

Action-Agreeance Theory: An a priori Rejection of the State

By

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Abstract:

With all of libertarianism being rooted in the Non-Aggression Principle (NAP), the question must eventually become, how do we reach that principle? Given that the NAP comes from self-ownership, we are then tasked to explain where self-ownership comes from. Murray Rothbard puts forth a brilliant *argumentum ad contrario*, meanwhile Hans-Hermann Hoppe attempts to answer this with his “argumentation ethics.” It is the objective of this paper to present another route for self-ownership – and the ultimate rejection of the State – through the Action Axiom. Beginning with the irrefutable Action Axiom, it can be logically deduced that the State as commonly understood is a logical impossibility.

Key words:

Praxeology, statism, libertarianism, anarchism

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Up until now, the arguments made in favor of self-ownership have been, while practically true, not necessarily so. They relied heavily on an *argumentum ad contrario* framework, and from this we ended up with rejecting statism (archism) for statelessness (anarchism).² While this may or may not be a convincing argument, we can develop our theory on an even sturdier foundation. The attempts to justify the Non-Aggression Principle (NAP) have come in two waves among major contemporary libertarian thinkers. Murray Rothbard, in his work *The Ethics of Liberty*, more or less laid out his argument deriving from natural law (Rothbard, 1982). Then came Hans-Hermann Hoppe and his *argumentation ethics* (Hoppe, 1989 [2016], pp. 145-165). This purported to provide a strictly logical basis for the NAP, which ended up concluding that in order to argue, one must implicitly adopt the libertarian values of non-aggression and private property. Both of these arguments have been illustrated and critiqued, but neither is necessary to arrive at the stateless society. In addition, one can arrive at the libertarian principles of non-aggression and self-ownership apodictically, stemming from the Action Axiom first developed by economist Ludwig von Mises in his work, *Human Action*.

ROTHBARD AND HOPPE

Self-ownership is the starting point from which the rest of libertarianism is deduced. Self-ownership entails a property right, and it is from the right of property over one's self that one can acquire external property, through homesteading (Locke, 1948).

¹ I would like to take the time to thank Dr. Walter Block and Malaika Lucien for editing an earlier version of this paper. Likewise, I thank Christian Torsell for also editing, but more importantly engaging in important conversations that contributed immensely to the development of this theory. Any further errors are the mine, and mine only.

² Statism defined as the belief in the necessity of government, statelessness as a society without a government

Rothbard and Hoppe took two very different approaches to establishing self-ownership, and these two methods will now be discussed.

In chapter eight of *The Ethics of Liberty*, Rothbard relies on an *argumentum ad contrario*. This is, through the rejection of the opposite stance being taken, one can come to accept the original claim. Rothbard writes, "...if each man is *not* (sic) entitled to full and 100% self-ownership, then what does this imply? It implies either one of two conditions: (1) The "communist" one of Universal and Equal Other-ownership, or (2) Partial Ownership of One Group by Another – a system of rule by one class over another (Rothbard, 1982, p. 45)." The problem with alternative (2) is that is not universal³. It is entirely a partial and arbitrary ethic. Not only that, it cannot even be considered a human ethic. It implies that one groups can own not only themselves but others as well, and the second group cannot even own themselves, making them subhuman. This makes the dynamic one between humans and non-humans, ignoring the first assumption in the point of determining an ethic for humans.

The problem with alterative (2) is different but no less damning. It is universal, but it is practically impossible. One cannot act without the permission of the owner, so one would need to get everyone's approval before acting. But even the decision to call a meeting between the shareholders would require the approval of the shareholders, which would require...*ad infinitum*. To put this system into practice would mean starvation and the end of humanity.

³ The problem of this can be read in chapters 1-7 of (Rothbard, 1982)

This argument is, practically speaking, very sound. It is not, however, necessarily true. One need only respond, “I do not own myself. I simply *am* myself.” Without the granting of self-ownership, it becomes much more difficult to deduce libertarian principle.

Hoppe took a more unconventional approach. The only way in which truth can be discovered is through argument.⁴ Given the necessity of argument, there are “...positive norms implied in argumentation aside from the universalization principle. In order to recognize them, it is only necessary to call three interrelated facts to attention. First, that argumentation is not only a cognitive but also a practical affair. Second, that argumentation, as a form of action, implies the use of the scarce resource of one’s body. And third, that argumentation is a conflict-free way of interacting...a mutual recognition of each person’s exclusive control over his own body must be presupposed as long as there is argumentation (Hoppe, 1989 [2016], p. 152).” Because of this he concludes that in order to argue, one must accept the following norm: “Nobody has the right to uninvitedly aggress against the body of any other person and thus delimit or restrict anyone’s control over his own body (Hoppe, 1989 [2016], p. 153).” There are two problems with this argument.⁵ One, he makes a leap he cannot make. He claims that one must accept non-aggression against “any...person”, but that does not follow from his premises. It is logically possible to accept property rights for the person with whom you are arguing, and simultaneously hold that belief that no else has the same right. Engaging in argument does not require the acceptance of the universal principle of which Hoppe speaks. Secondly, one is not always engaged in argument; there can be action without argument.

⁴ A more in-depth critique of Hoppe’s position than is present can be read here (Robert Murphy, 2006)

⁵ A more in-depth critique can be read here (Murphy & Callahan, 2006)

At best, all his argument requires is the acceptance of libertarian principles while arguing, but it leaves open the possibility of acting in contradiction to the NAP. It is, given Hoppe's framework, still possible to act in a non-libertarian way. Given this gap, it would suit libertarianism splendidly if an argument in favor of self-ownership could be centered around action.

ACTION

Humans act. We act purposively, meaning we utilize means that we perceive will bring about our desired ends. A mere understanding of logic shows that this is apodictically true. Any attempt to refute the action axiom would be a performative contradiction, for one would be utilizing perceived means (argument) in an attempt to bring to fruition one's desired end (the refutation of the action axiom). Seeing as we have desired ends, our actions are goal-oriented. Since we wish to attain these goals (demonstrated by our decision to act), these goals must then be valuable to us. Our values, therefore, govern our actions. This is the basis of economic inquiry.⁶ All of economics can be logically deduced from the action axiom, and such is the tradition of the Austrian School of Economics.

It is from this framework that we can also arrive at anarchism⁷. The first end that we value is life, and it governs our actions. If we failed to act, we would all die. In order to act, one must utilize one's body.⁸ By acting, again, we demonstrate a belief that certain

⁶ At least for legitimate economic inquiry. Only the Austrians begin with this methodology. Mainstream economists are positivistic in nature. Moreover, the Austrian's model is Economizing Man, while the Mainstream begins with *homo economicus*.

⁷ Anarchism, to be clear, is synonymous with statelessness.

⁸ One must, arguably necessarily, also use natural resources in order to survive, so the same principle applies to economic goods per Menger.

means are legitimate in so far as they bring about our desired ends. Action is not simply something that *is*, but rather demonstrates a belief in legitimate use. An actor who picks an apple off a tree *believes* that his use of the apple is legitimate or he would not do it. The act of picking the apple implies a belief that it was right to pick the apple from the tree and make use of it as seen fit. Removing the apple from the tree is a conscious choice made by the actor. The grabbing and plucking must, then, be considered to be legitimate in the eyes of the actor. If he did not believe that the action was legitimate, i.e., could bring about his desired end (in this case, say, the satiation of hunger), no action would take place. The actor would choose a different course of action that he *did* believe would satisfy his end.

Similarly, by using our body to act, we demonstrate that we *believe* our use thereof is legitimate. Someone might object to this by offering the example of a thief. Let us assume that person A rightfully owns a laptop, and person B steals it from A. Furthermore, B is fully aware that the laptop rightfully⁹ belongs person A, but he takes it anyway. Since B *knows* he is stealing, then surely, he does not believe that his act of theft is *legitimate*. Would this not undermine the idea that action demonstrates a belief in legitimate use, i.e., ownership? But, alas for the objection, the principle in question is valid *even* for the thief. Stealing must be motivated by something, and the act of stealing shows that the thief values his possession of the good – even by means he considers immoral – over the good being in possession of the proper¹⁰ owner. Even to say that the thief “knows” what he is doing is wrong is superseded by the fact that his action proves this moral

⁹ Grant whichever just means of property acquisition you wish, a particular one is not important to the current argument.

¹⁰ Again, property here is normative and rooted in a belief in its legitimacy of private property, but in order for someone to be a thief, there *must* be property.

position he holds is not absolute to him. Something (in this case, the possession of A's laptop) is valued higher to him on his scale preference. Therefore, while the act of stealing in the eyes of the thief may or may not be legitimate as it pertains to morality¹¹, it is justified *to him* in that he values the outcome of the acquisition by theft over not acting and not committing theft. To be clear, the thief demonstrates that he values possession of the stolen good higher than the satisfaction of abiding by a moral code. It is, therefore, concluded that – even to the thief – use is an ownership claim.¹² His act of theft is legitimate, rational¹³, but more importantly reasonable *to him*.

Enter the state. But what is the state? First, let us begin with the binary of wealth accumulation formulated by German sociologist Franz Oppenheimer (Oppenheimer, 1926). As he put it, there are two means through which one can acquire wealth. The first is through the process of production, and then as an extension, via trade. Through taking the natural world and mixing one's labor with the Earth, one can create things of value. Upon this creation, two individuals may also engage in exchange.¹⁴ The acts of production and exchange Oppenheimer dubbed the “economic means.” There is, however, a second route one could take. One may simply take what another has produced or received per legitimate trade by initiating violence. For Oppenheimer, this is the “political means” of getting wealth. While the “economic means” create wealth and prosperity, the “political

¹¹ That very well may be chosen by the thief himself.

¹² Again, we are using ownership here to mean legitimate use.

¹³ In the Misesian sense of the word.

¹⁴ Engaging in mutually beneficial exchange necessarily increases the wealth of all participants involved, *ex ante*. The only reason two individuals trade is because their value preferences of the two goods in question are the opposite of each other. While it is possible for either party to regret the trade *ex post*, *ex ante* they are both necessarily made wealthier than they were before the trade was made.

means” are the embodiment of parasitism to civil society. It drains wealth from its host, and likewise discourages further production¹⁵.

Given this bifurcation, we can now define the state. This entity is the “organization of the political means (Oppenheimer, 1926, pp. 24-27).” Or in the words of Murray Rothbard, “...it is the systemization of the predatory process over a given territory (Rothbard, 2009, p. 15).” The State is a territorial monopoly on the use of force, and it claims sovereignty over all those under its domain. It declares that theft among private citizens is a crime, yet commits theft writ large and calls it taxation. It declares kidnapping a crime, yet utilizes it when the populace fails to obey its decrees, which it deems “law” or “legislation.” The State does not *ask* to rule – it declares its sovereignty. One does not have the option to agree or disagree; the State is in no way voluntary – it is wholly coercive.¹⁶ The State declares that it is in charge of its citizenry, and the people must obey.

Now, this is not to say that one could not cede one’s ownership to someone else voluntarily. Part of self-ownership includes the right to bind one’s self as one sees fit, even to the point of bequeathing ownership of one’s body to someone else.¹⁷ In a voluntary market transaction, there is an agreement between buyer and seller. The former would ask, “If you *agree* to sell ownership of yourself to me, then I own you.”¹⁸ In the marketplace, one could also agree to joint ownership. In fact, this is ~~perhaps~~ arguably what employment is – binding one’s self to another’s wishes for a set amount of time in

¹⁵ For more on this, see (Hoppe, A Theory of Socialism and Capitalism, 1989 [2016]), (Hoppe, 2001 (2007))

¹⁶ One might argue that the state is not wholly coercive because there are people who favor it. This argument falls flat, however, because no choice was even given to them. It makes no difference that had the state proposed the same arrangement to them, they would have agreed. That situation never manifested – only the coercive situation. Thus, for even the statist, their inclusion was still entirely coercive.

¹⁷ For more, see (Block, 2003)

¹⁸ Which would give ultimate decision making over the use of the body being sold to the buyer.

return for an agreed amount of compensation. This is not the claim made, however, by the State. In sharp contrast, the government declares, “whether you like it or not, whether or not you agree to my terms, I own you.” While in the marketplace one could rescind one’s ownership claim to another on his or her own accord, the state proclaims your ownership claim over yourself is void.

But what of joint ownership? Could this not be a case, then, for the state? Would it not be possible for you and the state to jointly own your body? No. The same distinction made above between the market and the state still holds. The institution of government asserts and demands. The State claims ownership over its subjects. Moreover, it demands obedience to any legislation it passes, and it demands payment of whatever amount of taxation is decrees. In that the government requires obedience to all its wishes, it imposes complete ownership over your body. You did not enter into the agreement voluntarily, which is a characteristic feature of market transitions. Through our action, and through our lack of voluntary cession, we proclaim complete ownership over ourselves, meanwhile the state, per its coercive nature, demands complete submission to its rule.

We now are in a situation of competing ownership claims. By perpetually acting¹⁹, we are demonstrating a continued belief in self-ownership, yet by demanding submission, the state claims ownership over ourselves. To quote Murray Rothbard, “...*man must always act*. Since he is always in a position to improve his lot, even “doing nothing” is a form of acting. “Doing nothing – or spending all his time in leisure – is a choice that will affect his supply of consumers’ goods. Therefore, man must always be engaged in choosing and in action (Rothbard, 2009 (1962), p. 71).” The state by decree is claiming

¹⁹ Assuming no previously binding contract.

ownership over us, yet by acting – which must be continual in order to avoid death – we are demonstrating that we believe we own ourselves. Thus, should someone argue that a state over them is legitimate, that a State ought to rule of them, one would be caught in a performative contradiction, for articulating this position would be an action, i.e. a claim of self-ownership, and would contradict their claim.

AGREEANCE

But the issue has not (yet) been fully resolved. There are still two scenarios that could arise that would not constitute a performative contradiction. One can argue as a potential State, meaning that they should be the one ruling over everyone.²⁰ One could also argue that a state ought to rule over the colloquial “them”, but not over himself.²¹ But we again run into the same pesky dilemma, e.g., a performative contradiction. In both scenarios, *not all parties can agree*. While one can argue to *be* a State, their subjects cannot *agree* lest they fall into the performative contradiction explained in the previous section.²² Moreover, one could argue that “they” should be subject to a state, but “they” cannot agree per the same contradiction! Therefore, while one could logically argue in favor of a State outside of themselves, no one can agree with the statement for himself.

SUMMARY AND CONCLUSION

Murray Rothbard put forth a very practical argument in favor of self-ownership that logically deduced itself to anarchism. It requires the acceptance of very simple propositions, and flows eloquently. But since it does require acceptance of certain

²⁰ The potential State may make the claim against archists and anarchists alike.

²¹ A State for thee, but not for me.

²² To clarify, the governed agreeing is not meant to mean that the State is offering to rule, but that the State says it is ruling and the populace says “Okay, sounds good to me. I accept this.”

propositions as he set it up, it is not theoretically completely sound. It relies on the affirmative statement that to use one's self is an acceptance of property, and this can be responded with, "I do not own myself. I simply *am* myself." While it is not a stretch to assume self-ownership, it is not logically necessary.

Then there was Hoppean argumentation ethics. This argument runs into universalization issues. One is not always arguing, so it is possible to *act* in conflict with the non-aggression principle. Moreover, it is not logically impossible to declare that I believe you have property rights, but no one else does. A belief in your right to property does not necessitate in a universal belief in property.

The theory presented in this paper, Action-Agreeance Theory, resolves all of these issues due to its root in the apodictic action axiom. Given that one must act, there is no issue above acceptance of certain propositions. Moreover, since one must always be engaged in action, anything that can be said about action must hold true for the entire length of the actor's life. Furthermore, through action people demonstrate a *belief* in the rationality and legitimacy of their actions. This belief renders any claim against specifics irrelevant. Any possible objection in this realm could be true, but it cannot be a belief held by any individual. Shifting the focus to action and belief makes perpetuity work, and it is agreeance (or rather, the inability to agree) that solves the issue of universalization. Yes, it is entirely consistent logically to argue *as* a state or for there to be a state "over there." But no one can agree. Per the nature of human action and logic, one cannot argue in favor of a State to rule over them without contradiction. Nor can anyone agree with someone arguing for any State to rule over them, whether it be the State itself or an external third party. The State, then, is a logical *impossibility*. It can only arise as the result of many,

many performative contradictions, or conquest – which is also negated per human action.²³ The only logical position to hold is anarchism. Human action negates the State.²⁴

²³ Acting shows the disbelief in the State's legitimate ownership of them, so the legitimacy of the conquest is negated by the suppressed people.

²⁴ Logically, of course. One certainly can perform a contradiction.

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