

Encircled, Enclosed, and Trapped

Someone recently brought up the scenario of being encircled and trapped by other property owners so that you can either not access your surrounded property or you can't escape from it. At least, not without giving in to the other property owner's demands, whatever they may be.

Specifically, his comment was:

...Curious what your current thinking is about the problem of locking people out of their property, or the property to which they are invited, when one or more people acquire all the surrounding property and then deny you ingress or egress. Example: someone acquires the property rights to all the roads surrounding a subdivision of houses or businesses, and then either flatly refuses to allow anyone to cross their property, or charges extortion tolls (say, \$100,00 to cross the road — or demands that you hand over the property you own for \$1 in order to leave the trap they've created). Clearly you have to right to stay alive. Is that aggression if someone locks you into your own property by buying the surrounding property, and thus you have the right to self-defense to use whatever force is necessary to leave it?

Somewhere I have written about this before, but I can't find it now, and my opinions may have changed since the last time I discussed it, anyway. So... time to delve into this again.

As I have come to see, "aggression" isn't the whole picture, which is why I now prefer the concept of archation. Imprisoning someone on their own property is archation. Keeping someone from accessing their own property is archation. Even if they would have to cross your property to use theirs.

If someone bought property with the *intention* of blocking someone's access to their own property, I definitely see this as blatant premeditated archation.

I firmly believe property rights are essential (but not sufficient). But that doesn't mean you have the right to use your property to injure others who are neither initiating force, nor violating property. Equal and identical rights for all. And simply crossing your property may or *may not* count as "violating" it, under the circumstances.

As I have opined several times over the years, you don't have the right to enslave someone as a condition of them being on your property, and you don't have the right to use your property as a prison. You have no right to say "*Well, you're in my house, so I am within my rights to force you to have sex with me.*"

Even in cases where you are *within* your rights, sometimes it's not the right thing to do to exercise your rights in certain ways at particular moments. This would be one example *if* you were within your rights to imprison them on their property, or keep them off their property.

If I were to arbitrate such a case, both sides being non-archators otherwise, I would decide in favor of the trapped property owner, even if I felt he owed a reasonable* access fee. Any such fee would depend on the impact of his passage and probably on his ability to pay.

If someone is crossing your property to use theirs, they have no right to damage your property as they pass through, be it by taking things, leaving trash, destroying things, or whatever. They have no right to make a nuisance* of themselves, by screaming or otherwise impacting the property they are crossing. Their passage should be as light-footed as possible, and any damage or nuisance would create a debt subject to restitution.

I would expect the encircling property owner to designate the path of least impact, and not make it unreasonably* difficult. If more than one property owner were part of the encirclement, I would probably suggest a path along their property lines so neither would bear the full burden, unless one volunteered a path.

I would probably encourage a permanent easement agreement, maybe through the purchase of a small strip, or just the right of passage along a certain path which is irrevocable.

Of course, there is air travel, tunneling, and *Star Trek* transporter technology (just kidding) which can be used to reach an agreement for access to encircled property. And possibly things no one has thought of yet.

Sometimes, too, there's just not a good solution that works in the real world to everyone's 100% satisfaction, but I really think this is a solvable problem. Do you have any better ideas?

*Subject to arbitration, if need be.

Here is someone else's take on it.