

# Why States are Illegitimate



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When statisticians use concepts like “tacit consent” and “social contract” in their arguments, they are assuming what they are trying to prove; namely, the legitimacy of the state in question. Assuming the social contract does exist, what makes the prevailing state the rightful authority in enforcing it? Since we must consider legitimacy, let us consider what legitimacy is.

## **Legitimacy**

When someone or a group of someones exercises power over others, it’s easy to confuse it for rank domination, or simple violent exploitation. When that someone or group of someones calls themselves “king” or “government,” their actions take on an air of legitimacy. From the Latin *legitimus*, legitimacy means “lawfully begotten”; begotten as in created or originated, and lawfully as in “ordinance, rule, regulation.” Which begs the question: *whose* ordinance, rule, or regulation? The legitimacy of the use of power over others thus becomes a matter of authority.

## **Authority**

There are two types of authority. The first is the type that is based on knowledge and experience, ie. “an authority in the field of evolutionary science.” This authority is maintained through public opinion, or to what degree “the public” considers the evolutionary scientist a knowledgeable and experienced expert in his field. The second is the type that is exercised when someone or a group of someones claims the legal privilege to use some power, be it dispute adjudication or policing, over others. From the Latin *auctor*, it means “master, leader, author.” Leader and author are innocent enough, but “master” is from *magister* meaning “one having control.” Again, this begs the question: whose *right* of control?

## **Rights**

From the Old English *riht* and *reht*, a right is “what someone deserves; a just claim, what is due; correctness, truth; a legal entitlement, a privilege.” All of these are entitlements, which are, literally, “titles to an estate or property.” We can see then that all rights are, as Rothbard wrote, *property* rights. Or more accurately, the right to have one’s property be free from handling by those not entitled (having title, or permission, from the current owner) to handle it. But once again, this begs the questions: what is property? what is ownership?

## **Property**

Property is a useless concept to a man alone on an island. Nobody else is around to tell him what he can or can’t do with the resources, including his body, at his disposal. But man is rarely alone on an island. In fact, man’s natural environment is being surrounded by others of his kind. And because he must consume in order to survive, some sort of agreed upon sorting rules for the relatively scarce resources around him must be present in order to secure for everyone not just the means to survive, but to achieve what everyone has a desire to achieve, happiness. These sorting rules are called property, which, of course, begs the question: *how* is property obtained?

## **Homesteading**

The term “homesteading” has been used historically to denote the original appropriation, or original “to make one’s own,” of resources. Hans Hoppe argued (ch. 13) that because the homesteader is first to utilize a given resource, his claim of ownership is greater than anyone else’s arriving after him except for those whom he has transferred his ownership claim to. Because latecomers cannot present a greater claim of ownership, the original appropriator becomes a given resource’s rightful owner. What constitutes a resource? For starters, one’s body. Everyone is naturally the original appropriator of his own body, therefore, we are all “self-owners.” From here, anything that can be utilized by our bodies, be it an immovable yet changeable parcel of land or movable element (solid, liquid, gas) are considered resources, and therefore objects of property. But because everyone is a self-owner by virtue of original appropriation, nobody is the owner of anyone else.

## **Back to States**

Following the logic, then, we can see why states are illegitimate. Or more accurately, why a certain group of people enforcing their monopoly of governmental services within a given territorial boundary do so illegitimately. As self-owners, we proceed to *homestead* or trade for resources external to ourselves. As owners, we are entitled to exercise total rights over our *property*. These *rights* are ours alone. As such, we are the ultimate *authority* over our property. We may use it in any way we so choose so long as we do not interfere with the authority that others have over their property. Because we have this rightful control of our

property, the authority we exercise to make rules and regulations for its use by others is *legitimate*. Those others calling themselves “the state” have not obtained the authority that they exercise over the property of others. In order to have legitimate authority, they must be granted explicit, contractual rights by the rightful owners of all resources within their given territorial boundary.

### **Final Thoughts**

A bold claim but one that must be made: no state that has ever existed has exercised legitimate authority over the entirety of its subjects. Every state was born of conquest and maintained by expropriation (“to deprive of one’s own”). Again, assuming a “social contract” exists, it can only be enforced by those having legitimate authority granted them by the property owners (including bodies) over which the contract applies. In which case, instead of an abstraction, we have concrete contractual rights between providers and consumers of governmental services. In short, those calling themselves “the state” are nothing more than functionaries in the largest criminal organization in society. They have no right to exercise any authority over anybody but themselves, and so are illegitimate.