The non-aggression axiom is the lynchpin of the philosophy of libertarianism. It states, simply, that it shall be legal for anyone to do anything he wants, provided only that he not initiate (or threaten) violence against the person or legitimately owned property of another. That is, in the free society, one has the right to manufacture, buy or sell any good or service at any mutually agreeable terms. Thus, there would be no victimless crime prohibitions, price controls, government regulation of the economy, etc.

If the non-aggression axiom is the basic building block of libertarianism, private property rights based on (Lockean and Rothbardian) homesteading principles are the foundation. For if A reaches into B's pocket, pulls out his wallet and runs away with it, we cannot know that A is the aggressor and B the victim. It may be that A is merely repossessing his own wallet, the one B stole from him yesterday. But given a correct grounding in property rights, the non-aggression axiom is a very powerful tool in the war of ideas. For most individuals believe, and fervently so, that it is wrong to invade other people or their property. Who, after all, favors theft, murder or rape? With this as an entering wedge, libertarians are free to apply this axiom to all of human action, including, radically, to unions, taxes, and even government itself.

The non-aggression axiom and private property rights theory which underlies it have recently come under furious attack, amazingly, from commentators actually calling themselves libertarians. Let us consider two cases posed by these people.

First, you are standing on the balcony of a 25th story high-rise apartment when, much to your dismay, you lose your footing and fall out. Happily, in your downward descent, you manage to grab onto a flagpole protruding from the 15th floor of the balcony of another apartment, 10 floors below. Unhappily, the owner of this apartment comes out to her balcony, states that you are protesting by holding on to her flag pole, and demands that you let go (e.g., drop another 15 floors to your death). You protest that you only want to hand walk your way down the flag pole, into her apartment, and then right out of it, but she is adamant. As a libertarian, are you bound to obey her?

Second case. You are lost in the woods, freezing, with no food. You will
die without shelter and a meal. Fortunately, you come upon a warm cabin stocked with staples. You intend to eat, stay the night, leave your business card, and pay double any reasonable price that could be asked. Unfortunately, the cabin has a sign posted on the door: "Warning. Private Property. No Trespassing." Do you tamely go off into the woods and die?

Opponents of the non-aggression axiom maintain that you have no obligation to die in either of these cases, much less in the name of private property rights. In their view these concepts have been adopted to promote human life and well-being, which, ordinarily, they do, and superlatively so. But in these exceptional cases, where the non-aggression standard would be contrary to utilitarian principles, it should be jettisoned. The non-aggression principle, for them, is a good rule of thumb, which sometimes, rarely, should be ignored.

There are several grave problems with these critiques of the non-aggression axiom.

1. They misunderstand the nature of libertarianism. These arguments implicitly assume that libertarianism is a moral philosophy, a guide to proper behavior, as it were. Should the flagpole hanger let go? Should the hiker go off and die? But libertarianism is a theory concerned with the justified use of aggression, or violence, based on property rights, not morality. Therefore, the only proper questions which can be addressed in this philosophy are of the sort, if the flagpole hanger attempts to come in to the apartment, and the occupant shoots him for trespassing, Would the forces of law and order punish the home owner? Or, if the owner of the cabin in the woods sets up a booby trap, such that when someone forces his way into his property he gets a face full of buckshot, Would he be guilty of a law violation? When put in this way, the answer is clear. The owner in each case is in the right, and the trespasser in the wrong. If force is used to protect property rights, even deadly force, the owner is not guilty of the violation of any licit law.

2. These examples purposefully try to place us in the mind of the criminal perpetrator of the crime of trespass. We are invited, that is, to empathize with the flag pole hanger, and the hiker, not the respective property owners. But let us reverse this perspective. Suppose the owner of the apartment on the 15th floor has recently been victimized by a rape, perpetrated upon her by a member of the same ethnic or racial group as the person now hand walking his way down her flag pole, soon to uninvitedly enter her apartment. May she not shoot him in self-defense before he enters her premises? Or, suppose that the owner of the cabin in the woods has been victimized by several break-ins in the past few months, and has finally decided to do something in defense of his property. Or, suppose that the owner, himself, views his cabin as his own life preserver. Then, may he not take steps to safeguard his property? To ask these questions is to answer them, at least for the consistent libertarian.

3. The criticisms of libertarian property rights theory base their views on
the philosophy of emergencies. The non-aggression axiom is all well and
good in ordinary circumstances, but when there are life boat situations, all
bets are off. The problem, however, with violating libertarian law for
special exigencies is that these occurrences are more commonplace than
supposed. Right now, there are numerous people dying of starvation in
poor parts of the world. Some are suffering from illnesses which could be
cured cheaply, e.g., by penicillin. We have all read those advertisements
placed by aid agencies: "Here is little Maria. You can save her, and her
entire village, by sending us some modest amount of money each month."

In point of fact, many so called libertarians who have attacked the non-
aggression axiom on these emergency grounds live in housing of a middle
class level or better; drive late model cars; eat well; have jewelry; send
their children to pricey colleges. If they truly believed in their critiques,
none of this would be true. For if the cabin owner and the apartment
dweller are to give up their property rights to save the hiker and the
flagpole hanger, then they must give up their comfortable middle class life
styles in behalf of all the easily cured sick and starving people in the
world. That they have not done so shows they do not even take their own
arguments seriously.

The logical implication of their coercive welfarist argument is far worse
than merely being required to give a few dollars a month to a relief
agency. For suppose they do this. Their standard of living will still be far
greater than those on the verge of death from straightened circumstances.
No, as long as these relatively rich "libertarians" have enough money to
keep themselves from dying from poverty, the logic of their argument
compels them to give every penny they own over and above that level to
alleviate the plight of the endangered poor.

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