

# OUR LAW

Anarcho-capitalism is the political philosophy which advocates the right of each and every individual to his own life and property. This right is seen as an ethical absolute. It cannot be infringed for any pretext, no matter how seemingly deserving or expeditious. It opposes the initiation of force and the threat of initiatory force, whether by individuals, or, by agencies asserting jurisdiction over entire populations. No individual, or group of individuals, has the right to initiate force or threaten it for any purpose. The use of defensive and retaliatory force against the initiation of force, however, does not constitute an infringement of one's right. An individual is entitled to defend and seek redress against any physical encroachment or objective physical threat to his life or property. One who initiates force, or the threat of it, either by aggressing someone's life and property, or by withholding a value rightfully belonging to someone else, forfeits his right by invading and abrogating the right of another. Thus, libertarian political doctrine limits the use of social interventionary force and (in the present context) the justifiable application of force to a purely defensive and retaliatory role. The category of "defensive" force does in principle extend to "retaliatory force"; although certain distinctions can be made between the two. The ethical principle is the individual's prerogative to defend a justifiably-acquired value from attack, theft or objective threat. Personal sovereignty, which ultimately derives from one's possession of oneself, including non-corporeal extensions, ethically mandates the assertion of one's rightful interests. The protection of one's entitlement, i.e., the ethical jurisdiction which extends over the realm of one's material properties and all accompanying prerogatives, such as use, control, disposition, modification, etc., is the logically derivable consequence of one's volitional, and, thus, rationally conscious egoistic nature. The forceful intrusion of another, and the accompanying presumption of a forced superimposition of will, debases the operative integrity of the victim's volitional capacity, and objectively necessitates counterforce for removal of the invasion.

There is some disagreement within the libertarian movement on the desirability of employing defensive force. Robert LeFevre of the extreme pacifist wing reportedly opposes the use of defensive force even to the point of not breaking apart a set of manacles belonging to one's enslaver. Most libertarians would agree, however, that an individual is entitled to defend himself with force. There is disagreement over the right of a private individual to engage in hot pursuit and circumvent the jurisdictional authority of government in executing private retaliation and enforced restitution on an aggressor. The Anarcho-capitalist position does not brook the imposition of a government monopoly over defensive force, as that is an infringement of the equal liberty of every individual to compete in the provision of these services on the free market. The individual, thus, must be free to pursue the criminal violator. The practical caveat that a plaintiff wishing to maintain the trust of his neighbors should voluntarily gain the sanction of recognized juridical authorities in the apprehension of the transgressor, does not reduce the essential freedom of choice by the individual to act in his own defense.

Ultimately, one's right to oneself is inalienable. However, responsibility for the consequences of one's actions and the consequences of agencies under one's authority or control provides the ethical basis for the forceful imposition of liability. The forced physical intrusion into someone else's life is grounds for the retaliatory removal of the physical agency performing the intrusion. The integrated nature of a volitional entity requires the redirection of force in assuring capture over the aggressive entity. A physical intrusion by an aggressor debases the ethical identity and de facto recognition of self-sovereignty to the level of a mechanistic phenomenon.

The initiation of force is ethically a self-disowning act. The assertion of elementary possession (control) over the physical instrument involved in the aggression does not require explicit transfer of entitlement as the presumption of entitlement is perceptibly abandoned. An aggressor reduces his presumable status to that of a mechanical (non self-determining) act of nature.

Anarcho-capitalism, as a political doctrine, rests on a series of more basic assumptions and premises on human nature and its psycho-epistemological and ethical requirements. The concept of "rights" which is the prime concern of Anarcho-capitalism qua political doctrine is a secondary application of the basic ethical premise of rational egoism into law. A "right" denotes a potential relationship between persons which refers to a specific ethical condition of their individual nature, and is codified as a principle in determining what may, or may not, comprise their actions towards each other.

The absolute right to one's own life and property is a logical inference from the ethical premise that a conscious being, to live qua conscious being, must be fully sovereign over the choices in its own life. This is based on the self-evidently true observation that a conscious organism should live to serve its own self-interest; that being conscious is both the means and ends of defining and attaining one's own unique happiness, success and satisfaction. The essential characteristic of consciousness is that it is self-directing as in contrast to an externally-determined mechanism. A conscious entity with its own identity requires freedom from external, coercive interventions to apply its will. The mutual recognition of that ethical requirement between individuals forms the political-legal concept of "right".

The ethic of rational egoism is based on the epistemological premise that human consciousness is capable of understanding the universe in which we live. It posits human reasoning as both necessary and sufficient to understand the nature of ourselves within the context of the phenomenal universe and to derive objectively-based values from which to make rational ethical choices.

Not all libertarians explicitly develop the ethical argument for individual rights from the ethic of rational egoism. As a consequence, many libertarians are conceptually at a loss to consistently defend the necessity of an individual's right to his (or her) own life; thus, the logically unnecessary debate over the right to abort and the non-obligatory character of various categories of "implied contracts". Even Rand herself fails to draw the full logical consequences of her ethical system, a fact thrown up to her by Roy A. Childs Jr. in 1969 (see R.A. Childs Jr., "An Open Letter to Ayn Rand: Objectivism and the State" Rational Individualist, August 1969)

The ability for evaluative choices comes from the capacity for abstracting concepts from perceptual data. There is an all-important evolutionary threshold between living organisms which are limited to more or less range-of-the-moment perceptual responses to environmental stimuli, and conscious organisms capable of inferring and abstracting relationships which can be symbolically stored for application in differing experiential contexts. Organisms operating at the perceptual level are essentially incapable of transferring object lessons into another context. Behavior is to a varying extent genetically preprogrammed. Behavioral variation is more or less limited to on-the-spot attraction and avoidance. Learning, memory and symbolic communication are extremely rudimentary, as is the potential range of individual, and, for that matter, the adaptive range of the species.

The ethic of rational egoism is based, thus, on the epistemological premise that the objective, cognitive, conceptual reasoning capacities of conscious organisms are necessary, and sufficient to derive objective value choices. This places ultimate

authority, and responsibility, for making choices, and for every other category of action, on the individual. Consciousness, and the capacity for rapid adaptation to a dynamically changing environment, is not alien to the phenomenal universe, but a natural outgrowth of its principles of organization. Thus, ethics, the science of making value choices, is neither a contradiction between human nature and the nature of reality nor is it necessarily arbitrary. It is fundamental to the conduct of a successful existence and ultimately to the fulfillment of a purposeful identity.

The relationship between an objectively-derived epistemology, and the ethic of rational egoism, is fundamental to an anarcho-capitalist political doctrine. The argument for the absolute right of the individual to his own life and property is necessarily an intellectual one. It requires a consistent and rigorous identification of premises which can account for an entire range of problems which occur in life. Other doctrines such as the complex of religio-philosophical and ideological notions which can be summarized under the multiple heading of mysticism-altruism-collectivism-statism do not require consistency in a referential sense for their "success". I have subsumed these into a blanket category called the Authoritarian Complex. Briefly, the authoritarian complex is the system of ideas and attitudes which rationalize and culturally reinforce the existing system which divests the individual of his sovereign right to his own life. Mysticism when reduced to its basic kernel asserts that the universe in which all phenomenal differences of physical, material nature and of space and time are non-existent. It further asserts that human cognitive capacities and reasoning are inferior ways of knowing to the process of faith which requires reliance on indeterminate sources. Mysticism requires divesting oneself of one's cognitive authority -- and relying on an external mythical entity or power. Altruism is the ethical doctrine which logically follows from mysticism which requires one to live in opposition to one's rational interests. Collectivism is a general heading applying to a variety of social and political doctrines which subordinate the right of the individual to the group. Statism is the organized and legal divestiture of individual authority into the hands of those holding power through the coercive monopolies of government. At every level, metaphysical, epistemological, ethical, and political-economic, the individual is divested from the authority of his world, his mind, his self-esteem, his life and property.

Every variant of the Authoritarian Complex, thus, proposes theories which provide important loopholes from reality, and with them, the sacrifice of individual rights. Anarcho-capitalism is not merely a defense of rights, it is of necessity rational selfishness, and the absolute primacy of reason in value choices. Any attempt to avoid an integrated and uncompromising defense of these principles is intellectually, and in ultimate political terms, catastrophic.

The attempt to argue from the notion of social utility as a primary argument was a crucial mistake for the nineteenth-century classical laissez-faire liberals. One which promoted the intellectual collapse of constitutional republicanism and the free market limited-state system. The argument from social utility by Jeremy Bentham and John Stuart Mills was an attempt to graft laissez-faire on altruist-collectivist premises. Ultimately it resulted in an ethical capitulation of laissez-faire thought. It extinguished an possibility of effective intellectual rebuttal to Marxism, and its successor, Leninist Bolshevism.

Anarcho-capitalism is more than a political doctrine merely in opposition to "the cult of the omnipotent state", as announced by the poetic, but evasive opening line of the U.S. Libertarian Party's "Statement of Principles". Radical Anarcho-capitalism is an entire way of life which stands philosophically and ideologically in irreconcilably antagonistic opposition to the dominant psychology, culture and politics of our time. Anarcho-capitalism is nothing less than the most radical and revolutionary doctrine known to the world. It is a rigorously rational and individual-

istically anti-authoritarian way of life, which must by the nature of what it entails, threaten every existing center and institution of coercive and arbitrary power on this planet. Anarcho-capitalism is the implacable foe of the State. It is the ultimate eroder of all unearned privileges, coercively imposed status, arbitrary authority and unjust use of force.

Under an anarcho-capitalist system all property would be held in private ownership. This includes all of the so-called public "services" and "utilities" such as military, police, courts, roads, schools, power generation, water, sewage, fire protection, parks, libraries, medical care, and all other categories of human transactions currently monopolized by the statist ruling class.

Property ownership is a necessary delineation of control and use by individuals and groups of individuals over physical things. Every living entity must incorporate and integrate matter and energy in order to survive. The process of growth and development in all living forms is analogous to proprietary relations among conscious organisms. The crucial difference occurs in the cognitive ability among conscious organisms to objectively distinguish the specific merits of an individual's claim to some physical entity. A claim to something is based on the investment of value in some hitherto unclaimed object or the voluntary transfer of title by the previous owner.

The concept of property is the political-legal aspect of the ethic of rational egoism. An individual's sole rational purpose in life is to attain his own self interest. There is no reasonable and objective basis in nature to argue an a priori obligation on the part of an individual to others. There are only two ways in which an individual may be ethically required to accept an obligation: (1) if he has given voluntary and explicit consent to provide a value or (2) if he has caused an objectively definable damage to someone else for which he owes restitution. Self ownership is the basis for all property ownership and is the correlary of personal sovereignty or self-dominion in the political sphere.

The distinction between "life and property" commonly employed by libertarian writers is a matter of linguistic convenience to extend the concept of individual rights to include both corporeal and non-corporeal possessions. The principle of ownership does not logically terminate with one's body -- it extends to whatever an individual has acquired by the investment of intelligence, effort, and capital, or by voluntary transfer of title. Thus, an unclaimed piece of land one has settled and worked is just as rightfully one's possession, as one's legs, arms or head.

The validity of one's claim of ownership is not reduced by the relative need of others to one's wealth, or by the relative scarcity of a value or category of value. There is, for example, a great hue and cry about the availability of "wilderness" areas for future generations. The absurdity of attempting to premise an ethically valid claim on property in the name of non-existent persons with non-existent and unknown desires is a good example of the insanity which marks "justice" in the Authoritarian Complex. It is not enough that the individual is expropriated at every turn for the living and required to shoulder the responsibilities and liabilities of the dead but now one is compelled to sacrifice for the unborn.

The weakness, incompetence, or ill fortune of others, does not constitute a valid claim to any portion of one's life, however inconsequential it may appear. This not only includes material possessions, but the knowledge and information of one's mind as well. Contrary to the belief of many libertarians, the concealment of information, or the offering of inaccurate information, does not constitute a violation of right.

CONTINUED ON PAGE 33

I have written several essays on the invalidity of fraud as a legitimate libertarian prohibition. Fraud punishes an individual for providing false information or for concealing information for gain. The usual argument for the prohibition against fraud is that it results in the transfer of a value which the victim would have been unwilling to give had the accurate or full information been made available by the other party. The case against the prohibition of fraud is that the commission of deceit, is not in itself an act which objectively violates an individual's right. The provision of information or the withholding of information are within the legitimate prerogatives which an individual may exercise over his possessions. Giving away false information does not entitle the recipient to a valid claim to damages. The fraud notion is also wrong because it involves penalty for intent and not the objective character and consequence of the action itself. Fraud is further invalidated by its dependence on arbitrary and changing social convention and community standards on "how much information and how accurate".

A consistent application of rational egoism (i.e. the Libertarian Ethic) leads to the conclusion that an individual has but one right -- that is the right to his own life and property (as an extension of that life). As such, he can make no ethically valid claim (and thus legally valid claim as the bases for police intervention must proceed from the application and codification of more fundamental ethical premises) against someone else's life, unless at least one of the two previously described conditions is met. This includes information, knowledge, and all other capacities of one's mind possessions. They are products of one's prior investment and acquisitions. The concept of fraud as it is defined in common law has no validity in a libertarian code of ethics or much less a rational code of law. As is the case with any other possession, an individual may not be forced to provide accurate information in any transaction unless by so doing he transfers title to that particular informational value and must provide the value as stipulated. Failure to do so, would constitute forcible withholding of a value belonging to someone else and, thus, a form of initiating a forcible imposition over a portion of someone else's life.

A consistent application of libertarian premises permits no ethical validity or enforcement of so called "implied contracts". Libertarianism requires the communication of explicit and voluntary consent in the transfer of title over any value. Anything less, admits to the validity of imposing arbitrary and subjective claims based upon variable "community" standards. The notion of "implied contract" is a contradiction in terms. A contract consists of defined terms, the extent of liability and other obligations. Logical inferences from the stipulated terms are objectively delimitable. The extent of the agreement, however, is basically controlled by the explicit and defined nature of its specific terms. An individual is responsible for his own actions, not for the interpretations or assumptions of others unless he communicates a specific transfer of title over some portion of his life. The use of concepts to communicate a willingness to undertake an obligation is necessary to supplant the ambiguity of perceptual-level determination of assent. The transmission of symbolologically specific information which defines intent in oral or written form provides a threshold of conceptually-explicit validation.

- Richard R. Slomon

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#### ANITA URGES PRISON FOR GAYS

The PAC does not advocate homosexuality but we think government suppression of consenting sexual acts is wrong. Although we oppose anti-discrimination laws for gays in private employment and rental policies, we are horrified by Anita Bryant's demands for the imposition of 20 year felony penalties for homosexual acts. This is just more evidence of the direct relationship between Christian beliefs and statist coercion.

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