectively. Thus, it can be inferred that the respondents are educated persons and possess the skills necessary for online activities.

Descriptive Analysis of Data According to Research Questions

The classification of respondents' responses according to an ordinal scale ranging from strongly disagree, disagree, neutral, agree to strongly agree is shown below.

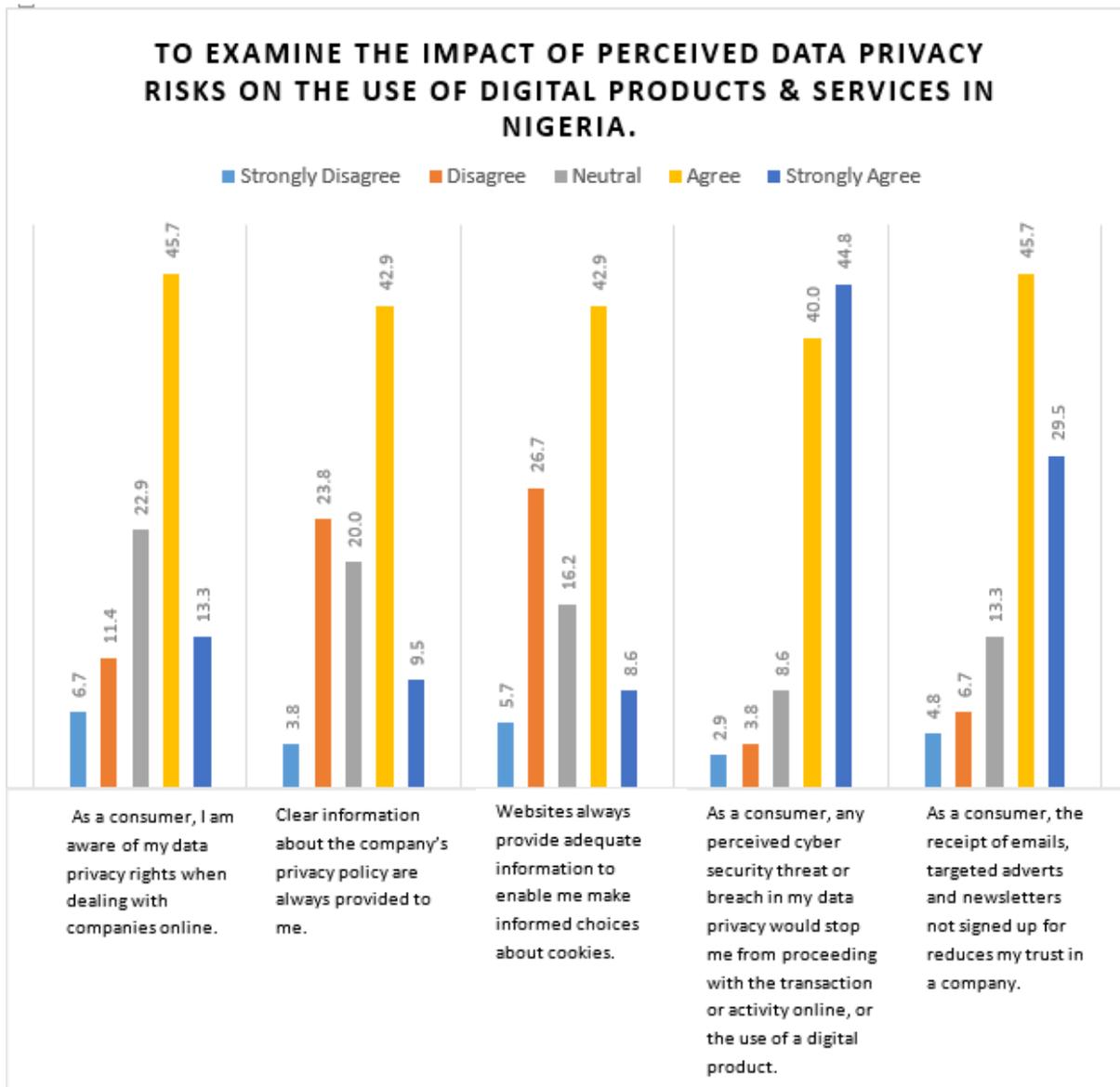


Figure 3: The impact of perceived data privacy risks on the use of digital products & services in Nigeria.

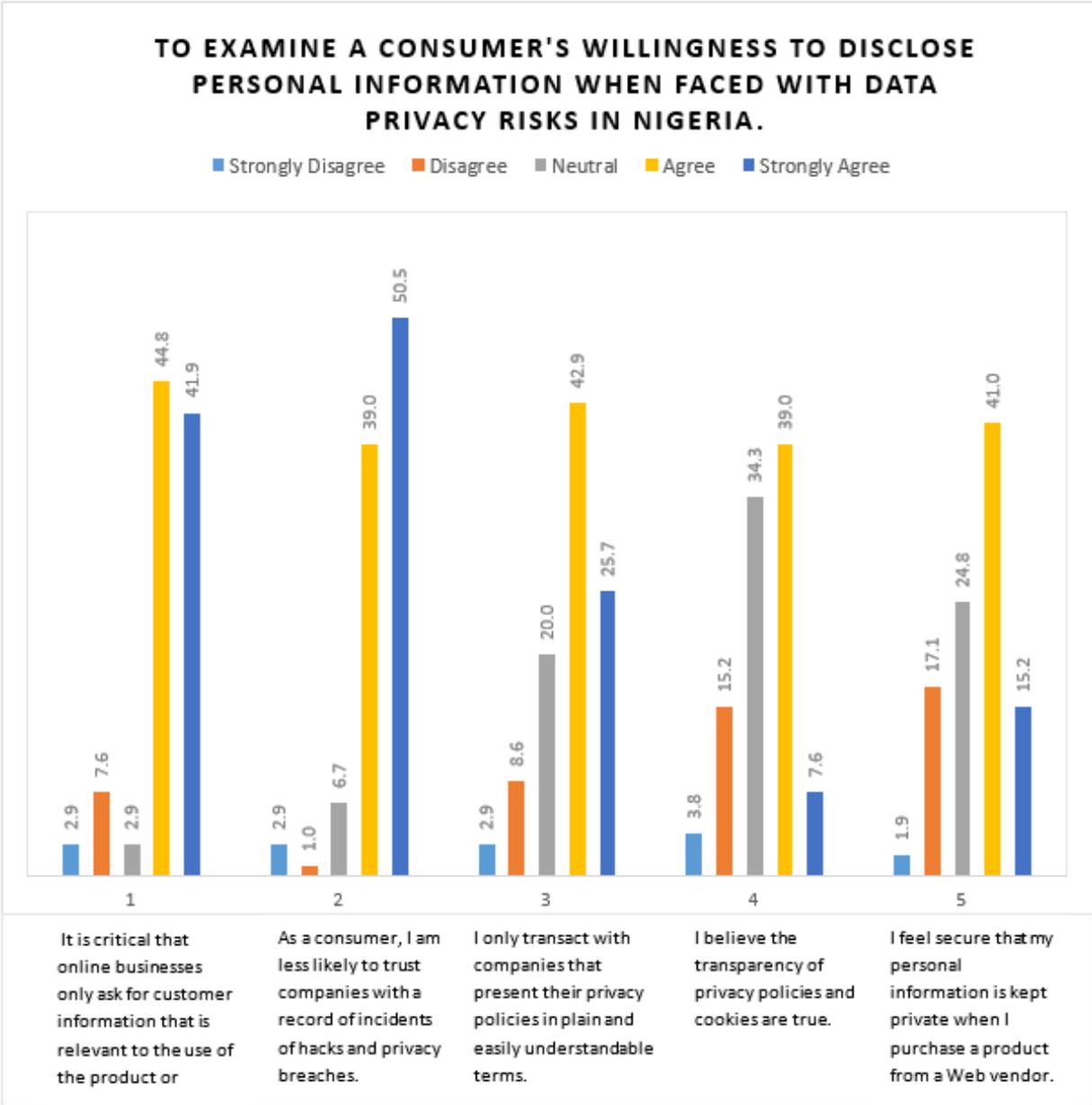


Figure 4: A consumer’s willingness to disclose personal information when faced with data privacy risks in Nigeria.

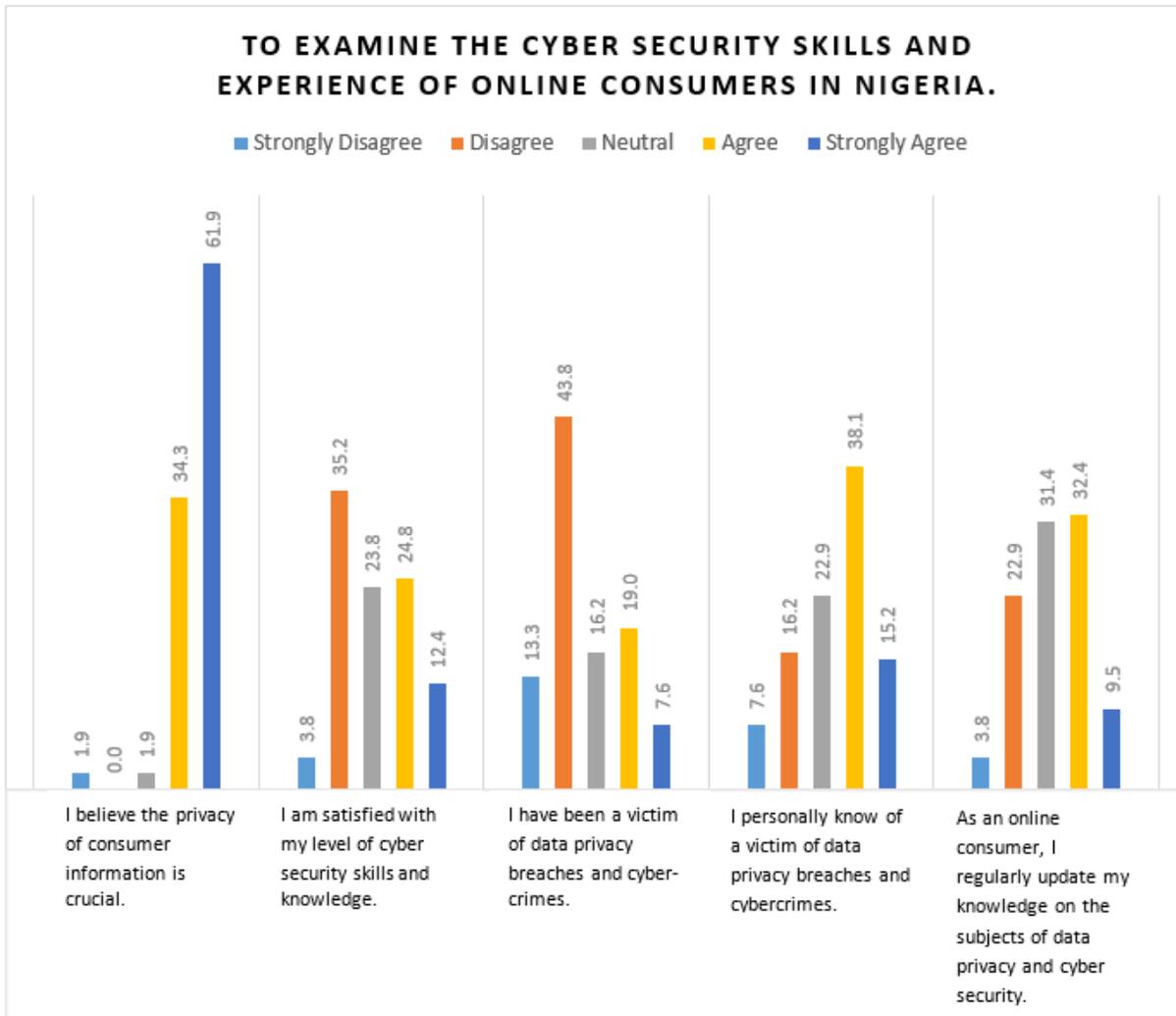


Figure 5: The cybersecurity skills and online experience in Nigeria.

Assessment of Reliability of Data

The purpose of reliability testing is to examine the internal consistency coefficients of the items included in the questionnaire, to add validity and accuracy to the interpretation of their data, and to demonstrate that investigations and scales that have been implemented for the research work are appropriate for the intended use ([72]; [69]).

Table 2: Reliability of data.

S/N	Study's Variables	Number of Items	Cronbach Alpha Coefficient
1	Perceived Data Privacy Risks	5	0.760
2	Consumer's Willingness to Disclose Personal Information	5	0.702
3	Cybersecurity Skills and Online Experience	5	0.743

In Table 2, the Cronbach’s Alpha value ranges from **0.702** to **0.760** which is greater than 0.7. and less than 0.9. Thus, we can say that these variables are reliable for the research work and indicate good internal consistency of the items in the scale.

Determining the Relative Weights of Each Criterion Using Entropy Technique

In this research, the attributes used were based on previous research findings as shown in Table 3

Table 3: Alternatives, criteria, and corresponding privacy literature.

Alternatives (Consequences)	Criteria (Attributes)	Reference
A1. Provision of strictly necessary Information and continue the use of service or product.	C1. Low trust in firm, device or application.	Martin [45]; Bleier & Eisenbeiss [17]; Joinson, Reips, Buchanan, & Schofield (2010);.
	C2. Poor referrals or word-of-mouth of service or app from previous users.	Miltgen, Henseler, Gelhard, & Popovič, [51]; Metzger [50]; Sheehan & Hoy [12].
A2. Misinformation (give wrong or partially wrong information as personal data).	C3. Negative previous online experience.	Miltgen, Henseler, Gelhard, & Popovič, [51]; Alshurideh, et al. [7].
A3. Closure of account, Disposal or Deactivation of smart device or application, etc.	C4. Tech Savvy, Experienced, and knowledgeable of recent trends (in the data privacy and cyber security space).	Martin [45]; Martin & Shilton [47].
A4. Limit the use of application, financial institution or device, etc.	C5. Firm or institution does not meet important privacy security expectations e.g., privacy policies, notices (cookies), seals, etc.	Bornschein, Schmidt & Maier [18]; Hoffmann, Lutz & Meckel [33]; Belangar et al. (2002).
	C6. Perceived benefits outweigh the risks of information disclosure.	Kim, Ferrin, & Rao [38]

The steps in weighting the attributes based on Entropy are presented below.

Step1: Establish a decision matrix between n Criteria and m Alternatives.

$$D = \begin{matrix} & C_1 & C_2 & \dots & C_n \\ A_1 & \begin{bmatrix} x_{11} & x_{12} & \dots & x_{1n} \end{bmatrix} \\ A_2 & \begin{bmatrix} x_{21} & x_{22} & \dots & x_{2n} \end{bmatrix} \\ \vdots & \begin{bmatrix} \vdots & \vdots & \ddots & \vdots \end{bmatrix} \\ A_m & \begin{bmatrix} x_{m1} & x_{m2} & \dots & x_{mn} \end{bmatrix} \end{matrix}$$

In this study, there are 4 alternatives ($m = 4$) and 6 criteria ($n = 6$). Where “ A_1, A_2, A_m ” represent alternatives, “ C_1, C_2, \dots, C_n ” are the evaluation criteria.

Step 2: Normalized DM for each Criterion. The normalization of the decision matrix was obtained using Equation (1)

Step3: Calculate the entropy values and degree of using Equations (2) and (3).

$$P_{ij} = \frac{x_{ij}}{\sqrt{\sum_{i=1}^m x_{ij}^2}} \quad i = 1, 2, \dots, m; j = 1, 2, \dots, n \quad (1)$$

$$E_j = - \frac{1}{\ln(m)} \sum_{i=1}^m P_{ij} \ln(P_{ij}) \quad j = 1, 2, \dots, n \quad (2)$$

$$d_j = |1 - E_j| \quad j = 1, 2, \dots, n \quad (3)$$

Step 4: Determination of Criteria Weights. For each criterion, weight is given by Eq. 4

$$\theta_j = \frac{d_j}{\sum_{j=1}^n d_j} \quad j = 1, 2, \dots, n \quad (4)$$

Entropy Results

With the application of all steps illustrated above, the entropy approach was used to set the objective weights for each criterion. The sum of the set of weights is equal to 1. The results are presented in Table 4 and further interpretation is shown in Fig. 6 below.

Table 4: Privacy risks attributes weights according to entropy.

Attributes	C1	C2	C3	C4	C5	C6
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Entropy	2.45094062	2.44274342	2.4550058	2.4440354	2.4494330	2.44668767
	6	8	23	52	93	1
Final Weights	0.16698887	0.16604545	0.1674567	0.1661941	0.1668153	0.16649940
	41	78	38	57	72	11
Percentage	16.70%	16.60%	16.75%	16.62%	16.68%	16.65%

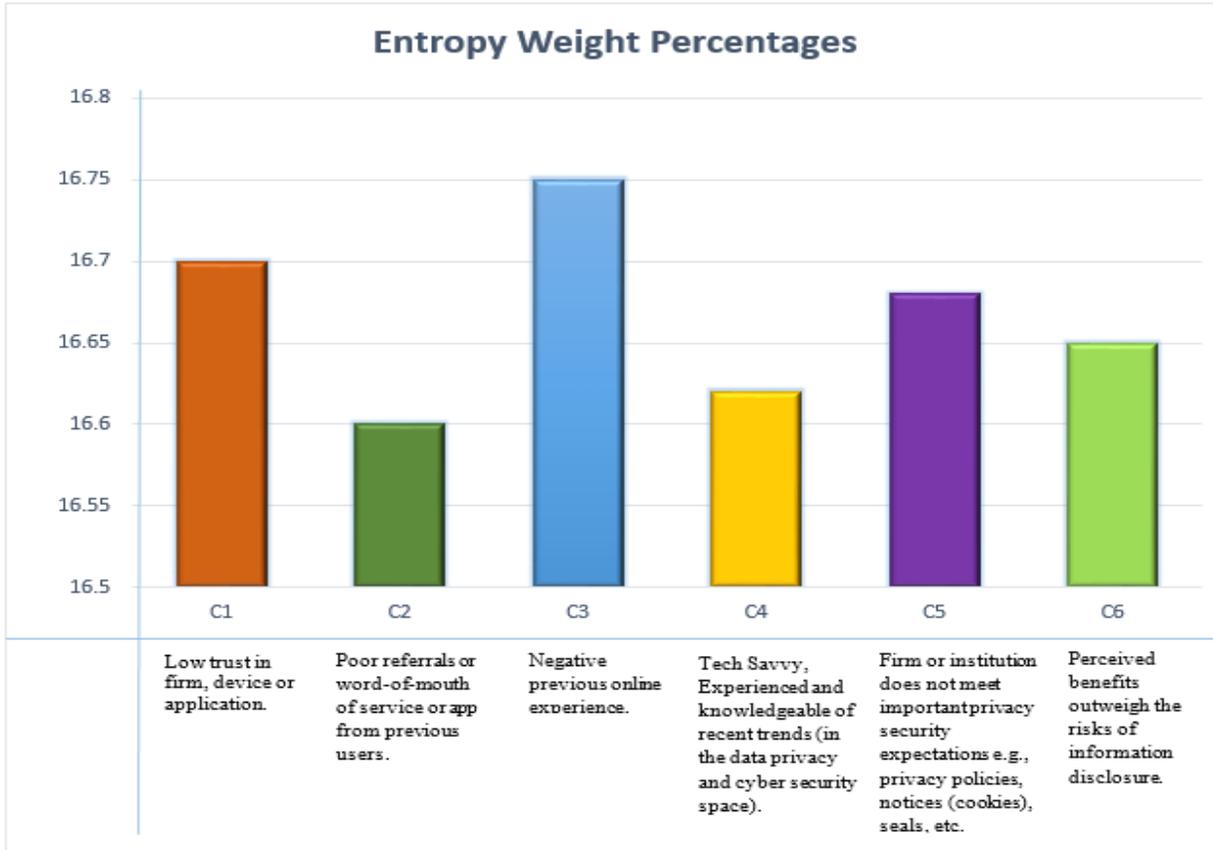


Figure 6: Weight calculation in percentage for each criterion.

As illustrated in Figure 6 above, C1 has the least weight with 16.6%, followed by C4 (16.62%), C6 (16.65%), C5 (16.68%), C1 (16.70%), and C3 (16.75%), being the criteria with the highest weight.

Ascertaining the order of Consequences of perceived risks on consumer behaviour

For this study, the TOPSIS was applied to rank the alternatives (consequences) the four consequences of perceived privacy risks ($m = 4$). TOPSIS is used to predict the most probable consequence in descending order, and the most ideal is ranked first. The aggregate score indicates which probable consequence is more likely to occur when a consumer is faced with perceived privacy risk.

The steps of TOPSIS are shown below:

Step 1: Construct the normalized decision matrix: j is the performance criteria, and i represent the alternatives.

$$n_{ij} = \frac{x_{ij}}{\sqrt{\sum_{i=1}^m x_{ij}^2}}, \quad i = 1, \dots, m, \quad j = 1, \dots, n \quad (5)$$

Step 2: Construct the weighted and normalized decision matrix: This was calculated using Equation (6), where w_j is the weight of the j th criteria. The Entropy method was incorporated in calculating the weights for each attribute where weights $w = w_1, w_2, w_3, \dots, w_j$:

$$\sum_{j=1}^n w_j = 1.$$

$$v_{ij} = w_j r_{ij}, \quad i = 1, \dots, m, \quad j = 1, \dots, n \quad (6)$$

The weight of entropy multiplied by the evaluation matrix could be represented as:

$$V = \begin{bmatrix} V_{11} & V_{12} & \dots & V_{1n} \\ V_{21} & V_{22} & \dots & V_{2n} \\ \vdots & \vdots & \dots & \vdots \\ V_{m1} & V_{m2} & \dots & V_{mn} \end{bmatrix} = \begin{bmatrix} w_1 r_{11} & w_2 r_{12} & \dots & w_n r_{1n} \\ w_1 r_{21} & w_2 r_{22} & \dots & w_n r_{2n} \\ \vdots & \vdots & \dots & \vdots \\ w_1 r_{m1} & w_2 r_{m2} & \dots & w_n r_{mn} \end{bmatrix}$$

Step 3: Determine the positive ideal solution (A^+) and negative ideal solution (A^-) respectively: In calculating the positive-ideal and negative-ideal solution, equations (7) and (8) below were used where I and J represent the benefit and cost criteria respectively.

$$A^+ = \{v_1^+, \dots, v_n^+\} = \{(\max v_{ij} | i \in I), (\min v_{ij} | i \in J)\} \quad (7)$$

$$A^- = \{v_1^-, \dots, v_n^-\} = \{(\min v_{ij} | i \in I), (\max v_{ij} | i \in J)\} \quad (8)$$

Step 4: Calculate the separation measures using the n -dimensional Euclidean distance: To determine the distance of each alternative from the ideal and negative ideal solutions Equations (9) and (10) was used.

The distance between A^+ and A^- alternative can be measured as:

$$d_i^+ = \left\{ \sum_{j=1}^n (v_{ij} - v_j^+)^2 \right\}^{\frac{1}{2}}, \quad i = 1, \dots, m \quad (9)$$

$$d_i^- = \left\{ \sum_{j=1}^n (v_{ij} - v_j^-)^2 \right\}^{\frac{1}{2}}, \quad i = 1, \dots, m \quad (10)$$

Step 5: Calculate the relative closeness to the ideal solution. The relative closeness of the alternative A_i with respect to the A^+ ideal solution was determined using Equation (11)

$$R_i = \frac{d_i^-}{(d_i^+ + d_i^-)} \quad i = 1, \dots, m \quad (11)$$

Step 6: Rank the preference order. A large value of closeness coefficient Cl_i^+ indicates a good performance of the alternative A_i . The best alternative is the one with the greatest relative closeness to the ideal solution.

TOPSIS Results

The main objective of this study was to predict the consequences of perceived data privacy risks on consumer behaviour. The TOPSIS approach was employed to accurately make predictions by ranking the probable consequences identified. Table 5 shows the decision matrix of the four probable consequences. It is noteworthy that the decision matrix of 105 responses was aggregated to minimize errors and save time.

Table 5: The online consumers decision matrix.

	Criteria					
Alternative Consequences	C1	C2	C3	C4	C5	C6
A1	6.352	6.238	6.581	6.562	6.162	6.162
A2	7.514	7.114	7.000	6.238	7.038	5.971
A3	7.486	7.381	7.143	7.029	6.848	6.352
A4	8.029	7.229	7.952	6.733	7.381	6.333

Table 6: Normalized weighted decision matrix.

	Criteria					
Alternative Consequences	C1	C2	C3	C4	C5	C6
A1	0.431	0.445	0.458	0.494	0.448	0.496
A2	0.510	0.508	0.487	0.469	0.512	0.481
A3	0.508	0.527	0.497	0.529	0.498	0.512
A4	0.545	0.516	0.553	0.507	0.537	0.510

Table 7: Ideal and negative ideal solutions.

V+	0.07196	0.07392	0.07647	0.08777	0.07488	0.84949
V-	0.09095	0.08746	0.09240	0.07790	0.08969	0.79854

Table 8: Distance from ideal and negative ideal solutions, closeness, and ranking.

Alternative Consequences	Distance From Ideal Solution	Distance From Negative Ideal Solution	Closeness	Rank
A1	0.02613	0.041018	0.6109	2
A2	0.055775	0.013555	0.1955	4
A3	0.021454	0.053488	0.7137	1
A4	0.031492	0.048823	0.6079	3

The TOPSIS result showed that A3 (Closure of account, Disposal or Deactivation of smart device or application, etc.) was ranked first (0.7137) with the lowest distance from the ideal solution (0.021454). Secondly, A1 (Provision of strictly necessary Information and continue the use of service or product.) with the score of 0.6109, the second among all alternatives. A4 (Limit the use of application, financial institution or device, etc.) came third with a score of 0.6079, making A2 (Misinformation give wrong or partially wrong information as personal data) 0.1955, the last likely reaction of a consumer faced with perceived privacy risks.

Discussion

In this section, the convergence and divergence in the current research findings and those of previous research works were discussed to address the research questions of the study.

The findings in the current research show that online consumers faced with perceived data privacy risks would most likely result in the following behaviours: (1st) Disposal or Deactivation of smart device or application, etc., (2nd) Provision of strictly necessary Information and continuation in the use of service or product came, (3rd) Limit the use of the application, financial institution or device, etc. came and (4th) Misinformation (give wrong or partially wrong information as personal data ranked respectively.

The above results shows a reinforcing relationship between the online consumers' attitude toward data privacy and cybersecurity issues and their behaviours, as it fits within the predictions based on the Entropy-TOPSIS method. It also supports the conclusions of Peter and Tarpey [58] which suggests that in the calculation of risk an assessment of the likelihood of negative consequences as well as the perceived unpleasantness of those consequences are factored in by an individual. The results of the weights in Table 4.3, show the negative previous online experience was the most significant item with a total weight of 16.75%. Thus, we can infer that a negative previous online experience would majorly influence a consumer's decision in A3 (Closure of account, Disposal or Deactivation of smart device or application, etc.) consequence ranked first.

The majority (84.8%) of the respondents agreed that any perceived cyber security threat or a breach in their data privacy would stop them from proceeding with the transaction or activity online, or the use of a digital product. This negates previous findings of Norberg and Horne [55], that individuals assert privacy concerns but their actions indicate otherwise. The reason for this could be the increase in data privacy and cyber security awareness, increase in the cases of data privacy breaches and cybercrimes and the improved effort to promote cyber security skills and knowledge by businesses, government and policymakers as shown in their responses.

However, although individuals' experiences affect their level of concern, victims or consumers exposed to data privacy issues in the past tend to have more concerns [68]. To this end, the extent to which privacy paradox exists becomes increasingly low when online consumers are faced with perceived data privacy risks. Although 35.2% of the respondents of the study stated their dissatisfaction with their level of cyber security skills and knowledge, 37.2 indicated their satisfaction, is response is based on personal perception of one's cybersecurity skills. In examining a consumer's willingness to disclose personal information when faced with data privacy risks in Nigeria, the majority (86.7%), i.e. 44.8% agree, and 41.9% strongly agree it is critical that online businesses only ask for customer information that is relevant to the use of the product or service. This corroborates with A1 - Provision of strictly necessary Information and continues the use of service or product ranked second as a consequence of perceived data privacy risk. Thus, it can be inferred that the respondents are informed of the need for data privacy.

Furthermore, (86.7%) i.e. 44.8% agree, and 41.9% strongly agree that they are less likely to trust companies with a record of incidents of hacks and privacy breaches. This tallies with the online consumer's decision of A4, to limit the use of the application, financial institution or device, etc. when faced with such a situation. These findings support the recent findings of Martin [45, Pg. 103], which postulates that consumers who are technology experts or more skilled place more importance on privacy factors than respondents with lesser skills.

Findings

The main aim of this study conducted was to predict the consequences of perceived data privacy risk on consumer behaviour and assess the extent to which privacy paradox does exist. Four alternative consequences were identified: Provision of strictly necessary Information and continue the use of service or product; Misinformation (give wrong or partially wrong information as personal data); Closure of account, Disposal or Deactivation of smart device or application, etc.; and Limit the use of the application, financial institution or device, etc. The alternatives were to be measured by a set of privacy criteria for the use of digital products and services, chosen based on previous research. These include Low trust in a firm, device or application, Poor referrals or word-of-mouth of service or app from previous users, Negative previous online experience, Tech Savvy, Experienced and knowledgeable of recent trends (in the data privacy and cyber security space) and Firm or institution does not meet important privacy security expectations e.g., privacy policies, notices (cookies), seals, etc.

The TOPSIS approach used to prioritize the four alternative consequences, demonstrated that experienced online consumers faced with perceived data privacy risks would most likely result in the (1st) Disposal or Deactivation of smart device or application, etc., (2nd) Provision of strictly necessary Information and continuation in the use of service or product came, (3rd) Limit the use of the application, financial institution or device, etc. came and (4th) Misinformation (give wrong or partially wrong information as personal data) in the particular order when ranked.

This study was also conducted to measure the extent to which privacy paradox does exist. By comparing their attitudinal response to certain questions, and their most probable action based on Entropy-TOPSIS analysis, the entropy-TOPSIS results above corroborate with the findings of the respondents' attitudes towards perceived data privacy risks. Furthermore, the results of the entropy method showed that Negative previous online experience had the highest weight on a consumer's behaviour when faced with data privacy risks. Thus, the extent to which privacy paradox exists becomes increasingly low when experienced online consumers are faced with perceived data privacy risks.

4. Conclusion

This study presents a new framework that predicts the consequences of perceived data privacy risks on online consumer behaviour with the integrated Entropy-TOPSIS MCDM. For the first time, the significant criteria for data privacy are investigated and online consumer behaviour is predicted through the application of the two integrated MCDM techniques. The weight for each criterion is assigned by entropy, an objective MCDM. While with the application of TOPSIS, responses from the sample undergo systematic ranking to arrive at an inference. As Bélanger, and Crossler, [13] and Belanger, Hiller, & Smith, [15] pointed out, research efforts should be made towards improving the privacy practices of individuals, assessing and benchmarking the differences in individual view of privacy policies, and developing tools for personal protection of information privacy. Thus, the findings of the current study have been able to address data privacy from an individual point of view, also conveying the benefits of increased data privacy and cyber security awareness as well as the integration of the two aspects in the security strategies. By integrating TRA and TAM, and including individual perceptions, as well as factors related to previous experience with the digital products and services, the results demonstrate the relevance of the models tested to explain the behaviour of online consumers among Lagos state residents.

Recommendations

This section outlines suggested ways in which identified problems could be minimized or permanently solved. The following recommendations are made from the research work:

- (i) The task of ensuring Individual privacy and security should no longer be left to the government and companies alone but should be the responsibility of every user. Individuals should increase their curiosity and develop a healthy skepticism in the application and use of new technologies as they emerge. This can be achieved through the regular, conscious and deliberate search for knowledge, improvement of their information privacy such as the disabling of some setting features on their devices, restriction of some app permissions that can be done without, disabling of some cookies, etc.
- (ii) In a bid to avoid the ripple effect of data privacy breaches - the exposure of our connections to security threats in the form of phishing, etc., when information is divulged, the consumer must become extra alert of any negative consequence that may arise from the disclosure of his/her information.
- (iii) Companies and government should begin to treat data privacy and cyber security as an item because a failure in one of the two areas would inevitably lead to the threat of the other. This will help prevent privacy breaches and its stringent penalties.
- (iv) Individuals and companies may use some services based in countries with more strict privacy laws as this will guarantee some level of safety.
- (v) Policymakers and governing bodies should make individuals' interests the center of their policies, by ensuring the enactments of new policies align with the overall goal of increased privacy and security of individuals.

Contribution to Knowledge

Data privacy investigation and findings concerning consumer behaviour are accelerating at a tremendous speed, and at the same time remaining broken and interdisciplinary. It affects all facets of an individual, business, and government as a result of the extensive application of the internet in all areas of life. Thus, this presents the need for continuous research.

The practical implications of this research are numerous. For researchers, this study represents a systematic approach to understanding and predicting online consumer behaviour when faced with data privacy risks using the Entropy-TOPSIS technique. The proposed methodology has the flexibility for

extended additional alternatives, criteria and larger sample size, adaptable by following the outlined phases described in this research work.

The results of this research also have important managerial and privacy policy implications. The findings of this study could effectively make firms predict the majority of consumers' behaviour when faced with data privacy breaches and make the necessary plans to manage any form of adverse effect. The study could also help mitigate the risks of data privacy breaches when they inevitably occur via cyber-attacks. Policymakers and executives would be informed on the need to strengthen their data security strategy in ensuring the integration of data security and cybersecurity efforts.

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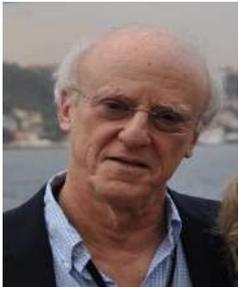
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The War in Ukraine and a Real Evil



Howard Wettstein is currently Professor of Philosophy at UC Riverside. Previously he has held positions at the University of Notre Dame and the University of Minnesota, Morris and visiting positions at Stanford University and the University of Iowa. His main research areas are the philosophy of religion and the philosophy of language. He is the editor of “Midwest Studies in Philosophy” since 1974. His latest book is *The Significance of Religious Experience* (Oxford UP, 2012). Earlier he published two volumes in the philosophy of language, *The Magic Prism* (Oxford UP, 2004) and *Has Semantics Rested On a Mistake?* (Stanford UP 1991).

Andrew Schumann: What is your position on the war in Ukraine and how interesting is this topic for the humanities in America, including US philosophers?

Howard Wettstein: Not sure about the humanities or US philosophers, but like so many here and around the world, I am appalled – I don’t even have the words – by Putin. Real evil. I recently taught a film/philosophy course, and because it’s the first topic of the day, we started with “war.” We watched “The Deer Hunter” and other times I have shown Malick’s “Thin Red Line.” But what’s going on now, the wanton murder and rape, the lies, the profound evil, is more than astounding. Words don’t do it.

Andrew Schumann: Some prominent philosophers have denounced Western support for Ukraine’s struggle against the Russian aggression, such as Noam Chomsky and Jürgen Habermas. How can this be explained? To what extent do Western philosophers condemn Western support for Ukraine against Russia en masse?

Howard Wettstein: I’m not familiar with these comments; I will look them up now. But I assume it’s about American imperialism. I am no fan of Pax Americana – from the time of Vietnam, through Iraq and Afghanistan, but this seems to me very different. I am a supporter of Ukraine’s efforts and the world’s support for the Ukraine.

Andrew Schumann: In the book edited by me *Logic in Central and Eastern Europe: History, Science, and Discourse* (University Press of America, 2012), the authors have shown that in addition to the Vienna Circle and the Lvov-Warsaw School, there were many other schools of logic and analytical philosophy in Central and Eastern Europe, which received important scientific results, but were completely unknown to English-speaking philosophers. How can one explain the lack of interest in the history of philosophy of Central and Eastern Europe among American philosophers? Meanwhile, even the history of Chinese, Arabic and Indian philosophy is already well represented in American universities.

Howard Wettstein: My first job was in Minnesota, in a small town of 3500 people. My wife and I moved there from Manhattan. I didn’t know where Minnesota was! I mean what states were on its borders. But it’s a beautiful and important part of the country. I confess to being not aware of really

significant and important parts of the world and the important work going on in those places. Such is life. It's up to all of us to remedy those oversights and to attend to our failures.

Andrew Schumann: Can the global political crisis caused by the war in Ukraine change the situation in relation to Eastern Europe and influence the interest in its philosophy?

Howard Wettstein: Certainly. It has already, at least in my case and that of some colleagues. And I'll do my best to spread the word.