

Is the Non-Aggression Principle Self-Negating? You Decide!

A person named Jared emailed me out of the blue about a week ago with the following letter. It contains a request for feedback followed by an argument that the Non-Aggression Principle as made popular by Murray Rothbard was self-negating on the grounds that the creation of private property is an act of aggression. What ensued were several letters back and forth in which we both flesh out the other's argument and offer our critique. In the end we understood each other better, but alas no consensus was reached. I share it all here for future reference. What follows each subtitle is the letter from the point of view of the writer. Quoted material from the other will be held in block quotes (indented). No editing will occur of either's letters.

Jared's First Letter

Dear Sir,

Enclosed is an argument for your perusal.

Also appended at the end is a link to an attempted rebuttal to a slightly earlier version of this argument by one Dr. Walter Block. It is to be noted that his first point misses the point – that is, is not obviously related to any claims made herein – and his second point is directly contradicted by definition 1 as given below.

I would appreciate any feedback you might give on this.

Jared L.

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Definitions

1. Private property is the claim of monopoly control over resources asserted by threat of force against others. The agent or group that succeeds in holding monopoly control over resources is called the owner of the resources.
2. [T]he state [is] any organization that succeeds in holding the exclusive right to use, threaten, or authorize physical force against residents of its territory.

It is immediately obvious that private property is the state, the sole difference being the label(s).

So defined, private property is a coercive relationship between agents, and not necessarily

a relationship between agents and non-agents.

Moreover:

1. There is nothing in the definition of private property which limits the amount of property an individual or group can own.
2. Nor is there any limit to behaviors the owner(s) may choose to call “aggression” against their property and thus respond with force to eliminate.
3. In particular, the only real limitation on the contents of contracts between owners and renters is the enforcers’ qualms, which payment tends to overcome.
4. In general, when contractual conditions for use of property are costlier than force, force will be applied and a change in ownership / regime may result.
5. Therefore, in principle, private property results in totalitarianism and war.

Against the definition of private property offered above may be asserted the “gainful use” theory of private property – which may be reduced to the notion that touching something first justifies threat of force against those who might threaten to touch it second. Threat of force against agents with respect to resources remains, preserving the identification of private property with the state.

Murray Rothbard formulated the Non-Aggression Principle as follows:

“No one may threaten or commit violence (‘aggress’) against another man’s person or property. Violence may be employed only against the man who commits such violence; that is, only defensively against the aggressive violence of another. In short, no violence may be employed against a nonaggressor. Here is the fundamental rule from which can be deduced the entire corpus of libertarian theory.”

From the definition of private property as given in definition 1, we can now see that this fundamental rule from which can be deduced the entire corpus of libertarian theory is self-negating. Private property consists of threats against others, which threats constitute aggressive violence, per Rothbard above. Without aggressive violence against others, as aggressive violence is defined by Rothbard above, there is no private property – no ownership.

The upshot is anarcho-capitalist libertarianism is statism, renamed, only without religious accretions.

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Block’s response.

<https://www.lewrockwell.com/lrc-blog/anarcho-capitalism-statism-indeed/>

Skyler's First Response

Why does it follow from definition 1 that the property owner may exercise control of the non-property owner? You seem to have setup a strawman from a non-sequitur.

In Rothbardian terms, ownership is the exclusive right of control of a scarce resource, not of any and all persons trespassing on said resource. The resource is subject to the owner's control, but not necessarily the trespasser on that resource.

What say ye?

Jared's Second Letter

It follows tautologically from the claim of monopoly control over the resources, which claim is asserted by threat of force against others ("if you touch my shit, I'll kill you!"). If you don't have monopoly control over it, that is, if you cannot prevent others from exerting control over it, you don't own it. If neither your threats nor power suffices to prevent others from exerting control over it, then whomevers' threats and power do stick against all comers has monopoly control over it, and they therefore own it.

Or rule it. Same content, different label.

Skyler's Second Response

Ownership is "exclusive right of control".

Monopoly is "exclusive right of sell".

These aren't the same thing, and using them interchangeably is muddying the analysis unnecessarily.

The important question is: what may a property owner justifiably do to a trespasser?

The trespasser is the rightful owner over his body, not the property owner. The property owner is the rightful owner over his property, not the trespasser.

Each may control their respective scarce resource however they see fit.

So what may be done to a trespasser? Since he doesn't have permission to use the resource he's trespassing on, the owner of said resource may use as much force as is required and is customarily acceptable to physically remove him. No more, however, because he is not the owner over the trespasser's body.

Same goes for the retrieval of stolen property. If someone takes your wallet, it doesn't follow from Rothbardian property norms that you may kill him to retrieve it, or as

retribution.

Therefore, since the state claims the right to control scarce resources that it did not acquire according to prevailing property norms (bodies and not-bodies, be it original appropriation or occupancy-and-use), the state is an aggressor, and quite unlike owners of private property.

Further, the state claims sovereign immunity, which private property owners do not, and cannot without sufficient firepower to defend itself from the consequences of its actions.

Jared's Third Letter

I intend the use of the word "monopoly" to recall the phrase "monopoly on violence," in context.

The important question is not what a "property owner" may justifiably do – the important question is who gets to make the determination as to what a "property owner" may justifiably do and make that determination stick, which, of course, must necessarily be by threat of violence against the "owner" to control his behavior towards resources, including others' bodies.

Whoever that is, that's your real owner, or, in other words, your ruler.

Of course, if there is such a person or group, then to speak of a "property owner" other than that person or group is to make a mistake in determining who has monopoly control over the property in question – the "owner" spoken of then is merely a renter or a vassal, even if the words "property owner" are used to refer to him.

May we start there?

Skyler's Third Response

Then we aren't talking about ownership as "exclusive *right* of control" but rather as "exclusive ability to enforce authority over." That's a very different thing, wouldn't you say?

In which case, the most powerful of all beings is the owner of all. What is the point of even talking about or arguing for various property norms if its all for naught just as soon as someone more powerful comes along? None of us would be justified in opposing him, after all.

I just used the word "justified" very carefully. We have questions of "is" and questions of "ought". Your conception of ownership is is-contextual, whereas mine and Rothbard's is ought-contextual. Positive vs. normative.

The only logic you can offer in support of your conception of ownership is tautological, as you say. So what's the point in discussing it further? Your mistake is in assuming Rothbard is using your conception of ownership. He's not, ergo, straw man.

Jared's Fourth Letter

My argument would ultimately be that any definition of private property necessarily entails violent aggression against others in order to 1. assert the claim to ownership in the first place, and 2. gain compliance with whatever rules you want people to follow with respect to whatever resources are in question. Therefore, the Rothbardian NAP will remain self-contradictory so long as violence is threatened or used. It's only a straw man if there are never any threats of violence deployed to control behavior with respect to resources, whether explicit or implicit.

The most powerful of all beings may, or may not, be able to exert monopoly control over all; it all depends on the power of that being, doesn't it? But, interestingly, if one admits the God of the Bible exists, and if one also claims to accept the gainful use theory of private property, then the conclusion follows immediately that all human claims to private property are *prima facie* confessions of robbery, theivery, or receiving and possessing stolen goods, since that God mixed his labor with chaos to bring forth the earth and all things on the face thereof, and has not quit his claim.

Skyler's Fourth Response

assert the claim of ownership [sic] in the first place

This is not true of original appropriation. It is true of secondary, tertiary, et cetera, appropriation.

It's not appropriated *originally* (origin) if aggression is used against other people in the course of such. Only once original appropriation occurs is force then threatened or utilized in defense of the original appropriators claim of "exclusive right of control", ie. ownership.

The Rothbardian NAP is therefore not contradictory if understood in the context of original appropriation. "Aggression" in the *initiatory* sense is not permitted under the NAP.

"Aggression" in the *retaliatory* sense is. (Some people, myself included, define aggression as "initiatory force or violence," or rather, "the initiation of an uninvited property border crossing, ie. a trespass." This necessarily presupposes some ownership assignment based on some property norm. In the case of Rothbard, that would be the property norm of original appropriation.)

The difference is a matter of ownership. If I witness Man A taking a wallet out of the pocket

of Man B, I cannot claim that Man A is a thief unless I know that Man B is the *rightful* owner of the wallet. If Man A is the rightful owner, then Man B was the thief, assuming he obtained the wallet against Man A's wishes. That he has the wallet (possession) does not automatically grant him ownership (exclusive right of control), at least not according to original appropriation.

Now, that's not to say that original appropriation will be or should be the prevailing property norm in a stateless society. I think for many different types of scarce resources, it will be, but for others, I think occupancy-and-use makes sense. I envision a mixture of the two, and on different scales.

Jared's Fifth Letter

We're starting from zero.

There is no mystical connection between persons and stuff they have touched, and there is nobody who can say how much, or with what quality, one must touch something to generate a mystical quality such that one can say by virtue of one's magical touch that one is now the "owner" of it, sans aggression against all to make it stick; if there is anyone who can make that rule, and make that determination, and make it stick, which of necessity must be by threat of force against all, then that's your real owner, or, in other words, your ruler. The threat of retaliatory violence itself constitutes the claim of ownership in the terms under discussion, but to make the threat against non-aggressors is to violently aggress against them (you have aggressed against them and deprived them of access to or control over resources unless they care to chance your aggression). Threatening others who have not aggressed against you is aggressive violence, saith Rothbard. Such threats are necessarily made in claiming private property. Thus there is no context which resolves the logical contradiction at the heart of the Rothbardian NAP. Because Rothbard included private property in the NAP, it is necessarily self-contradictory.

But let's look more closely at what's going on with the "gainful use" theory of private property. "I improved this thing by my touch therefore it is mine and I will kill you if you touch it." The threat has to be there otherwise we don't own it, and, if we're talking about private property, the thing has to be there to be owned, but what role does improvement by touch play? It adds nothing to the threat, and can't be proven to add anything to the thing, if it was even touched at all, and so we don't need to say anything about the improvement by touch. This claim therefore can be reduced to "this shit is mine; touch it and die." In other words, any claim to private property which includes "retaliatory aggression" can be reduced, without loss, to what has already been proffered: private property is simply the claim of monopoly control over resources asserted by threat against others, with the owner being whoever's threats stick in the end.

One only gains private property as a result of aggressive violence against others, even if one spins it as “defensive.” There are other formulations of the NAP which are consistent. However, because they are consistent, they are inconsistent with private property.

I appreciate, also, that you are giving this substantial thought and response.

Skyler's Fifth Response

There is no mystical connection between persons and stuff they have touched

I wholeheartedly agree. A discussion on property rights is meaningless, in my opinion, if not in pursuit of a certain aim, that aim being the reduction of human conflict over scarce resources. This is why humans don't concern themselves with animal claims to property, we don't care what animals think, nor do they care what we think. We are okay simply shooting the trespassing wandering bear, whereas we're less okay simply shooting the trespassing wandering human (less so for those from another socio-economic group/class/etc). We prefer to give warnings and use persuasion to get them to leave, and it usually works.

But since scarcity (and rivalrousness) is a fact of nature as it concerns human wants, what tools can humans who wish to reduce conflict with other humans create in order to achieve that wish?

All rights are property rights, ultimately, but even so, all rights are a social construct, “social” presuming many human minds working together to solve a problem. They are not a tangible thing. They are an intangible mental creation to serve a certain purpose. That purpose being the reduction of conflict over scarce resources. (Other tools for this purpose include tangible weapons, but those are a double-edged sword, pun intended.)

Of all the conceptions of what constitutes a valid claim of ownership, which are best equipped to help humans reach that end (the absence of conflict, or peace)?

Rothbard examined original appropriation and private property and compared it's usefulness toward this end (peace) to other conceptions of property, such as collective ownership, and concluded original appropriation and private property were the most useful toward reducing conflict over scarce resources for the greatest number of people. He may be right, he may be wrong.

But from that starting point of OA and PP, that premise (right or wrong), he proceeded to argue about when force was justified, and when it was not.

Further, our bodies as much as anything are also a scarce resource. Other humans' desires over our body are in conflict over our desires over our body. Thus our bodies *should* be subject to this social construct called property rights. Hence self-ownership.

But wait, according to your logic, my claim of self-ownership necessarily entails a threat of violence against non-owners (other people besides myself), and so it's a contradiction for me to claim both ownership (exclusive right of control) over my body and to claim that other people using aggression against my body is unjust. My claim of self-ownership is an act of aggression against others, in other words. (queue Hoppe's argumentation ethics, but that's another rabbit hole.)

Unless I've misunderstood you, this seems like a very poor way to reduce conflict over scarce resources, or rather, a very poor way to conceive of property rights for the purpose of reducing conflict over scarce resources.

It seems far more rational to recognize that OA and PP do not entail aggression against others at the origin point, because nobody else is even around or making a conflicting claim over the particular resource in question. Only after PP is established is there a threat of *defensive/retaliatory* force being used against *initiators* of force (ie. aggressors).

There are other formulations of the NAP which are consistent.

I'm very curious what you mean by this, and very open minded.

I appreciate, also, that you are giving this substantial thought and response.

Likewise. I don't know who you are, but this has been very enjoyable.

Jared's Sixth Letter

Thankfully, you have precluded the need for my explanatory narrative of Og, the proto-Rothbardian caveman, securing his domain from the surrounding wildlife.

You ask: "of all conceptions ... of ownership, which [of them lead to] the absence of conflict, or peace"?

To which I respond: none of them, inasmuch as they can be functionally reduced to "if you touch my shit, I'm going to kill you." If a claim to ownership entails violent aggression (again, Rothbard's definition) then you hit the outcomes I listed in the original argument. And since we're watching those conclusions being borne out now, as well as in the history

books, this gives us reason to look elsewhere for a basis for social order other than violent aggression. Rothbard's solution to conflict is not only not a solution, but is in actuality a refined form of the disease-causing vector, which is a narrative of justification for the application of violent aggression in human society as a response to fear. His NAP is properly seen as an Aggression Principle, or an announcement of when he shall punish you by violence when you fail to conform to his will, which constitutes violent aggression by his own definition.

As an aside, "if you touch my shit, I'm going to kill you" can itself be functionally reduced to "if you don't do what I say in a specific context, I'm going to kill you," which can itself be functionally reduced to "if you don't do what I say, I'm going to kill you," which can itself be reduced to "I am going to impose my thoughts and feelings of the way things ought to be onto what is." I am, in other words, going to make what is conform to what I think ought to be. But that is to declare war on reality.

Clearly, the sole alternative to a social order based on violent aggression, which cyclically collapses into anarchy and builds up into totalitarianism before collapsing again, is a social order in which none aggresses – where none threaten nor smite. Since private property can be reduced to territoriality implemented by violent aggression, such a social order cannot feature private property.

Simple possession means having practical, physical control over a resource, like holding an apple. A thing belongs to you if and only if it obeys your voice, otherwise it can be at most a possession. I possess my body, for it largely obeys my voice, but I do not own it, neither can I transfer control of it to you except by doing your bidding. That my body is not mine own, despite my possession of it, can be seen in that it does things I do not ask it to do, such as lose function, or grow hair, and the like. Therefore it is at most a temporary possession, and under someone, or something, else's control while it is also somewhat under my control. This is the way things are. If I assert ownership over my body ("touch me and I'll kill you"), then I am either deluded or lying, but I am also necessarily fearful and hostile towards my fellows.

I am going to retract my claim that some versions of the NAP are consistent; when I said it, I was considering the issue solely from the contradiction between property claims and aggression; any NAP which presupposes private property can be reduced functionally to Rothbard's formulation. Now, looking at it from the perspective of imposing oughts on what is, I do not think any pass muster. A proper and consistent NAP might be "I shall not aggress." For someone to impose such on others is to violate it. Nevertheless, it does not resolve conflict even if it does produce peace if everyone followed absolutely because it does not give a way to adjudicate conflicting needs for required resources. For that, we look elsewhere.

Vocabulary

Justice: the principle which says all freely-entered agreements shall be fully executed, including penalties as applicable.

Just: according to that which was freely agreed upon.

Justified: actions taken according to freely-entered agreements; people who have acted within freely-entered agreements.

Justification: narrative offered to persuade others that one's actions have been according to a freely-entered agreement; being rendered capable of keeping the terms of a freely-entered agreement.

Skyler's Sixth Response

It would seem that we are at an impasse.

"if you touch my shit, I'm going to kill you."

This is a straw man. It's not at all what the Rothbardian NAP entails. The only time "I'm going to kill you" is a valid response is in the case of "if you threaten/attempt to kill me." Proportionality is very important, as I already explained. See Rothbard: <https://mises.org/library/punishment-and-proportionality-0>, and Kinsella: <https://mises.org/library/punishment-and-proportionality-estoppel-approach-0>

His NAP is properly seen as an Aggression Principle, or an announcement of when he shall punish you by violence when you fail to conform to his will, which constitutes violent aggression by his own definition.

His will as it concerns *his property*, not yours. Another significant omission, leading you to arguing against a straw man.

a social order in which none aggresses – where none threaten nor smite.

A paradise indeed, but as a matter of human nature, most likely a Utopia. (non-existent place, as in, so contrary to human nature that its existence is *impossible*) So what's the

next best thing? According to austro-libertarians like Rothbard, et al, the widespread enforcement of the non-aggression principle within a context of private property ownership from original appropriation.

That my body is not mine own, despite my possession of it, can be seen in that it does things I do not ask it to do, such as lose function, or grow hair, and the like.

I can't tell my hammer to grow hair, either. I don't see why that matters. That fact is, our bodies are a scarce resource (useful in many ways even if not to grow hair on demand) subject to conflict with other humans. Hence they are in need of ownership allocation.

For someone to impose such on others is to violate it.

Not if done so in the retaliatory, proportional sense from a foundation of original appropriation.

Jared's Seventh Letter

We are indeed at an impasse.

"If you touch my shit, I'm going to kill you" is not a strawman. It is the logical end game of private property. Your argument of "validity" assumes someone in a position to impose his standards of propriety, or "proportionality" as you phrase it, upon all participants in the interaction. Whoever that person is, they are the property owner as defined herein, or, in other words, your ruler.

It is only "his property" by initiation of violent aggression against all others. This is not a "significant omission" on my part, but your refusal to acknowledge that initiating threats of violence against others is, well, initiating threats of violence against others. Once you make the claim of private property, you have initiated violent aggression against all others, announcing thereby "this shit is mine; touch it and die." You may personally choose not to kill violators – but, then, you may indeed choose to kill them. Whoever can tell you you cannot, and whose will you conform to in this matter, is the real owner, or, in other words, your ruler.

Rothbard is observably incorrect on first principles, as I have demonstrated, as his "solution" is merely a renaming of the system we already have, only without the religious accretions, and today with more nuclear bombs. It is the religious accretions he had his real problem with, methinks, for it is said "you cannot serve God and mammon." And that

idea that a society which is not predicated upon violent aggression is impossible happens to be a key tenet of Christianity, and was practiced in the early days thereof, as can be seen from Acts. Granted, it didn't last, but that it was here at all says your position is indefensible if the historical record is accurate, being contradicted by reality.

To enforce the NAP is, of course, to initiate violent aggression against all. That this fundamental contradiction goes unremarked is interesting. That you choose to call it "retaliatory" as if you do not see that it is, in fact, initiatory, is interesting also.

"[Scarce resources] are in need of ownership allocation." That is a contested point. Who should prevail in a contest between you and I over a resource? And who put them in charge? And so on back. If it doesn't arise by an initial violent aggression against all comers, "you shall do this or else I shall punish you," or "my shit, my rules," then how did it arise at all? I never agreed, so whatever your answer is will be found to be unjust.

You can't square a circle; you cannot resolve conflict by perpetuating it; all you can hope to do is win for as long as you're alive, and at the end, you die anyways.

Skyler's Eighth Response

Would you say that the foundational disagreement we are having is in the difference between initiatory and retaliatory force?

If so, when is force initiatory and when is it retaliatory, in your opinion?

Jared's Ninth Letter

It may be.

When I say to you "if you do not do my will, I will visit you with violence" then I have, according to Rothbard's definition of aggressive violence, initiated aggressive violence against you. Remember, he included threats in his definition of violence.

When I claim property as mine, then I am necessarily initiating a threat against all others, which threat constitutes aggressive violence, and am hence initiating aggressive violence against all others.

If, in response to my claim, you shoot me and kill me and thus answer my initiation of aggressive violence against you, that would be retaliatory. Proportionality is not the issue in this example, only that the action in question is hypothetically taken in revenge for my initiating violent aggression against you.

Skyler's Ninth Response

Is the claim of any sort of right or liberty a standing threat of retaliatory force to all those who would violate it?

Jared's Tenth Letter

As an aside, I meant to say that the possibility of a social order without smiting nor threatening was a key tenet of Christianity, and practiced by the primitive Christians; I did not mean the opposite sentiment as it appears below. I will also note that it did not feature private property, as a historical matter, assuming the record is accurate.

I believe you indicated earlier you agreed with the proposition that all "rights" stem from "property rights." Functionally, they may be represented as "if you do not do my will in this context, where I claim ascendancy over you, I shall kill you." Again, "I shall kill you" is not a strawman, that's the endgame. Thus, assuming along with you that "rights" derive from claims to private property, I would say a claim of any sort of right to be the initiation threats against any who might not conform to your will in those contexts, which is to initiate violent aggression against any and all in order to control their behavior in whatever context we're concerned with.

An initiation of violent aggression through threatening does not become retaliatory simply because we may choose to execute our threat only after our will is thwarted. The violence may be termed "retaliatory," but the issuance of the threat itself was initiatory, and is, again, the initiation of aggressive violence.

Skyler's Tenth Response

Person A wants to homestead piece of land 1, which would necessarily put all others on notice that Person A is willing to defend his property claim by force, a behavior that you consider aggression (initiatory force).

Person B (of the same mind on this as you) then feels justified on defensive grounds threatening Person A that in the event that Person A does homestead piece of land 1, such homesteading constitutes an act of aggression against Person B.

Person A is thus prevented by threat of [defensive] force by Person B from homesteading piece of land 1.

Person B's threat of [defensive] force thus prevents piece of land 1 from being homesteaded by Person A, or anyone else (Person C, Person D, and so on).

Person B has effectively and practically exerted his will by force over the status of piece of land 1.

In your opinion, does this make Person B the de facto owner of piece of land 1?

If not, why not?

If so, does Person B's ownership status over piece of land 1 constitute an act of aggression (initiator force) against all others?

If not, why not?

If so, does this constitute an unsolvable paradox of retaliatory force turning into initiator force turning into retaliatory force turning into initiator force, *ad infinitum*?

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On your aside, interesting, I suppose. Did it feature "personal property"? Or rather, did anyone threaten force in the defense of anything they considered theirs? If it were a community of pacifists, probably not. Was it?

Jared's Eleventh Letter

Do you agree that putting all others on notice that A is willing to execute violence, at the very least when his will is thwarted in whatever context we care about, is properly rephrased "threatening"?

As to the aside, the record is incomplete, but I suspect not. Nobody called anything he possessed his own.

Skyler's Eleventh Response

Yes.

Jared's Twelfth Letter

In the terms under discussion, by the definition of private property, B is the owner of the land.

Once you claim the land, you are the aggressor against all others, for you have initiated threats against all others.

Thus there is no paradox to resolve.

And, with that aggression, the Rothbardian NAP justifies retaliation among its adherents.

So it's the self-contradiction at the heart of the Rothbardian NAP that one smacks up against: you make the claim, you justify others in coming against you. As I said, it's an Aggression Principle, properly understood.

So when someone claims property (or threatens you, generally), you have essentially got

only these options: fight, bargain, or yield. Each option has its ups and downs, depending on relative abilities and perceived costs involved. Maybe a New York Rothbardian, for example, doesn't feel an Indian Rothbardian's claim in New Delhi to be worth retaliating against. Or maybe he wants to collect a sufficient force to guarantee success. And so on.

If you're going to play the property game by Rothbardian rules, and choose to fight in response to the threat, better make sure you can win.

Skyler's Twelfth Response

Alright. So, then, here is how I sum up your argument based on my understanding of everything we've discussed thus far:

Any claim by a person of an exclusive right of control (ownership) over a scarce resource necessarily entails the initiation of force (aggression) against other peaceful people. Further, because the Rothbardian-formulated non-aggression principle, which states that the initiation of force (aggression) is unjust and invalid, presupposes ownership of scarce resources, it is contradictory.

Accurate?

Jared's Thirteenth Letter

It is close enough for government work, but not precise enough to be considered perfectly accurate; the devil, as they say, is in the details.

Is the observation conceded that the initiation of threats is considered the initiation of aggressive violence, in Rothbardian terms? It is unclear from this summary that it is so conceded, and the demonstration of the self-contradiction of the RNAP hinges upon that observation in conjunction with the observation that to assert claims of private property is to initiate threats against all others.

I presume you are tidying things up for a presentation on your blog; would you have any objection were I to cite our correspondence?

Skyler's Thirteenth Response

It is close enough for government work, but not precise enough to be considered perfectly accurate; the devil, as they say, is in the details.

Where can it be improved? I'd like it to be as accurate and as concise as possible.

Is the observation conceded that the initiation of threats is considered the initiation of aggressive violence, in Rothbardian terms?

A threat of force is as just or unjust as is the use of force. They are indistinguishable in Rothbardian terms, is my understanding.

I am not ready to concede that a claim of ownership over scarce resources (our bodies, land, non-land resources) via original appropriation constitutes an initiation of force (aggression) in the Rothbardian sense.

I presume you are tidying things up for a presentation on your blog;

Maybe, or perhaps on my podcast. But first I'd prefer to float it among a group of friends to get their take.

would you have any objection were I to cite our correspondence?

Not at all. And you?

Jared's Fourteenth Letter

Unfortunately, for it to be as accurate as possible, it ought to be stated as it was in my original argument.

The real impasse is that you do not agree that claims to private property may be reduced to this form: "This is mine, [insert philosophical rationale / narrative of justification here if necessary], therefore if any [influence / remove / assert control over / touch] it I shall, at my discretion, visit [negative consequences, perhaps up to and including death], upon them." IE "touch my shit and I'll kill you." Of course, to make such a statement is, on its face, to initiate a threat.

If you do cite it, please remove personally identifying information.

Thanks.

Skyler's Fourteenth Response

The problem I see is:

"at my discretion"

If the other person rightfully owns his body, then beyond proportion is an act of aggression (initiation of force).

Jared's Fifteenth Letter

Well, let me leave it at this for the day.

Whoever can impose their standards of propriety, or proportionality, upon you, must necessarily be doing it by threat of force, meaning they are the true owner of "your" stuff, or, in other words, your ruler.

The very notion of proportionality seems irredeemably subjective. Who can know what minimum amount of violence would have been required to be absolutely assured of maintaining control over one's private property, and how could any claim to that knowledge possibly be proven, and why and how does someone gain power to tell you you should tolerate anything less than absolute assurance of control over your private property? Killing the challenger / trespasser guarantees the end of the threat they pose towards your control of your private property. So far as I know, nobody can go back and re-run the experiment to find out what the true minimum violence would have otherwise been to gain that absolute assurance in the end. So does it not always boil down to someone imposing one's feelings about the way things should be upon others by force? But isn't that why we're threatening people in the first place?

Skyler's Fifteenth Response

Whoever can impose their standards of propriety, or proportionality, upon you, must necessarily be doing it by threat of force, meaning they are the true owner of "your" stuff, or, in other words, your ruler.

Why the leap from "true owner of your stuff" to "your ruler"? In Rothbardian-based restitution, force may be used to secure what was taken, but that doesn't mean the first victim is acting as a ruler over his aggressor *en toto*. IOW, I may use force to take back my wallet you stole, and according to Block, to take your wallet, too (to compensate for the fear you caused, I guess), but no more. This isn't me being "your ruler" even though it is a claim of being the true owner of *some* of your stuff.

The very notion of proportionality seems irredeemably subjective.

Maybe that's where Kinsella's estoppel approach improves it...

And another thing:

Person A claims ownership over a piece of land by fencing it off and tilling the soil, an action indicative of his desire of exclusionary right of control. He expects his claim to be respected by others (Person B), but in the event that it's not, he is prepared to use as much force as is necessary to protect it.

(a) We could say, as you seem to, that this action is a threat of force against Person B (and everyone else), and as nobody has initiated force against Person A, this threat is itself initiatory in nature, and thus a violation of the Rothbardian NAP.

(b) Or we could say that this action sets up a *conditional* threat of force against Person B, that condition being the initiation (or threat) of force against the claimed piece of land. If nobody threatens or initiates force, then there is no threat by Person A. It would take an optional positive action in threat or in practice to trigger the owner's response by force, his retaliation. Since Person B *has a choice* to take this positive action, his volitional choosing to do so constitutes the *initiation* of conflict. He doesn't have to do it. He *chooses* to, quite possibly for nefarious reasons. (other than as an act of morbid desperation, what other type of reasons could there be to explain this behavior?)

(b) seems far more reasonable and rational to me than does (a).

Jared's Sixteenth Letter

Why the leap from "true owner of your stuff" to "your ruler"?

Because the secondary point of my argument is that private property is the state, with the same contents and effects, only relabeled, rendering Rothbardian libertarianism a disguised variant of statism, as is any social order incorporating private property as defined herein: they're all the same at the core. If someone is imposing their standards of propriety upon you by threat of force, and you have yielded, you are at best a renter or a vassal, for they are controlling by threat your conduct towards resources. They own it, or, in other words, rule you.

I understand that in order to defeat my argument, you have to be able to functionally recast the necessary initial aggression by the property claimant as not being aggression. Yet it is the case that the only way to accomplish this will have to be rhetorical and not logical nor functional, for it is tautologically true to say initiation of aggression is initiation of aggression.

Therefore, to proceed to show why (a) is the case and (b) is a tendentious rhetorical recast of (a), I ask the following question: how does A expect B to know that if B crosses A's fence

that A is prepared to, ultimately, kill B?

Skyler's Sixteenth Response

*for they are controlling by threat your conduct towards resources.
They own it, or, in other words, rule you.*

Your conduct towards resources is a *choice*, and if you know that said resource has already been claimed, then its a nefarious choice, an intent to steal. It's this choice to act nefariously that triggers retaliation *as it concerns* the resource in question, *not as it concerns* the rest of you. There's no claim of rulership over you. There's only someone defending what they consider theirs. Is you defending your person a claim of rulership over your attacker *en toto*? I've never heard or seen that to be the case. Nor has it ever been the case with advocates of private property. The rulership is over the resource, *not* over trespassers beyond what it takes to defend the resource (and exact restitution for damages). "Rule you" is not another way saying "defending property". That is not at all saying the same thing.

for it is tautologically true to say initiation of aggression is initiation of aggression.

Yes, it is, but what is under dispute is when the initiation occurs. I contend that it occurs when Person B chooses to take or use what *he knows* does not belong to him. He's *initiated* the conflict. There is no functional conflict until he makes and proceeds to act on this decision to take or use or damage what belongs to someone else.

How does A expect B to know that if B crosses A's fence that A is prepared to, ultimately, kill B?

How else does B know anything about the rest of the world? He, like A, is born ignorant. He's raised by parents, which means he goes through the processes of socialization and enculturation. It is there that he learns the many norms, conventions, and customs that govern his native society, some of which include processes for dispute resolution. He learns that he's not allowed to use other people's property without their permission, but that also if he accidentally trespasses, he wont' be immediately slaughtered, but rather given a warning and opportunity to leave, as custom dictates. And also, that if he does dispute someone's property claim, there are proper channels to go through toward a resolution. He knows he could fight for it, but he also knows that unless his cause is seen as just by

others, his chances of succeeding are low and of getting hurt are high. His risk/reward calculation helps him decide on a course of action. This is as true when going against his fellow humans as it is when wandering in the woods. The animals he stumbles upon who are defending their territorial claims are not trying to “rule” him, but merely to defend what they consider theirs.

Jared’s Seventeenth Letter

What I’m concerned with is the direction vector, not so much the magnitude.

If I make the rules and compel you to obey, or, if you prefer, assist you in making what I consider the proper choices by increasing your perceived cost of failing to yield to my to proscriptions or prescriptions such that you feel compliance is less costly to you than noncompliance and therefore *choose* to comply with my expressed vision of the way things – in particular, you – ought to be, then I am your ruler, or, if you like, your owner. Or, “my shit, my rules; conform or die.” It is to be noted “touch my shit and I’ll kill you” is a rephrased version of that sentiment, or a specific instantiation of it.

Your response to my question about A’s fence involves a substantial alteration to the nature of the situation you presented me with, and you appear to be saying that property claimants do not aggress against all others in making their claim if all comers are aggressed upon by agents other than the claimants with regards to the claim. Do I understand you correctly?

If I understand you correctly, then in putting up the fence, A expects B to understand it means “this is my shit, if you touch it I (or my agents) will kill you” because A assumes B has been informed that fences are to be symbolically interpreted that way by other agents. In putting up the fence, then, A has initiated aggressive violence against all comers within the social context you have now placed A.

Just because everyone’s doing it doesn’t change its nature, and implicit threats are still threats.

Skyler’s Seventeenth Response

*If I make the rules and compel you to obey, or, if you prefer, assist you in making what I consider the proper choices by increasing your perceived cost of failing to yield to my to proscriptions or prescriptions such that you feel compliance is less costly to you than noncompliance and therefore *choose* to comply with my expressed vision of the way things – in particular, you – ought to be, then I am*

your ruler, or, if you like, your owner.

I still fail to see, or rather, you still fail to explain, why this is the case. How does “I make the rules on the use of my resources” turn into “I am your ruler.” You have presented no logical connection, no logical progression from the one idea to the other. What you seem to be arguing is that me defending myself or my property from your encroachment with force is a claim of total rulership over you. That’s absurd. How could anyone ever defend themselves without becoming a totalitarian monster hell-bent on enslaving the rest of humanity in the process?

Your response to my question about A’s fence involves a substantial alteration to the nature of the situation you presented me with, and you appear to be saying that property claimants do not aggress against all others in making their claim if all comers are aggressed upon by agents other than the claimants with regards to the claim. Do I understand you correctly?

No, I don’t think you do. My argument is that there is no threat of aggression until Person B willfully decides to encroach on the property of Person A.

If I understand you correctly, then in putting up the fence, A expects B to understand it means “this is my shit, if you touch it I (or my agents) will kill you” because A assumes B has been informed that fences are to be symbolically interpreted that way by other agents. In putting up the fence, then, A has initiated aggressive violence against all comers within the social context you have now placed A.

You do not understand me correctly. A does expect B to understand that the fenced land is A’s, and that willfully encroaching (initiation of conflict) will invite A’s forceful defense of his property (retaliation to B’s initiation of conflict), if necessary. A reasonably expects B to understand this because A has placed “no trespassing” signs all around (in accordance with prevailing property norms) as well as being raised in the same socio-political environment where property rights are respected. But just as A expects B to respect his property, B expects A to respect his.

Jared’s Eighteenth Letter

How does “I make the rules on the use of my resources” turn into “I am your ruler.”

Well, if you can find a better word other than “owner” or “ruler” to communicate the relationship contemplated in “my shit, my rules; comply or die,” as expressed in what you quoted from me, then I’d be happy to hear it. If I make the rules, how am I not your ruler so long as you are in my potentially lethal power?

What you seem to be arguing is that me defending myself or my property from your encroachment with force is a claim of total rulership over you.

What I am arguing is that in aggressing against all by making the claim “touch my shit and I’ll kill you,” you are making the same type of claim as a claim to total rulership over all comers, at least when they do not comply with your will. After all, as it is said in Dune, “The power to destroy a thing is the absolute control over it.” It is to assert such control over others that you issue your threat. Your tendentious repetition of the words “defense” and “encroachment” is an engagement in the same exercise as any aggressor state ever in justifying their aggression: recasting aggressive violence in terms of defensive action so as to forestall retribution and gain community sympathy and support. I think you recognize spinning aggression as defense when a massive corporate state, such as the U. S., does it to, say, justify meddling in the Middle East.

That’s absurd. How could anyone ever defend themselves without becoming a totalitarian monster hell-bent on enslaving the rest of humanity in the process?

Well, that would take us back to the original argument I submitted to you, where I point out the RNAP yields exactly those results, and more efficiently than what we have in place now, since it excises the religious accretions. As long as your security is threatened – you have, after all, violently aggressed against all by your own rules in claiming property – you will seek to eliminate the threats to your security, your claims, your person, by whatever means you feel will yield the desired results. This necessarily entails maximizing your own liberties while seeking to minimize the liberties of all others. When the conditions for use of your resources are more costly than alternatives, and also more costly than the users’ estimation of the cost of violently overthrowing your claims to the resources, they will then violently overthrow you, resulting in a change of ownership, or a change in regime.

My argument is that there is no threat of aggression until Person B willfully decides to encroach on the property of Person A.

Then your beef is with the dictionary, not with me. Per Google: “threaten”: “state one’s intention to take hostile action against someone in retribution for something done or not done.” As threatening is, per Rothbard, violent aggression, by your own admission A has initiated violent aggression against all comers, and therefore has aggressed against B perforce, even though A is assuming that other agents have more fully informed B of the nature of the threat. It is not a “defensive” threat, for nobody threatened A prior to A making his threat against all comers in your question setup, therefore A has initiated violent aggression. His execution of his threat will, undoubtedly, surely be spun as “retributive,” or “defensive,” even though A started it by making the threat in the first place. As I said, I believe you recognize when the U. S., or some other large corporate aggressor state, uses the word “defensive” or “retributive” to justify the execution of their threat, even though by issuing the threat in the first place they initiated violent aggression against the target(s). A fully understands the threat he is implicitly making in posting a “No Trespassing” sign (“trespassers” shall be visited with potentially lethal violence) and assumes other agents will have communicated this full understanding of his sign to all comers. A has initiated violent aggression against all comers. By the RNAP, all others are justified in coming at A to eliminate the threat he poses to them.

I think at this point we won’t make further progress. It is as I said: your sole option to rescue the RNAP is to rhetorically recast the initiation of aggressive violence as defensive, where my sole task will be to show for each such recasting you are, in fact, recasting the initiation of aggressive violence as defensive when it is clearly initiatory.

And if one accepts any initiation of aggressive violence as justified, then one is hard pressed to come up with a consistent justification for rejecting justification for all other initiations of aggressive violence. “Adding epicycles” – in this case, exceptions to “thou shalt not aggress upon non-aggressors” such as to obtain private property – is the sign of a failed theory; that is, it is a sign of a theory which is at variance with the way things actually are.

Thank you for your time in this matter.

Skyler’s Eighteenth Response

You wrote a lot, but here are the parts I take particular issue with, and my responses:

If I make the rules, how am I not your ruler so long as you are in my

potentially lethal power?

Person A is not the ruler of Person B because he doesn't control what Person B does *except as it concerns the property of Person A*. Person A claims the exclusive right of control of his resource only. Person A only threatens Person B when Person B challenges Person A's exclusive right of control over said resource. That's it. For no other reason. Not to rule him. Not to control him in any other way than in defense of his resource. This is not rulership of Person A over Person B. This is self-defense of Person A from the trespass by Person B. No more. No less.

What I am arguing is that in aggressing against all by making the claim "touch my shit and I'll kill you," you are making the same type of claim as a claim to total rulership over all comers, at least when they do not comply with your will.

Your will as it concerns what? That's right... your property. That's it. No more. No less. This isn't rulership over people. It's ownership of resources.

After all, as it is said in Dune, "The power to destroy a thing is the absolute control over it." It is to assert such control over others that you issue your threat.

This is a red herring. Ownership does not mean the owner magically has enough power to destroy all those who would challenge his ownership. If claiming ownership of a resource turned me into Superman, that would be amazing. This quote has nothing to do with the discussion we're having, as I hope I've made obvious.

Your tendentious repetition of the words "defense" and "encroachment" is an engagement in the same exercise as any aggressor state ever in justifying their aggression: recasting aggressive violence in terms of defensive action so as to forestall retribution and gain community sympathy and support.

An aggressor state never homesteaded anything in accordance with prevailing property norms. Aggressor states conquer people and take their property. Homesteading is

conquering nature and claiming ownership. This is a giant straw man that you have constructed and subsequently set on fire.

This necessarily entails maximizing your own liberties while seeking to minimize the liberties of all others.

Only as it concerns the use and security of your property. No more. No less.

by your own admission A has initiated violent aggression against all comers

To be a “comer” is not an automatic thing. It takes willful, volitional action. Person B decides to encroach on the property of Person A. Only *then* does Person A respond. Person B *initiates*, Person A *retaliates*. Therefore, Person B is violating the NAP, not Person A.

It is not a “defensive” threat, for nobody threatened A prior to A making his threat against all comers in your question setup, therefore A has initiated violent aggression.

If nobody has threatened Person A, then person A has not been put in a defensive position, and has therefore not threaten anyone else. As soon as Person B (or Person C, D, E) decide they would like to control the resource claimed by Person A, they have initiated conflict and caused Person A to become defensive.

A fully understands the threat he is implicitly making in posting a “No Trespassing” sign

It’s a conditional threat, dependent on others initiating conflict. If they don’t initiate, then there is no threat.

I think your arguments have been red herrings and/or straw mans. I can’t see them any other way.

Thank you, too. I very much enjoyed this, and will happily continue if you choose to.

Jared’s Nineteenth Letter

I think your arguments have been red herrings and/or straw mans. I can't see them any other way.

That's why there can be no further progress. Your failure to either understand, or, if you do understand, concede that initiating a claim of private property definitionally entails initiating a threat against all others, whether by your own voice or by other agents it is the same, which initiatory threat constitutes initiating aggressive violence per Rothbard, which renders the RNAP self-contradictory, means there is nowhere else to go in this dialog.

The argument is that simple and ought, on the definitions of the words involved, have been over in the stating of it, as it is tautologically true. The rest of this is, as you have said, red herrings and strawmen.

Jared's Final Letter

Is this a fair summary?

"Rothbard including threatening as aggressive violence in his statement of the Non-Aggression Principle. At the core of the debate is the observation that in staking a claim to private property one is necessarily initiating a threat towards everyone else; that is, staking a claim to private property is an announcement that "this is mine; touch it and I may visit potentially lethal violence upon you," which is the very dictionary definition of "to threaten;" once that is admitted, the self-contradiction of the Rothbardian Non-Aggression Principle is immediately obvious. My interlocutor, in the end, refused to concede this observation, insisting instead that staking a claim to private property does not constitute the initiation of a threat against all others, but rather that staking a claim to private property justified potentially lethal retaliatory violence towards others who encroach the property once the claim is staked."

Skyler's Final Response

Yes.

That concludes the exchange to date. I maintain that the original appropriator of a resource (homesteading) in no way makes a blanket threat against everyone else in the world. Rather, the threat appears as soon as another person *initiates* conflict by way of a trespass over said resource. The owner's response is an act of self-defense, but such an act has its limits. An owner may not shoot to kill a trespasser, unless that trespasser is threatening serious destruction toward the resource or the owner. After-the-fact use of force is limited by proportion, and in the case of Kinsella's theory, by estoppel. That homesteading is a *de*

facto threat against all *en toto*, thereby making the homesteader a ruler, a state, is an absurd position to maintain. Therefore, the Non-Aggression Principle built on original appropriation of resources as found in the writings of Murray Rothbard, *et al*, is not self-negating nor a contradiction. What do *you* think?