

Anything But Original Appropriation is Nonsensical

Ultimately, whatever property conventions people voluntarily decide to respect amongst each other is or should be acceptable for the voluntarist.

However, until there is a meeting of the minds between individuals concerning property conventions, how should conflicts over property claims be judged?

In my opinion, they should be judged on the basis of original appropriation, and anything else is nonsensical.

Original appropriation is exactly how it sounds, the original, or first, person to appropriate, or put to some use, a given scarce resource (a parcel of land, something growing out of the land, something non-human living on the land, something found on top of or under the land, *et cetera*) should be given ownership, or the exclusive right of control, over said scarce resource.

Simple enough, right?

Let me give a scenario: John is looking to build himself a shelter, grow some food, and raise some livestock. He goes out into the wilderness where no other person has ever been and finds himself a suitable parcel of land, some seeds for planting, and some goats and sheep for shearing, milking, and breeding. He starts his little farm first by mapping out his borders and in some obvious way giving an indication to would-be passersby of his claim. Then he begins clearing trees and bushes, putting up some fences, and whatever else is necessary to make room for his crops, house, and animal pens.

What John has done here is appropriated several scarce resources. His appropriation is obvious and creates an objective link between himself and his new property. This is original appropriation.

Let me give another scenario: David is looking to create value for others in order to make some money. He'd like some money in order to trade it for various things that he wants. He starts by considering different enterprises to pursue but settles on finding some land just outside of town that nobody's ever appropriated. He thinks that by appropriating it himself by clearing and fencing it and then holding onto it for 10 years, the town will have expanded, the location of his land will be valued, and turn him a profit as a lease.

What David has done here is appropriated a scarce resource. His appropriation is obvious and creates an objective link between himself and his new property. This is original appropriation.

After 10 years, both John and David still own their resources. John continues to farm and has even managed to expand his parcel and increase his count of livestock. David has subdivided his land and leases some plots to businesses and others to residences.

Both John and David claim ownership over their resources, and thus far everyone else has respected that.

Let us posit that each's claim is challenged in some way.

John, while farming one day, finds Jack, a much bigger and stronger man, who's begun digging up some of his crops in order to make way for a house. Is Jack in conflict with John's ownership claim by coming onto his parcel of land and digging up crops?

David, while collecting his rents one day, is told by one of his business tenants, Daniel, that he is no longer interested in paying David because David isn't doing anything with his resource other than sitting back and collecting rents. Is Daniel in conflict with David's ownership claim by continuing to do business on David's land?

Both John and David are having their ownership claims challenged, certainly. Some might agree with Daniel that David, as an absentee owner, is unfairly collecting rents. Some might agree with Jack that unless John can successfully defend his resources, then too bad, so sad, they now belong to Jack.

In both cases, Jack and Daniel are latecomers, second appropriators, if you will. What should be obvious to all is that as latecomers, their actions are an initiation of conflict. Whichever property convention you favor, there is no disputing that John and David were original appropriators, and Jack and Daniel are challenging, by force, their claim of ownership.

Is this right? Is their use of force justified?

If Jack's use of force is justified, then any latecomer must be allowed to appropriate scarce resources already claimed by others.

If Daniel's use of force is justified, then any latecomer must be allowed to appropriate scarce resources already claimed by others.

In either case, a latecomer is using force against an original appropriator in order to take scarce resources.

In my opinion, both John and David may justifiably use force in the defense of their claim of ownership. You may disagree, but in doing so, you are left with the burden of proof to show, logically, why either Jack or Daniel's use of force is justified, and all that doing so would entail.