### 1AC/1NC – Hoppe

#### Other standards are incompatible with argumentative means – it comes first.

Hoppe 17 Hans-Hermann Hoppe, anarcho-capitalist political philosopher, Austrian school economist, and founder of the Property and Freedom Society. "A Primer on Hoppe's Argumentation Ethics." Mises Wire. 27 November 2017. <https://mises.org/wire/primer-hoppes-argumentation-ethics>. PeteZ \*Brackets for gendered language

First, it must be noted that the question of what is just or unjust — or for that matter the even more general question of what is a valid proposition and what is not — only arises insofar as I am, and others are, capable of propositional exchanges, i.e., of argumentation. The question does not arise vis-à-vis a stone or fish because they are incapable of engaging in such exchanges and of producing validity claiming propositions. Yet if this is so — and one cannot deny that it is without contradicting oneself, as one cannot argue the case that one cannot argue — then any ethical proposal as well as any other proposition must be assumed to claim that it is capable of being validated by propositional or argumentative means. (Mises, too, insofar as [they] ~~he~~ formulates economic propositions, must be assumed to claim this.) In fact, in producing any proposition, overtly or as an internal thought, one demonstrates one’s preference for the willingness to rely on argumentative means in convincing oneself or others of something. There is then, trivially enough, no way of justifying anything unless it is a justification by means of propositional exchanges and arguments. However, then it must be considered the ultimate defeat for an ethical proposal if one can demonstrate that its content is logically incompatible with the proponent’s claim that its validity be ascertainable by argumentative means. To demonstrate any such incompatibility would amount to an impossibility proof, and such proof would constitute the most deadly defeat possible in the realm of intellectual inquiry.

Second, it must be noted that argumentation does not consist of free-floating propositions but is a form of action requiring the employment of scarce means; and that the means which a person demonstrates as preferring by engaging in propositional exchanges are those of private property. For one thing, no one could possibly propose anything, and no one could become convinced of any proposition by argumentative means, if a person’s right to make exclusive use of ~~his~~ physical body were not already presupposed. It is this recognition of each other’s mutually exclusive control over one’s own body which explains the distinctive character of propositional exchanges that, while one may disagree about what has been said, it is still possible to agree at least on the fact that there is disagreement. It is also obvious that such a property right to one’s own body must be said to be justified a priori, for anyone who tried to justify any norm whatsoever would already have to presuppose the exclusive right of control over ~~his~~ body as a valid norm simply in order to say, “I propose such and such.” Anyone disputing such a right would become caught up in a practical contradiction since arguing so would already imply acceptance of the very norm which [she] ~~he~~ was disputing.

Furthermore, it would be equally impossible to sustain argumentation for any length of time and rely on the propositional force of one’s arguments if one were not allowed to appropriate in addition to one’s body other scarce means through homesteading action (by putting them to use before somebody else does), and if such means and the rights of exclusive control regarding them were not defined in objective physical terms. For if no one had the right to control anything at all except [their] ~~his~~ own body, then we would all cease to exist and the problem of justifying norms simply would not exist. Thus, by virtue of the fact of being alive, property rights to other things must be presupposed to be valid. No one who is alive could argue otherwise.

Moreover, if a person did not acquire the right of exclusive control over such goods by homesteading action, i.e., by establishing an objective link between a particular person and a particular scarce resource before anybody else had done so, but if instead late-comers were assumed to have ownership claims to goods, then no one would be allowed to do anything with anything as one would have to have all of the late-comers’ consent prior to ever doing what one wanted to do. Neither we, nor our forefathers, nor our progeny could, do, or will survive if one were to follow this rule. In order for any person — past, present, or future — to argue anything it must be possible to survive then and now, and in order to do just this property rights cannot be conceived of as being timeless and nonspecific regarding the number of people involved. Rather, property rights must be thought of as originating as a result of specific individuals acting at definite points in time. Otherwise, it would be impossible for anyone to first say anything at a definite point in time and for someone else to be able to reply. Simply saying that the first-user-first-owner rule of libertarianism can be ignored or is unjustified implies a contradiction, for one’s being able to say so must presuppose one’s existence as an independent decision-making unit at a given point in time.

Finally, acting and proposition-making would also be impossible if the things acquired through homesteading were not defined in objective, physical terms (and if correspondingly, aggression were not defined as an invasion of the physical integrity of another person’s property), but in terms of subjective values and evaluations. While every person can have control over whether or not ~~his~~ actions cause the physical integrity of something to change, control over whether or not one’s actions affect the value of someone’s property rests with other people and their evaluations. One would have to interrogate and come to an agreement with the entire world population to make sure that one’s planned actions would not change another person’s evaluations regarding ~~his~~ property. Surely, everyone would be long dead before this was accomplished. Moreover, the idea that property values should be protected is argumentatively indefensible, for even in order to argue so it must be presupposed that actions must be permitted prior to any actual agreement. (If they were not one could not even make this proposition.) If they are permitted, however, this is only possible because of objective borders of property, i.e., borders which every person can recognize as such on ~~his~~ own without having to agree first with anyone else with respect to one’s system of values and evaluations.

By being alive and formulating any proposition, one demonstrates that any ethic except the libertarian private properly ethic is invalid. If this were not so and late-comers had to have legitimate claims to things or things owned were defined in subjective terms, no one could possibly survive as a physically independent decision-making unit at any given point in time. Hence, no one could ever raise any validity-claiming proposition.

This concludes my a priori justification of the private property ethic. A few comments regarding a topic already touched upon earlier, the relationship of this “praxeological” proof of libertarianism to the utilitarian and to the natural rights position, shall complete the discussion.

As regards the utilitarian position, the proof contains its ultimate refutation. It demonstrates that simply in order to propose the utilitarian position, exclusive rights of control over one’s body and one’s homesteaded goods already must be presupposed as valid. More specifically, as regards the consequentialist aspect of libertarianism, the proof shows its praxeological impossibility: the assignment of rights of exclusive control cannot be dependent on certain outcomes. One could never act and propose anything unless private property rights existed prior to a later outcome. A consequentialist ethic is a praxeological absurdity. Any ethic must instead be “aprioristic” or instantaneous in order to make it possible that one can act here and now and propose this or that rather than having to suspend acting until later. Nobody advocating a wait-for-the-outcome ethic would be around to say anything if [she] ~~he~~ took [her] ~~his~~ own advice seriously. Also, to the extent that utilitarian proponents are still around, they demonstrate through their actions that their consequentialist doctrine is and must be regarded as false. Acting and proposition-making require private property rights now and cannot wait for them to be assigned only later.

### —AT: Murphy

#### Argumentative norms must be universalizable – rejecting it triggers skep.

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What about universalizability? I am not sure if MC really reject the universalizability requirement – but if they do, I fail to see how they can themselves adhere to any notion of rights; rejecting universalizability means that any norm whatsoever can be proposed, by simply making up a particularistic reason for it. Without the universalizability principle, literally “anything goes,” which of course leads to ethical relativism and/or skepticism. I will assume that MC are not ethical relativists or skeptics and thus do not reject universalizability. But I am not sure they fully appreciate this principle.

Consider this comment by MC: “To simply declare that ownership rights must be ‘universalizable’ is no help, either; after all, communists could cite the same principle to ‘prove’ that everyone should have equal shares to all property.” MC write here as if they are totally unaware that Hoppe has explicitly stated that “the universalization principle only provides a purely formal criterion for morality.”[18] Of course, even if socialism’s principles were reformulated in a completetly universalizable way, it will still be inconsistent with other norms presupposed in argumentation, as noted above.

And regarding universalizability, MC also state:

Finally, we wish to note that, even if the above problems are overlooked, it’s still the case that Hoppe has only proven self-ownership for the individuals in the debate. This is because, even on Hoppe’s own grounds, someone denying the libertarian ethic would only be engaging in contradiction if he tried to justify his preferred doctrine to its “victims.”

For example, so long as Aristotle only argued with other Greeks about the inferiority of barbarians and their natural status as slaves, then he would not be engaging in a performative contradiction. He could quite consistently grant self-ownership to his Greek debating opponent, while denying it to those whom he deems naturally inferior. [] Aristotle need only contend [that] barbarians [] are not as rational as Greeks.”

Do MC think that merely “deeming” or “contending” something to be so is automatically compatible with universalizability? I believe they are simply misapplying the universalizability principle here (or, rather, failing to apply it). For Aristotle to grant rights to himself and Greeks, but not to other individuals, would simply be particularistic. He would have to show that there is some reason, objectively grounded in the nature of things, that justifies rights in Greeks but not in other people identical to Greeks in all respects except for their Greekness. Again, either the universalizability requirement is taken seriously, or it is not. If not, the door to ethical skepticism is opened wide.

#### Use does imply full ownership. Counterexamples misunderstand self-ownership.

Kinsella 02 Stephan Kinsella is a practicing patent attorney, a libertarian writer and speaker, Director of the Center for the Study of Innovative Freedom. "Defending Argumentation Ethics." Anti-state. 19 September 2002. [www.stephankinsella.com/publications/defending-argumentation-ethics/](http://www.stephankinsella.com/publications/defending-argumentation-ethics/). PeteZ

MC introduce supposed “counterexamples” of God and slavery. Take the slavery case. They recognize that “Hoppe and Rothbardian libertarians in general do not believe in universal self-ownership. In particular, they believe that criminals may be rightfully enslaved to pay off their debts to victims (or their heirs).” Well, of course! Hoppe is a libertarian. To advocate self-ownership means that a person has the right to control his body, as a default or prima facie matter. But if someone commits aggression, of course the victim now is a partial “owner” of the aggressor’s body, because he has a right to use force against it. So consider a man who now “owns” an aggressor who, say, murdered the man’s wife. Of course, the owner could engage in debate with the slave, but only by granting the slave the right to use his body for purposes of argument. But how does this change the fact that no one can argumentively deny the normative presuppositions that imply libertarianism? Let’s assume the owner is libertarian. He believes in the need for property rules and conflict-avoidance. He believes any norms have to be universalizable. If he advocated socialism, his argument would be incompatible with necessary argumentative presuppositions of peace, prosperity, and conflict-avoiding prosperity—because socialist rules are either not universalizable or are not based on objective links between owner and resource. But his claim that he has a right to wield force against the slave is perfectly justified. It is universalizable, because the different treatment of the slave-aggressor and the master-victim is not arbitrary but is grounded in the objective fact of the act of aggression. It is compatible with objectively assigning property rights, because it is a way of enforcing objectively assigned property rights that are violated.

As for God—you can’t just posit that God owns everyone and “therefore” we are not self-owners. Moreover, even if God does own us, it could be that we are still self-owners vis-a-vis each other. In any event, this in no way refutes the conclusion that only the libertarian norms can be argumentatively justified in discourse.

MC try to make much of their notion that propositions advanced “during” argument are not subject to the presuppositions of argument, if the rule is designed to be applied in a non-argumentative context. But propositions can only be justified during argumentation. A participant in discourse cannot deny that conflict-avoidance is good. When he seeks to justify something, it is always some action he seeks to justify. The justification takes place at one time; the action to be justified, at another. So what? Are MC saying that no action can ever be justified, other than argument itself? Consider an act of theft, or property acquisition, or rape: all non-argumentative actions. Obviously, these actions are not justifying-actions, because they are not arguments. The only time they could possibly be justified is at another time, during argument. In any event, this critique seems to miss the point. If two people seek to agree upon a fair, universalizable rule for assigning property rights in scarce resources to individuals in a way that would allow conflict to be avoided and the resources to be used – of course the rule they are considering will be applicable to future property disputes. I am baffled at how they could think otherwise.

### 1NC/1AR – AT: Hoppe

#### Hoppe is wrong—it’s an invalid inference from this round to every situation ever.

Murphy and Callahan 06 Robert P. Murphy is visiting assistant professor of economics at Hillsdale College. Gene Callahan is a PhD candidate in philosophy at the London School of Economics. "Hans-Hermann Hoppe's Argumentation Ethic: A Critique." Journal of Libertarian Studies. Volume 2, Number 2, Spring 2006. <https://www.researchgate.net/publication/237435979_Hans-Hermann_Hoppe's_Argumentation_Ethics_A_Critique>. PeteZ \*Brackets for gendered language

As we stated above in the introduction, we believe that even if one grants the basic validity of Hoppe’s approach, his argument still fails to make the case for full self-ownership. At best, Hoppe has proven that it would be contradictory to argue that someone does not rightfully own his mouth, ears, eyes, heart, brain, and any other bodily parts essential for engaging in debate. But that clearly would not include, say, a person’s legs; after all, it is certainly possible for someone to engage in debate without having any legs at all. (Consider physicist Stephen Hawking, who is quite physically handicapped and yet manages to engage in propositional discourse of the highest caliber.)

To illustrate how the above foils Hoppe’s intention, imagine a collectivist arguing,

People should not have full ownership of their bodies, as libertarian theorists believe. For example, if somebody is sick and needs a kidney, then it is moral to use force to compel a healthy person to give up one of his.

Since it is not necessary to have two kidneys in order to argue, Hoppe has not succeeded in demonstrating the contradictory nature of such a collectivist claim.

Therefore, even on its own terms, his argument only establishes ownership over portions of one’s body. Now we will demonstrate that, at best, it also only establishes self-ownership of those body parts during the course of the debate.

For example, suppose a collectivist argues,

Generally speaking, people have the right to use their bodies as they see fit. However, during national emergencies, it is moral to use force to compel certain individuals to act in the public interest. In particular, if the nation is being invaded, the government may draft people into military service. Therefore, the libertarian claim to absolute self-ownership is unfounded.

Has Hoppe shown that someone uttering the above (during a policy debate) is engaging in a performative contradiction? The collectivist is not using force during the debate; [s]he is merely arguing that under certain conditions the use of force is appropriate to compel military service, thus denying the libertarian ethic. While we disagree with our hypothetical collectivist, we don’t see how his claims are self-contradictory.

Before moving on, let us point out one rejoinder that is not valid for the defender of Hoppe’s argument. In response to considerations like the above, a Hoppeian might be tempted to say,

The fact that such collectivists would not be performing a contradiction at that moment is irrelevant. The beliefs of these collectivists necessarily rest on ‘might makes right’ when force is applied, and at that point, they show that they are not really interested in justifying their aggression.

For example, the Hoppeian might continue,

a person forced into a hospital to have a kidney removed certainly can’t argue while he’s under, and a person forced to the front lines to repel invaders certainly isn’t in a fair position to debate the justice of his condition. Therefore, these collectivists are engaging in a contradiction when they try to justify forced kidney transplants or the draft.

Hoppe himself has written:

[I]n the same way as the validity of a mathematical proof is not restricted to the moment of proving it, so, then, is the validity of the libertarian property theory not limited to instances of argumentation. If correct, the argument demonstrates its universal justification, arguing or not. (Hoppe 1988, p. 54)

Again, reasoning such as this is invalid; the defender of Hoppe must come up with a different way to respond to our arguments above. To see why this purported defense fails, consider the following proposition:

Patrons in a movie theater should refrain from talking during the feature presentation (in accordance with their implicit agreement with the owners of the theater) unless there is a genuine emergency such as fire or someone needing medical attention.

Not only do we feel that it is consistent to justify this proposition, but we actually believe the quoted proposition is true. (Before continuing, we urge the skeptical reader to decide for himself whether this proposition seems true or false, and in particular whether it seems compatible with a Rothbardian view of property rights.) Now, suppose that we are in an anarcho-capitalist society conforming to Hoppe’s vision of justice. A certain man pays for his movie ticket, observes the sign on the wall that says, “ALL PATRONS AGREE TO REMAIN SILENT DURING THE FEATURE PRESENTATION EXCEPT FOR EMERGENCIES,” buys some popcorn, and sits down in the theater. About ten minutes into the show, this man begins yelling at the screen, furious at the shoddy acting of several of the thespians. The people around him try “shhhhh” for several minutes, to no avail. Eventually two burly men who work for the theater must use force to eject the man out onto the pavement.

Here is the interesting part of the tale: While he is being dragged out of the theater, the man demands that his escorts debate the justice of their actions. But rather than giving a rational exposition of the nature of property and contractual agreements, these brutes continue to urge him to keep his mouth shut! The man is horrified at this brazen refusal to even try to justify their violence against him. As he recounts the episode to his sympathetic friends hours later, the man points out the ultimate irony of the theater’s rule: Not only is the prohibition against talking during a movie wrong, it is actually unjustifiable! For how can someone debate the justice of such a rule if he is forbidden to speak?!

Hopefully we can end our silly tale at this point. But in all seriousness, we must ask the reader: What specifically is wrong with our fictitious man’s position? Among other flaws, one of his errors is the notion that a rule is indefensible if its application would make debate at that particular moment impossible (or difficult). In our example of the movie theater, we feel most Hoppeians would agree that it is perfectly acceptable to use force to uphold a rule, so long as the justice of the rule could be rationally defended beforehand, when force isn’t being used to intimidate anyone.

Now is there any important difference in this respect between our example of the movie theater, and the earlier collectivist justifications of the military draft or organ transplant? Just because one can’t argue on the front lines or in an operating room doesn’t by itself prove that these outcomes are unjustified uses of force. It is true, as Hoppe points out, that once a proposition has been proven, the proof does not “expire” the moment the discussion of it ceases. But the conclusion of a valid proof is still only necessarily true when its premises are true. Hoppe has shown that bashing someone on the head is an illogical form of argumentation. He has not shown that the fact that one has ever argued demonstrates that one may never bash anyone on the head, nor has he demonstrated that one may not validly argue that it would be a good thing to bash so-and-so on the head. We cannot convince you of anything by clubbing you, but we may quite logically try to convince you that we should have the right to club you.

Our final point in this section is to note that, even setting aside all of the above difficulties, it’s still the case that Hoppe has only proven self-ownership for the individuals in the debate. This is because, even on Hoppe’s own grounds, someone denying the libertarian ethic would only be engaging in contradiction if he tried to justify his preferred doctrine to its “victims.”

For example, so long as Aristotle only argued with other Greeks about the inferiority of barbarians and their natural status as slaves, then he would not be engaging in a performative contradiction. He could quite consistently grant self-ownership to his Greek debating opponent, while denying it to those whom he deems naturally inferior (Aristotle 1905, Book I, sections 4–6).

Once again, let us point out that the defender of Hoppe must exercise caution. It is tempting to respond to the above example by saying, “That’s silly. If Aristotle tried to justify his views to a barbarian debating opponent, he would necessarily be engaging in contradiction. Therefore, his views are in general unjustifiable.”

Why is this response illegitimate? Because, if we accept it, then we must also admit that human “domination” of “lower” animals is also unjustifiable. Human beings never ask polar bears their thoughts on zoos. Horses are never allowed to debate the justice of their position in society. But surely the Hoppeian would not consider the denial of self-ownership to these creatures as an unjustifiable practice. Indeed, there are debates all the time on the issue of animal rights, and humans do try to justify experiments on animals, slaughtering animals for food, etc. But when they do so, it is always in order to convince other human beings. Nobody—not even animal rights activists—ever demands that we justify our practices to the animals themselves.

Of course, the Hoppeian might respond that horses are not as rational as humans, and therefore do not need to be consulted. But Aristotle need only contend the same thing about barbarians: they are not as rational as Greeks. Indeed, that was precisely why he held that they were naturally slaves. And the only way a libertarian could prove him wrong would be to argue that barbarians deserved the same rights as Greeks; i.e., one would have to start from scratch in trying to defend a libertarian concept of rights. Hoppe’s argument as such offers nothing to help in this task. To assume from the outset that whatever rights any particular individual enjoys (through argumentation), must therefore extend to all people—including newborn infants, the mentally retarded, as well as senile and comatose individuals, none of whom can successfully debate—is to beg the question.3

#### Conflates use with ownership—prisoners and slaves prove.

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But now we move on to a more fundamental objection to Hoppe’s argument: One is not necessarily the rightful owner of a piece of property even if control of it is necessary in a debate over its ownership. Because of this fact, a crucial link in Hoppe’s argument fails. Someone can deny the libertarian ethic, and yet concede to his opponents the use of their bodies for debate. There is nothing contradictory about this, as we shall demonstrate with a few examples.

First, imagine a devout theist who believes that God created the entire universe, and is therefore the rightful owner of everything, including the bodies of human beings. The theist might believe that God has granted humans temporary control over His property, just as a landlord leases an apartment. However, just as the landlord would prohibit certain destructive acts, so too (the theist might think) would God prohibit such things as suicide and prostitution. Because of his worldview, such a theist might argue (against a libertarian atheist, perhaps) that people do not own their bodies, and that it is perfectly legitimate for outsiders to use force to prevent someone from committing suicide.

Now, we grant that the theist would have a difficult time proving his case; indeed, we would disagree with his conclusions if such a theist really existed and advocated this stance. However, we do not think he has, by making such a case, in any way engaged in contradiction. Since we have come up with a logical counterexample to his sweeping result, Hoppe’s argument as it stands must be incorrect.7

Second, imagine that a Georgist were to argue that everyone should own a piece of landed property. The Georgist could go so far as to claim that his position is the only justifiable one. He could correctly observe that anyone debating him would necessarily grant him (the Georgist) some standing room, and then he might deduce from this true observation the conclusion that it would be a performative contradiction to deny that everyone is entitled to a piece of land. We imagine that Hoppe would point out to such a Georgist that using a piece of land during a debate does not entitle one to its full ownership, and Hoppe would be correct. But by the same token, Hoppe’s argument for ownership of one’s body falls apart; Hoppe has committed the exact same fallacy as our hypothetical Georgist.

Finally, we point out with some irony that Hoppe and Rothbardian libertarians in general do not believe in universal selfownership. In particular, they believe that criminals may be rightfully enslaved to pay off their debts to victims (or their heirs). Now we ask: Would it be contradictory for legal procedures in an anarchist society to allow convicted criminals the right to appeal? Couldn’t criminals take the stand and testify as to their wrongful conviction? We can imagine a private judge saying to the criminal, “You currently do not possess full self-ownership rights, but we want the community to trust in the equity of our proceedings, so by all means, please explain your objections to your conviction.” Would such an utterance by the judge be contradictory?

If not, then it must not be true, after all, that one needs to own his body in order to debate. This is obvious; Thomas Paine wrote the first portion of The Age of Reason while imprisoned, the famous “Birdman of Alcatraz” submitted scholarly articles to journals while serving time for murder, and the imprisoned Timothy McVeigh certainly tried to justify the bombing to which he had confessed, in correspondence with Gore Vidal. Indeed, Ludwig von Mises, Murray Rothbard, and Hans Hoppe were denied their rights to self-ownership (by the governments claiming authority over them), yet they managed to advance plenty of arguments.

Hoppe’s response to this objection, when it was made by David Friedman, Leland Yeager, and others,9 was to point out that he was not denying the historical existence of slavery, but rather its justification. But Hoppe misunderstood his critics’ point. Friedman, for example, wasn’t merely saying that because slavery has existed, Hoppe must be wrong. Rather, Friedman argued that, because countless slaves have engaged in successful argumentation, Hoppe must be wrong when he claims that self-ownership is a prerequisite to debate.