

# Expanding Argumentation Ethics



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My column praising illegal immigrants led to one discussion where I was asked where I believe rights come from. I responded that I do not think that rights exist outside our minds; that is, rights are the result of a construction of concepts that takes places in the minds of individuals. Therefore, they come from rational analysis and logical deduction. This discussion eventually had me using Hans Hoppe’s “argumentation ethics” (AE) to explain self-ownership and while doing so AE not only became clearer to me than it had previously been, but I also found myself looking at AE from a different perspective than everything I’ve read on it. Let me explain.

## **Argumentation Ethics as Originally Understood**

I can’t recall exactly where or how, probably through Stephan Kinsella, but at some point I was introduced to Hans Hoppe’s work on AE (Chapter 13). Hoppe was dissatisfied with the “natural law” and “natural rights” approach to ethics (as taken by Locke, Rothbard, and others), so he set out to solve the deficiencies of the former. Using his training on praxeology, he looked at “the narrower [approach] of propositional exchanges and argumentation which must serve as the starting point in deriving an ethic.”

What does this mean? While a more complete account can be found at Mises.org, I will here give an attempt. Let’s start with the act of arguing. When one engages in argumentation, a number of characteristics are presupposed, characteristics that one accepts as fact, or else he would not engage in argumentation. These characteristics include common language, intelligence, rationality, ability to be convinced, but it also includes self-ownership. When one engages in argumentation, he does not first ask permission to do so from anybody else. He presupposes that he is the owner of his body and can use it in this way. Likewise, he presupposes that his “opponent” is also the owner of his body and can use it in this way as well. His actions, in other words, tell his opponent and anyone else around that he regards himself and his opponent as self-owning, intelligent, rational, beings with the ability to be convinced, to change their minds.

Further, if his argument was that either he or his opponent were not self-owning, intelligent, rational, or had the ability to be convinced, his act of arguing would be a “performative contradiction.” In other words, his actions would contradict his presuppositions. Because his act of arguing would presuppose his opponent’s, for example, ability to be convinced, the content of his argument cannot logically include that his opponent cannot be convinced. Likewise for intelligence, rationality, and self-ownership. Considering that last one, then, arguing that someone is not a self-owner is a performative contradiction. Therefore, nobody can consistently make that argument, and hence the only argument that can be made is that somebody, anybody, *is* a self-owner. That one could argue that someone not party to his argument is not a self-owner brings us to consider the following.

### **Argumentation Ethics From my Current Perspective**

AE is not without it’s critics. I think Hoppe and other proponents of AE have done a satisfactory job defending it. I have a better understanding of it now than I did originally (two or so years ago), and I think its the strongest of all the approaches I’ve read on self-ownership and its corollary, property rights. That being said, I think AE, combined with Kinsella’s estoppel approach to punishment, can be expanded to include other interpersonal behaviors besides argumentation. Positive behaviors (in my value judgment) like showing respect, being kind, being charitable, and negative behaviors like defrauding, stealing, assaulting, and murdering all have the actor of the behavior making presuppositions.

Let’s start with positive behaviors. What presuppositions are made when Person A is showing respect or being kind to Person B? For starters, Person A’s actions show that he considers Person B to be worthy of his respect and kindness. If Person A were to give Person B charity (money, food), Person A’s actions show that he considers Person B intelligent enough to know what to do with it. Positive behaviors like these tell us a lot about what Person A thinks about Person B, mostly that he considers him a fellow human being deserving of respect, kindness, and charity. Person B would correctly interpret Person A’s actions as presupposing these considerations about Person B.

More interesting, I think, are what we can glean from negative behaviors. Many consider fraud, theft, assault, and murder as unethical or immoral, but not everyone. Why would some people consider these things unethical but others not? Answering for myself, I consider these behaviors to be unethical because they create conflict, pain, and suffering. I would not engage in these behaviors because I do not want to create these types of results. Many people do engage in these behaviors, though, so what does that tell us about their ethical considerations? I think it tells us that they consider those they defraud, steal from, assault, or murder as less than them. I’m sure they don’t want to be aggressed against in these ways, so their aggression towards others can only mean that they consider

those others as lower forms of life than themselves. Their actions, then, presuppose that their victims are as cattle, free for the forceful handling, exploiting, and killing.

This was a very revealing insight for me for this reason: I think ethical considerations toward others should only be made toward those with the same presuppositions as ourselves. This means that when someone unrepentantly aggresses against me (or my property), some (but not all) aggressive actions I could take toward them would be amoral. If someone desired to steal from me, it would not be unethical to steal from them. If someone desired to murder me, it would not be unethical to murder them. They would be as a raging tiger (meaning that if I were walking along a path, minding my own business, and a raging tiger approached me, it would not be unethical to “put it down”). Likewise then, if someone is bent on murdering me, my “putting them down” would not be unethical in the slightest because their presupposing me as less than human estops them from objecting to me murdering them. If they consider me less than human, then they “could not care less” about my ethical considerations of them. Do human beings care about the ethical considerations of cattle? Some do, but most do not. When a cow kills a human, was it an unethical or immoral act? I do not consider it such. I also believe that this is the reason why the “non-aggression principle” allows for retaliatory aggression.

## **Final Thoughts**

The above can be expanded a hundredfold. Using the above approach to ethics we could look at not only actions that violate self-ownership, but also property disputes and perhaps even inter-species relations. Consider an intelligent alien species who acts peacefully toward us. They would be worthy of our ethical considerations, whereas a violent species would not. Take the “wraith” in the television show “Stargate: Atlantis.” Though they are as intelligent as human beings, they consider human beings as cattle because they need to consume them as food for their own survival. As a species they would not be worthy of the ethical considerations of human beings (nor are human beings from the point of view of a cow), though certain individuals who act peacefully toward human beings would be. If I ever meet an intelligent, alien race, I know exactly how to interpret their actions toward me. The same way I interpret the peaceful or violent actions of my fellow human beings. I think AE and the above expansion has real merit for defending self-ownership, property rights, and individual liberty.