

Private Property as the State?



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In discussion with left-anarchists, I’ve heard the argument that private property is just another form of the state because private property owners exercise the same monopoly powers over their property. This claims overlooks an important element of libertarian theory, that initiatory aggression can only be retaliated against with like, or proportionate, aggression. Allow me to explain.

Non-Aggression and Retaliation

The non-aggression principle (NAP) of libertarianism states that human beings don’t have the right to initiate force against each other because doing so would be a violation of self-ownership. It’s not aggression if what is forced is owned by the one doing the forcing, and since people can’t logically or ethically own other people, using force against another person is an act of theft. The aggressor is claiming ownership over his victim in direct conflict with his victim’s claim of ownership over himself. Likewise over material possessions that someone has appropriated from nature or traded for.

The NAP does not say that one cannot meet uninvited force with force. If one is committing an act of aggression, he demonstrates to his victim (and everyone else) that he does not adhere to the NAP. Therefore, as Stephan Kinsella has argued, the aggressor is “estopped” from objecting to the use of force against him. In other words, we all have the right to defend ourselves and our possessions, but to what degree? If one’s life is being threatened, then he may defend himself to the point of killing his aggressor. Aggressors who threaten to take a life can’t claim a right to their own lives. It would follow then that aggressive force can only be met with like force. What does this mean for owners of private land?

Private Property and Monopoly

The state claims and enforces a monopoly (single producer) on the use of force within its territorial boundary. This is so because if two parties living within this boundary have a dispute, they must settle it under the purview of the state. Even if the dispute involves the

state itself (its actors), the state claims the right to adjudicate and enforces such as the final word. There is no appeal above the state, hence it's monopoly. Do owners of private land likewise enforce a monopoly on the use of force? Not according to the NAP.

If John trespasses on the property of Kyle, what actions can Kyle take? If John is threatening the life of Kyle (or his family), then Kyle may defend himself to the point of taking the life of John. If John is only threatening material damage, then Kyle may only defend his property to the point of removing John from his property, but not taking his life. Because John is not claiming the right to take Kyle's life, Kyle can't ethically take John's life. He can, however, force him off his property and then erect a barrier to prevent further trespassing. It would be a violation of the NAP for Kyle to shoot John for trespassing.

Contrast this with the state. As the monopoly on the use of force, the state claims the right to kill anyone who defends themselves against the aggressive actions of the state. An owner of private property can't ethically claim this right. Nobody can, not even the state, therefore, the state's monopoly on the use of force is a violation of the NAP. If two parties have a dispute, they have the right to settle it however they see fit. If one party violates the NAP, the other has the right to retaliate in kind. Private property owners cannot forcefully prevent further appeal, making theirs the final word. If they use force, they must show it was justified. Most disputes in society are solved without violence, thankfully, but those that aren't usually involve the state.

Final Thoughts

Try not meeting the state's demands for your money, your actions, or your behavior. If you defend yourself with proportionate force from the state's attempt to kidnap and imprison you, you will likely be killed. Private property owners don't have the right to do likewise on their property. They can set rules for the use of their property, and forcefully evict rule-breakers, but they can't kill them or threaten to kill them if their lives aren't first threatened. The state is categorically different than private property owners. The former violates the NAP as a matter of existence while the latter does not.