

Property Rights are Necessary For Peaceful Society

Here is a discussion with u/RobertAntonWilson on reddit regarding property rights. It began with a short opinion by me on a post that read: "TIL (Today I Learned) that songwriter Gilbert O'Sullivan sued rapper Biz Markie after he sampled O'Sullivan's song 'Alone Again (Naturally)'. The court ruled that sampling without permission constitutes copyright infringement, changing the hip hop music, by requiring music sampling be approved by the copyright owner." My comment: "Copyright is a travesty, and all IP should be abolished. #noip". The discussion:

RobertAntonWilson: I'm in agreement. IP holds people and society back. Just like regular property. Sharing is caring.

Skylar: Nice try. Real property is scarce (rivalrous), ideas are not. Hence IP enforcement creates artificial scarcity unnecessarily. If you can solve scarcity over real property without property rights, I'm all ears. Those who've tried ended up wasting millions of lives.

RobertAntonWilson: Literally the entire world is subject to real property. Property is absolutely abundant. Access to resources is artificially made scarce by property laws. Without property laws, anyone could use anything. Sharing would be the default, rather than the exception. Just like it was thousands of years ago. Just like it still is in a few remote communities.

It's the people enforcing property laws that cause all the damned wars. Even the damned socialists. If communism is the goal, socialism is an obstacle. Not a stepping stone.

Government cannot solve the problems of property. Government is a product of such systems of behavior. Property isn't a right. It's a wrong against everyone. Even the owner, who is disserved by the negative relationship his greed causes between him and every other thing on the planet.

Skylar: Property is a human-applied characteristic to scarce resources. The qualification of "resource" requires human ingenuity. An item is not a resource until it's useful, and it's not property until a property right is constructed for the purpose of eliminating conflict. The alternative is violence. Conflict can only occur under a condition of scarcity, the fact that only one person can use the resource at a time. Property rights simply assign who may rightfully and exclusively control which scarce resource. Every government on earth enforces some property rights schema, usually with itself as total or partial owner of every other scarce resource under it's supposed jurisdiction. You can't solve the problems of scarcity without property rights, otherwise it's all versus all in an environment of violence,

ie. might makes right. I'm sure many of the big and strong favor such an environment, but the rest of us do not.

Ideas are non-scarce, and so they are immune from conflict, and thus not a subject of property rights. Intellectual "property" is an attempt to create artificial scarcity in order to protect monopoly profits. IP is not compatible with property rights, nor is it compatible with free markets.

The best write up I've encountered gathering all of the best wisdom on property rights was put together by Stephan Kinsella, found here:

<https://mises.org/wire/thoughts-latecomer-and-homesteading-ideas-or-why-very-idea-ownership-implies-only-libertarian>

RobertAntonWilson: I'll give it a read. I don't see how declaring property eliminates conflict. The declaration only carries any weight if one is willing to enact violence to enforce the claim, in which case such declarations inspire conflict.

The systemic property laws ensure an all vs all mindset. Communities without notions of property aren't constantly infighting. They're constantly collaborating.

Property seems to be a symptom of abundance. For universally, communities that find themselves with an abundance of resources decline into caste systems of people vying for control over that abundance. It's a common observation of anthropologists that this happens among communities that embrace agriculture.

Skyler:

I'll give it a read. I don't see how declaring property eliminates conflict. The declaration only carries any weight if one is willing to enact violence to enforce the claim, in which case such declarations inspire conflict.

Violence is costly. The choices are violence, or respecting property rights over scarce resources. If someone has a better claim than you, then they are the owner until they trade or destroy it. In my opinion, people bent on violence are no different than a raging tiger, and may be dealt with accordingly, as a technical problem.

Communities without notions of property aren't constantly infighting. They're constantly collaborating.

This collaboration breaks down the further outward you go from kin groups. It doesn't scale at all. The failure to scale leads directly to mass starvation, or mass "criminality" in the sense that black markets arise and are either tolerated to appease the masses to some degree, or violently repressed.

For universally, communities that find themselves with an abundance of resources decline into caste systems of people vying for control over that abundance. It's a common observation of anthropologists that this happens among communities that embrace agriculture.

Where does the abundance come from? Nature is abundant in a sense, but unless resources are renewed, they will be depleted. Tragedy of the commons. Rather, develop property rights, and resources accumulate due to capitalist exploitation (a good thing, imo). When property rights are not clearly defined, you have problems, and I think history bears this out repeatedly.

I will say though, I believe the agricultural revolution was mankind's greatest error for reasons of evolutionary mismatch. Free markets are the best corrective to that mistake, but I prefer that it never happened.

RobertAntonWilson:

The choices are violence, or respecting property rights

So say those who claim exclusive ownership over things. The initiation of violence is upon them when those claims are ignored or defied. A better claim usually stems from access to the means of violence.

In my opinion, people bent on violence are no different than a raging tiger, and may be dealt with accordingly, as a technical problem.

That's a terrifying statement from my perspective. Those who claim property appear all too willing to call violations of those claims acts of violence that they feel entitled to deal with however they see fit. This is why I cannot abide anarcho-capitalism. They seem intent on violence as a means of resolving conflict. Claims of ownership are worthless without violence enforcing them.

[collaboration] doesn't scale at all

ahem... collaboration absolutely scales. Look at all humanity has collaborated on despite the tangles of property claims we all must maneuver through.

Where does the abundance come from?

The world is abundant in resources. Enough so for every human and all the animals. The solar system and universe are resources too. I feel that we'd be tapping those resources if we weren't so exhausted with the Sisyphean task of maneuvering through property claims constantly.

Resources accumulate through agriculture, or through monopolizing on a bottleneck of nutrients, such as fishing upon rivers that salmon spawn in.

When property rights are not clearly defined, you have problems, and I think history bears this out repeatedly.

I think the clarity with which property claims are made hasn't helped matters much. History is rife with stories of the destruction wrought by competing factions with incompatible property claims.

the agricultural revolution was mankind's greatest error for reasons of evolutionary mismatch.

I'd love to hear your thoughts on that. Many thanks for having a civil conversation with me despite our vastly different opinions. I also think agriculture has been a mistake, but possibly for different reasons.

Skyler:

The initiation of violence is upon them when those claims are ignored or defied. A better claim usually stems from access to the means of violence.

I'm talking about an objective claim of original appropriation or evidence of trade (such as

a contract). If my claim is objectively superior, and you disregard it, you are initiating aggression, not me. The argument that says that everything is owned equally by all to start out is pulled entirely out of thin air, and in that way nonsensical. If it has not been put to some use, it's not owned at all. Way too many problems emerge from the "owned equally" argument.

That's a terrifying statement from my perspective. Those who claim property appear all too willing to call violations of those claims acts of violence that they feel entitled to deal with however they see fit. This is why I cannot abide anarcho-capitalism. They seem intent on violence as a means of resolving conflict. Claims of ownership are worthless without violence enforcing them.

We use persuasion, first, by demonstrating our objectively superior claim to some scarce resource. There is gray area, however, when the appropriation is not so obvious, which is why it behooves everyone to make it as obvious as possible. Yes, claims are worthless if there is not, at least, collective violence willing to back them up, but it's in the claims that anyone has the potential to prevent violence. Without recognizable and rational property rights, fewer people would be persuaded to respect them.

ahem... collaboration absolutely scales. Look at all humanity has collaborated on despite the tangles of property claims we all must maneuver through.

I suppose I misspoke. Collaboration over scarce resources with ill-defined property rights doesn't scale. How can it? Too many minds with too many ideas on how scarce resources should be utilized. The question must be answered somehow: *who should decide?* Collaboration, or the division of labor as economists call it, absolutely scales, but can't exist without property rights (first self-ownership, then in private property), in my opinion.

The world is abundant in resources

A thing is not a resource until human ingenuity has figured out a use for it. The world has no resources without human ingenuity (or more accurately, ingenuity from some intelligence). Oil was a nuisance, not a resource, until humans discovered something to do with it. IOW, humans are our greatest resource. I'm a Mises/Rothbard-Austrian, but I'm also

a [Bryan] Caplanite on borders. Hoppe is dead wrong here, which I've written on twice if you're interested.

Enough so for every human and all the animals.

As hunter-gatherers, yes, I agree, but areas were used up, and the tribe had to move so that nature could restore itself. But we aren't HGs anymore, are we? Now we use up resources and are only incentivized to economize and replenish if we have property rights in them. This is Economics, okay, okay, not 101, but perhaps 201, a bit more advanced.

History is rife with stories of the destruction wrought by competing factions with incompatible property claims.

Indeed, this is the story behind all human conflict, ill-defined property rights. Too many people prefer might makes right, at least while they have the might. What can we do? Make any and all forms of might obsolete through technology, perhaps.

I'd love to hear your thoughts on that. Many thanks for having a civil conversation with me despite our vastly different opinions. I also think agriculture has been a mistake, but possibly for different reasons.

People are usually calling me names by now. Thank you as well. Here is a couple things I've written on it from 2014 to 2018:

<https://everything-voluntary.com/evolutionary-mismatch>

<https://everything-voluntary.com/on-primitivism>

<https://everything-voluntary.com/prosperity-maybe-not-what-thought-meant>

<https://everything-voluntary.com/on-poverty>

<https://everything-voluntary.com/on-genes-and-memes>

RobertAntonWilson:

If my claim is objectively superior, and you disregard it, you are initiating aggression, not me.

I feel the exact opposite. The claim is the initiation of violence. Not some other poor sod's defiance or ignorance of the claim.

The argument that says that everything is owned equally by all to start out is pulled entirely out of thin air, and in that way nonsensical.

That's not my argument. It is nonsensical. The claim that everything is owned by all usually has a very exclusive definition of "all." The claim still must carry legitimate threat of violence to enforce observance of the claim. It's as nonsensical as individual claims of ownership, in my opinion. Rather than reason or compassion, such claims are based in violence. A violence that I suspect is a luxury afforded by abundance.

Yes, claims are worthless if there is not, at least, collective violence willing to back them up, but it's in the claims that anyone has the potential to prevent violence. Without recognizable and rational property rights, fewer people would be persuaded to respect them.

What makes a claim "objectively superior?" My guess would be it's might. The original claim was made with violence and it stands until a mightier claimant emerges. Sometimes it's a government with many guns. Other times it's an individual with claims backed in violence of their own that appear more desirable than the original claimant's claims.

I don't see the reason in initiating violence by making claims of ownership to prevent violence. I think the claims encourage violence. I think this is evidenced throughout history. Especially when the might of the claimants is larger, as it is in the collective enforcement of property claims by governments and religions.

I'm all for rationality. I don't see the rationality in the systemic violence essential to property law.

Too many minds with too many ideas on how scarce resources should be utilized.

I see it differently. Overflowing abundance enabled a few minds to monopolize resources, creating disparity and cultivating intra-societal violence. What followed was centuries of centralization of the decision making over the resources to the point where billions of people must jump through hoops to satisfy the oligarchs, and each other as they all either vie hopelessly to become an oligarch themselves, or otherwise merely attempt to survive the artificial scarcity that the oligarchs manufacture to prevent the billions from challenging their monopoly.

Division of labor does appear in societies that don't practice ownership. I think ownership of your own body is one step removed from someone else owning your body.

Things are resources for other animals and processes besides humans. Property law is incredibly anthropocentric. Don't get me wrong, I'm pretty anthropocentric myself. □ The point stands though, that resource is a notion that transcends our species.

I agree that human ingenuity is an incredibly valuable resource. It's definitely humanity's most valuable resource. That's one reason I feel so frustrated such a bulk of humanity seems so intent on feeding the dumpsterfire (IMO) that is property law rather than inventing something better. Like the gift economy.

I'm all for open borders. Heck yeah. The state's claims of ownership are some of the most egregious and frustrating, imo. I think most claims of ownership stem from the government agreeing to enforce them through the violence of law enforcement.

Peace be with you. You're a great conversationalist.

Skyler:

The claim is the initiation of violence. Not some other poor sod's defiance or ignorance of the claim.

Then resources may never be owned by anyone. Nobody could ever establish the first claim, and subsequent claims through trade or gift. This would have the affect of all resource claims being conventionally/customarily insecure, and directly lead to "might makes right", which we are both trying to avoid. I'm sorry, your way doesn't get us there, mine does.

That's not my argument. It is nonsensical.

Good, we agree. The problem, however, presented by scarcity is *who should control what?* We can't all control everything simultaneously. Something must be done about that if we are to minimize violent conflict with one another.

What makes a claim "objectively superior?"

The facts. Someone appropriates (does something with) a scarce resource before anyone else. The more obvious this appropriation, say, clearing a forest or building a fence, the

less confusion there is over whether or not the resource has even been appropriated. Sticking a flag in the ground and declaring ownership over all that the light touches is an objectively inferior claim to actually doing something with the resource one is claiming. It all comes down to who has the best claim, and whether or not we want to respect it. Our own claims are secure to the extent that we respect the claims of others. Should firstcomers be granted ownership, or should latecomers be granted ownership? The latter leaves all property claims totally insecure, leads directly to “might makes right”.

I don't see the reason in initiating violence by making claims of ownership to prevent violence. I think the claims encourage violence. I think this is evidenced throughout history. Especially when the might of the claimants is larger, as it is in the collective enforcement of property claims by governments and religions.

This is a question of “justified” claims. Yes, superior might would allow one to plant a flag, but that doesn't make for a philosophical argument on why that action should be seen as superior to actually clearing the land or building a fence. If all they do is plant a flag and make a verbal declaration, and then attack anyone else who try to appropriate their own plot, then, in my opinion, they are initiating violence against the actual homesteaders. Governments do this when they forestall vast swaths of land from being appropriated. This is unjustified under libertarian or anarcho-capitalist property norms. If the land hasn't been obviously transformed in some way, then it should still be open for someone else to take.

Overflowing abundance enabled a few minds to monopolize resources, creating disparity and cultivating intra-societal violence.

Overflowing abundance enabled predators to systematize their predation over unvigilant suckers, ie. create and maintain the state.

What followed was centuries of centralization of the decision making over the resources to the point where billions of people must jump through hoops to satisfy the oligarchs, and each other as they all either vie hopelessly to become an oligarch themselves, or otherwise merely attempt to survive the artificial scarcity that the oligarchs manufacture to prevent the billions from challenging their monopoly.

Yes, this is the history of statism. I think we both agree that statism is an evil that should be abolished, right? On that we are allies, correct?

Division of labor does appear in societies that don't practice ownership. I think ownership of your own body is one step removed from someone else owning your body.

I've only ever seen this on a small scale or under slavery, with the horrors that that entails. You are familiar with Leonard Read's "I, Pencil", I presume. That type of division of labor is not possible without relative security of private property rights in the means of production. Look up both the "calculation problem" and the "coordination problem" of systems that lack private property rights, like [statist] socialism and [statist] communism.

Things are resources for other animals and processes besides humans. Property law is incredibly anthropocentric. Don't get me wrong, I'm pretty anthropocentric myself. □ The point stands though, that resource is a notion that transcends our species.

Indeed, and many defend their territorial claims, and others respect them. Primal notions of property rights.

That's one reason I feel so frustrated such a bulk of humanity seems so intent on feeding the dumpsterfire (IMO) that is property law rather than inventing something better. Like the gift economy.

I think that's incompatible with human nature. We are self-interested, profit-incentivized creatures, particular as it concerns strangers. These things like sharing and gifting work well with kingroups, but not very well beyond that.

I think most claims of ownership stem from the government agreeing to enforce them through the violence of law enforcement.

In the current environment, yes. Property owners are forced to fund the state with it's piss-poor performance on this, and also fund private solutions. The state not only fails to delivery the goods, but it also delivers many bads. And there are of course operations that

do depend heavily on state enforcement, things like Disney and copyright or the tech industry and patents. Funny, the state is more responsive to IP violations than on real property violations, probably because IP violates real property rights, as does the state. Two peas in a pod.

RobertAntonWilson:

Then resources may never be owned by anyone.

Ideally, sure. Pragmatically, there's a few billion people with property claims who will stand in the way of this ever happening.

all resource claims being conventionally/customarily insecure, and directly lead to "might makes right", which we are both trying to avoid. I'm sorry, your way doesn't get us there, mine does.

We don't have to worry about the security or lack thereof of property claims that never get made. The system of laws that enforce property claims defaults to might makes right. There are numerous exceptions, which are the inspiration for this theory that such claims aren't essential to humanity. Collaboration without violence is not only possible, it's preferable. Especially on a global scale. I think this is the thing that would allow us to become a Type 1 civilization.

Property claims start and end with violence. Precedence only matters tactically in it's application to the violence that enforces the claim. When a mightier party shows up making claims, precedence only matters insofar as the tactical advantage it affords to the original claimants.

I enjoy changing the conversation from one of ownership to one of use. That's something the anarcho-capitalists have done that I admire. I just don't think they took it far enough. Use makes a lot more sense for determining who's able and unable to use a resource than claims.

Our own claims are secure to the extent that we respect the claims of others. Should firstcomers be granted ownership, or should latecomers be granted ownership? The latter leaves all property claims totally insecure, leads directly to "might makes right".

I think claims are largely respected to the degree that they can be enforced. The righteousness of might seems inescapable when talking about ownership.

I have not read "I, Pencil" More stuff to check out. ☐ Thanks!

Overlapping territories are also abundant across the animal kingdom. Even more-so than exclusive territories. Territory isn't a uniquely human artifact.

"We have been told over and over that "you can't change human nature", but the study of emic realities shows quite the contrary, that almost anything can become "human nature" if society defines it as such." - (the real) Robert Anton Wilson

I think we only appear as self-interested, profit-motivated creatures because of the systemic violence that we're currently in. A review of the anthropological literature will reveal the naivete of that assumption. Selflessness and gregariousness also manifest as human attributes, and I think they're vastly preferable attributes to encourage. There are many examples of human societies where the richest individual is the one who gives the most and possesses the least. Notions of kin-hood extend beyond family and race. Just look at any cosmopolitan city and you'll find collaboration among humans so vastly different that the idea that racism dictates human behavior contradicts the evidence.

Besides, human nature is mutable. Small-minded people abound, but they're not beyond our reach. We can decide how we treat others. I think it would benefit all of us to decide to reserve violence as a last resort when deciding who uses what, rather than to initiate violence through claims of ownership and the subsequent violence that those claims inevitably incur.

I think we're in agreement that the state has failed to deliver widespread peace and plenitude. I observe the state as the result of property claims. I observe that what abundance and plenitude does exist only exists for those with the most might and only insofar as they abide by the systemic violence of ownership. Violate that system and suffer the violent consequences. Robert Bayliss serves as an example of this. As does anyone who disrespects a police officers monopoly on such things as respect and violence.

Clearing land and building fences are two aspects of ownership that appear especially destructive across the environment. The smaller the clearing and fences, the better, imo. That's really not especially relevant to my argument, more of a sidenote.

Skyler:

Property claims start and end with violence.

Sure, but there is initiatory violence, and then there is the threat of retaliatory violence. They aren't the same thing, nor do they hold the same level of justified-ness.

I observe the state as the result of property claims.

In one sense, sure, but only in the sense that property claims gave predators something to steal (you can't steal what isn't owned, after all), and then to systematize their predation by fooling/forcing property owners (from their own bodies to everything beyond, including land) into submission. The smart ones partnered with the predators and became predators themselves.

RobertAntonWilson: You can steal that which isn't owned. If people can use things without owning them, and they can, then property claims over those thing by non-users constitutes theft of items that aren't owned.

That's exactly how history observes original ownership resulting from the violent acts of non-users against ancestral users of resources that hitherto had never practiced property.

Even assuming the original claimants entered new territory void of human life, the claims made always entail a hierarchy between the claimants and anyone else who would or could use that property, in perpetuity as far as is made possible by the circumstances.

There's no way everyone can contractually agree to surrender the right of use to the exclusive benefit of the claimants.

Skyler: If you've been using it, then you have a superior claim than any other latecomer, and ownership should be yours. That's the important question here, who has the best claim to it? Property rights don't just exist, they are socially constructed for the purpose of avoiding violent conflict. You either go along with self-ownership and original appropriation, or you're seen as a threat to those who do. I'm fine with all of this being managed through threat of defensive force, norms, conventions, and customary law. Where I have a problem is when the state forms and uses fiat to force its own preferred property rights scheme onto others. I think we agree on that.

RobertAntonWilson: Use doesn't equate to a claim of property. Property claims are the result of threats of violence against everyone but the claimant. I can't remember the title but there's a book that investigates the chain of custody of ownership over all the land in the USA to the original claims that stole it.

It's not unique to the US. The whole world consists of property where the original claim of ownership was a theft against those who were using it prior to the arrival of law abiding citizens of the state.

Skyler:

Use doesn't equate to a claim of property.

No, use doesn't, unless you expect your use to equate to a claim. Or you can just state or broadcast or otherwise "let it be known" your claim. The claim is only sufficient if there is obvious appropriation behind it. Like a written contract represents a "meeting of the minds".

Property claims are the result of threats of violence against everyone but the claimant.

Sure, but this threat of violence is only "wrong" or unjustified if it's not defensive. Obviously someone is the firstcomer, and someone else is the latecomer. The firstcomer, by virtue of them coming first, is established in the defensive position toward all aggressive latecomers. The only way the firstcomer could be established in the offensive position is if he's actually a latecomer. You seem to be making the argument that everyone in the world is some sort of collective firstcomer, and so anyone trying to appropriate is always a latecomer, but you already rejected that, so you are being inconsistent.

I can't remember the title but there's a book that investigates the chain of custody of ownership over all the land in the USA to the original claims that stole it.

And I agree with Walter Block that if there is evidence of someone have an objectively better (relatively first) claim to a scarce resource than it's current occupant, then they have the right to take it back, and with force if necessary. Force in this case would be defensive. See Block:

<http://www.walterblock.com/wp-content/uploads/2009/06/Reparations-Once-Again.pdf>

It's not unique to the US. The whole world consists of property where the original claim of ownership was a theft against those who were using it prior to the arrival of law abiding citizens of the state.

And if these claims can be demonstrated factually (evidence) superior, then the property should be returned. Again, see Block above.

That's the end of it, as of about 4 months ago. Very long, and detailed from both ends. I hope I made some in-roads into his thinking, and I will say that he did to mine. Discussions like this, that remain civil, and thus productive, are important to not only better understanding other points of view, but in developing your own point view as a counter to theirs. If your argument is weak, it will quickly become apparent to the honest participant.