

THE NON-AGGRESSION PRINCIPLE: A SHORT HISTORY

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Abstract: This paper traces the historical origins of the non-aggression principle. The central thesis of this paper is that a large and diverse group of history's most eminent thinkers have expressed ideas very similar to the non-aggression principle. The rudiments of the principle were known to the ancient Egyptians around 2000 BC, the ancient Hindus around 1500 BC, and the ancient Hebrews around 1000 BC. Around 500 BC, the ancient Chinese and Greek philosophers expressed the underlying logic of the principle. Cicero came close to articulating the principle in its modern form. Thomas Aquinas reasserted something strikingly similar to non-aggression after the Dark Ages, and the scholastic philosophers carried the idea into the early modern period. During the seventeenth century, the non-aggression principle rose to the pinnacle of Western philosophy.

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Resumen: Este artículo traza los orígenes históricos del principio de no agresión. La tesis central es que un amplio y diverso grupo compuesto por algunos de los pensadores más importantes de la historia ha expresado ideas muy similares al principio de no agresión. Los rudimentos de dicho principio eran conocidos por los antiguos egipcios hacia el 2000 a. C., por los hindúes hacia el 1500 a. C., y por los antiguos hebreos hacia el 1000 a. C. Hacia el 500 a. C., los antiguos chinos y los filósofos griegos expresaron la lógica subyacente del principio. Cicerón se acercó a la articulación del principio en su forma moderna. Tomás de Aquino reafirmó algo sorprendentemente similar a la no

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agresión después de la Edad Oscura, y los teólogos católicos llevaron la idea hasta el periodo moderno. Durante el siglo XVII, el principio de no agresión se elevó al pináculo de la filosofía occidental.

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Palabras clave: Principio de no agresión, ética, libertarianismo

“No one may threaten or commit violence (“aggress”) against another man’s person or property. Violence may be employed only against the man who commits such violence; that is, only defensively against the aggressive violence of another. In short, no violence may be employed against a nonaggressor.”

— Murray N. Rothbard 1974, 116

“The use of coercion can be justified only where this is necessary to secure the private domain of the individual against interference by others ... coercion should not be used to interfere in that private sphere where this is not necessary to protect others.”

— Friedrich Hayek 1976, 221

I INTRODUCTION

The most important ethical question to ever face humankind is this: when is it legitimate for one human being to use violence against the person and property of another human being? The non-aggression principle is one answer to this supreme question. It states: a human being must never use violence against the person and property of another human being, unless defending person and property from aggressive violence. There are only two ways human beings can interact, violently or nonviolently, and the non-aggression principle is an ethical rule of nonviolence.² In fact,

² Aristotle recognized that human beings can only interact violently or non-violently: “to distinguish the voluntary [nonviolent] and the involuntary [violent] is presumably necessary for those who are studying excellence” (*Nicomachean Ethics* 1109b). Thomas Aquinas wrote, “there are two kinds of transactions. Some are voluntary, others involuntary,” and “involuntary transactions cause a certain injury” (*Nicomachean*

the pacifist ideal of a completely nonviolent society would be realized if everyone obeyed the non-aggression principle. In contrast to the principle of pacifism, however, the non-aggression principle does not prohibit all violence. Specifically, the principle allows the use of violence to defend person and property from aggressive violence. According to the non-aggression principle, all aggressive violence, or simply ‘aggression,’ is illegitimate and it is only legitimate to use violence to defend person and property from aggression.

The term ‘non-aggression principle’ only emerged in the twentieth century. But what are the origins of the principle itself? The purpose of this paper is to provide a history of the non-aggression principle. Although the history provided here is by no means complete, it is sufficient to establish the central thesis of this work: a large and diverse group of history’s most eminent thinkers have expressed ideas very similar to the non-aggression principle.

The non-aggression principle is really a synthesis of two ethical statements: (1) it is illegitimate for a human being to use aggressive violence against the person and property of another human being, and (2) it is legitimate for a human being to use defensive violence to protect person and property. As Samuel Pufendorf (1632–94) suggests, “These laws ought so to conspire, and, as it were, be intertwined with one another, as to coalesce, as it were, into one law” (1660, 327). The non-aggression principle synthesizes these two statements into one fundamental rule of ethical behavior: it is illegitimate to use violence against the person and property of another human being, unless defending person and property from aggressive violence. This synthesis is the real innovation in the history of the principle. Thus, this paper focuses on the thinkers who not only endorsed nonviolence and the right to self-defense, but also synthesized these concepts and approached the non-aggression principle.

Any history of the non-aggression principle must confront two problems. The first is consistency. Libertarianism is a political

Ethics 929-931). In modern times, the vital distinction between violent and non-violent interaction has been stressed by Ludwig von Mises (1949, 196), Murray N. Rothbard (1962, 79-84, 1365), and Jesus Huerta de Soto (1992, 74-75; 2000, 92-93).

philosophy based on the strict and consistent application of the non-aggression principle. Although libertarians are the modern stalwarts of non-aggression, they must distinguish between the principle itself and libertarianism. Walter Block, a prominent libertarian, writes, "The uniqueness of Libertarianism is found not in the statement of its basic principle but in the rigorously consistent, even maniacal manner with which the principle is applied" (1976, xiv). Most important figures in the history of the non-aggression principle failed to apply it consistently, especially to government. In fact, libertarians might view some figures in this history as outright Statists. However, libertarians should welcome this, for it shows that the non-aggression principle has not been controversial in the history of thought, even with Statists.

Terminology is the second problem in the history of the non-aggression principle. Today, the non-aggression principle must be expressed with the terms violence or aggression. As Murray N. Rothbard writes, "The important point to remember is never to use such vague expressions as 'injury,' 'harm,' or 'control,' but specific terms, such as 'physical interference' or 'threats of physical violence'" (1962, 1344). The non-aggression principle must not be confused with the no-harm principle: never harm the person and property of another human being, unless defending person and property from harm. Still, the principles are close cousins and their histories are indissolubly mixed. Careful readers will notice that the terms harm, injury, and violence are often used interchangeably by figures in this paper. In a representative example, Pufendorf writes, "First among the absolute duties is the duty not to harm others.... By this precept all crimes are understood to be forbidden by which harm is inflicted on another, as, killing, wounding, beating, robbery, theft, fraud and other forms of violence" (1673, 57). Although essential today, modern terminological standards must be relaxed when investigating the history of the non-aggression principle.³

³ *Noceo* in Latin means to harm, hurt, or injure. The English word injury comes from the Latin *iniuria*, meaning wrong, unlawful violence, or harm. But the English word violence comes from the Latin *violentus*. This is related to *violationem*, meaning

II THE ANCIENT WORLD

Nonviolence was a key ethical principle in ancient Egypt by 3000 BC. The ancient Egyptians recognized that they lived in an ordered and rational universe. They believed the balance and regularity of the cosmos were actively maintained by the goddess Ma'at, the daughter of the sun god Ra. More than a goddess, Ma'at was an ethical principle. In the realm of human action, Ma'at was the concept of truth and nonviolence. The ancient Egyptians conceived a unity between the natural and social realms, and they believed the goddess Ma'at would not maintain the balance of nature if there was violent social disorder on earth. The ancient Egyptians viewed all aggressive violence as an existential threat to humanity. With Ma'at, nonviolence is one of the earliest abstract ideas in recorded history.⁴

After death, the Egyptians believed the deceased had to recite the forty-two laws of Ma'at in a scene called the weighing of the heart. In this ceremony, the deceased had to confess, "I am not a man of violence" (28). The confessor had to swear they had not used violence against the body of another human being: "I have not slain men and women," and "I have not attacked any man" (4, 14). The departed had to confess that they had not violated property rights in land or movable goods: "I have not committed robbery with violence," "I have not stolen," and "I have not stolen cultivated land" (2, 3, 16). Finally, the confessor had to promise they had never wronged another human being: "I have wronged

an injury. Thus, there are etymological connections between the words violence, harm, and injury.

⁴ The ethic of nonviolence was expressed in ancient Sumer: "You should not use violence" (*The Instructions of Suruppak* 61). There is some allusion to non-aggression: "Why do they destroy us like palm trees, us who were not violent?" (*The Lament for Sumer and Urim* 240–42). Similarly, the ancient Akkadians achieved the ethic of nonviolence: "Violence and destruction are evil" (*Erra and Ushum* 92). The Akkadians anticipated the principle of pacifism: "Do no evil to the man who disputes with you, requite with good the one who does evil to you. Be fair to your enemy, let your mood be cheerful to your opponent. Be it your ill-wisher, treat him generously. Make up your mind to no evil" (*Counsels of Wisdom* 42).

none, I have done no evil," and "I am not a disturber of the peace" (33, 29).⁵ All this means that nonviolence against person and property was fundamental to the ancient Egyptian religion.

The Book of Khun-Anup (c. 2000 BC), also known as *The Eloquent Peasant*, is one of history's most ancient literary works. *The Book of Khun-Anup* reads, "Speak Ma'at, do Ma'at, for it is mighty, it is great, it endures" (320). The book argues that human beings should abstain from wronging others: "Keep away from wrongdoing!" and "Wrongdoing does not achieve its goal" (306, 322). Also, *The Book of Khun-Anup* endorses the use of violence to defend private property against aggressive violence: "Do not rob, rather act against the robber" (164). More than that, *The Book of Khun-Anup* contains an extremely early, albeit rudimentary, approximation of non-aggression: "Do not attack one who does not attack you" (316). *The Book of Khun-Anup* shows that the rudiments of non-aggression date to around 2000 BC at the latest.⁶

The *Mahabharata*, a massive epic composed by Krishna-Dwipayana Vyasa (c. 1500 BC), is the most important literary work in the history of India. Ancient Hinduism's key ethical concept is ahimsa, meaning nonviolence. According to the *Mahabharata*, "Nonviolence is the highest virtue," "nonviolence is the highest religion," and "nonviolence is the highest duty" (3.311, 13.115, 14.43). We find the injunctions "Abstain totally from inflicting any kind of injury" and "One should always abstain from doing violence" (12.295, 13.168). Finally, we read, "Nonviolence is the highest dharma. Nonviolence is the best tapas. Nonviolence is the greatest gift. Nonviolence is the highest self-control. Nonviolence is the highest sacrifice. Nonviolence is the highest power. Nonviolence is

⁵ See Budge (1913, 574–86) on the forty-two laws of Ma'at. Interestingly, all of the ethical rules in the Ten Commandments are found in the forty-two laws of Ma'at.

⁶ The Egyptians also approximated the synderesis rule, which states, "Do good, avoid evil" (*bonum faciendum, malum vitandum*). For example, *The Instructions for Merikare* (c. 2025 BC) says, "Don't be evil, kindness is good" (Lichtheim 1973, 99). *The Book of Kheti* (c. 1850 BC) reads, "Do not be evil for kindness is good" (Karenga 1989, 50). The classic statement of the synderesis rule comes from King David (c. 1000 BC) in the Bible: "Turn from evil and do good; seek peace and pursue it" (*Psalms* 34:15). The synderesis rule became the motto of the natural-law philosophers during the age of scholasticism.

the highest friend. Nonviolence is the highest truth. Nonviolence is the highest teaching" (13.116).

The principle of ahimsa, or nonviolence, is the fundamental ethical teaching of ancient Hinduism, but the *Mahabharata* upholds the right to self-defense: "He that takes up a weapon and slays an armed foe advancing against him, does not incur the sin of killing a foetus, for it is the wrath of the advancing foe that provokes the wrath of the slayer" (12.15). In fact, it is righteous to use defensive violence to prevent injury: "Righteousness was declared by Brahman for the advancement and growth of all creatures. Therefore, that which leads to advancement and growth is righteousness. Righteousness was declared for restraining creatures from injuring one another. Therefore, that is righteousness which prevents injury to creatures" (12.109). In short, "One who does an injury in return for an injury received is never regarded as offending" (12.139). Arjuna, the main character and hero of the *Mahabharata*, expresses the basic essence of non-aggression: "I will not strike you unless you strike me first" (4.58, 4.55). With ahimsa, something akin to non-aggression was central to ancient Hinduism by 1500 BC.⁷

The ancient Hebrews approached the non-aggression principle around 1000 BC. King Solomon (990–931 BC) decrees, "Do not plot evil against your neighbors, when they live at peace with you. Do not contend with someone without cause, with one who has done you no harm. Do not envy the violent and choose none of their ways" (*Proverbs* 3:29–31). To Jews, Christians, and Muslims, this passage must be of the highest significance, for God promised King Solomon that he would be the wisest man to ever live: "I give to you a heart so wise and discerning that there has never been anyone like you until now, nor after you will there be anyone to equal you" (1 *Kings* 3:12).⁸

⁷ The dating of the *Mahabharata*, and ancient Hinduism generally, is controversial. Still, the idea of ahimsa may be much older than 1500 BC. Kenneth Chandler argues Western scholars are too conservative when dating ancient Hinduism. He concludes that the Rig Veda existed "long before 3,000 BC, and possibly before 6,000 BC," and "the *Mahabharata* would have to be dated at least before 1,900 BC" (Chandler 2004, 288, 280).

⁸ For Christians, only Jesus of Nazareth is wiser than King Solomon (*Matthew* 12:42; *Luke* 11:31).

Alongside Homer, Hesiod (c. 700 BC) is the most important classical Greek poet. A major source on early Greek religion, Hesiod is widely considered the first economist. He writes, "do not harm a comrade first, and do not lie to please the tongue. But if he harms you first, offending either in word or in deed, remember to repay him double; but if he asks you to be his friend again and be ready to give you requital, welcome him" (*Works and Days* 706).

Confucius (551–479 BC) was the founder of the ancient Chinese philosophy Confucianism. Confucius seems to advocate nonviolence by way of the golden rule and silver rule: "What you do not like when done to yourself, do not do to others" (*Doctrine of the Mean* 1.32; *Analects* 5.11; *The Great Learning* 10.10).⁹ Confucius expresses the underlying logic of non-aggression: "Meet evil with justice, meet good with good" (*Analects* 14.36).¹⁰ The Confucian philosopher Hsun Tzu (298–238 BC) writes, "By goodness at any time in any place is meant true principles and peaceful order, and by evil is meant imbalance, violence, and disorder. This is the distinction between good and evil" (*The Hsun Tzu* 23). If peace is good and violence is evil, then Confucius approached non-aggression: meet violence with justice, but meet nonviolence with nonviolence.¹¹

⁹ The golden rule was expressed long before Confucius. In ancient Egypt, the golden rule is anticipated in *The Book of Khun-Anup* (109–10), and *The Book of Amenomope* (1000 BC) reads: "Do not do evil to a person and thus cause another to do it to you.... Do not do to a person what you dislike and thus cause another to do it to you also" (Karenga 1989, 66). The *Mahabharata* reads, "One should behave towards all creatures as he should towards himself," "One should never do that to another which one regards as injurious to one's own self. This, in brief, is the rule of dharma," and "one should show compassion to the lives of others as one does to one's own life" (12.167, 13.113, 13.116). The ancient Hebrew prophet Tobit (c. 700 BC) told his son Tobias, "Do to no one what you yourself hate" (Tobit 4:15). Jesus of Nazareth is the most famous advocate of the golden rule: "Do to others as you would have them do to you" (*Luke* 6:31, *Matthew* 7:12). On the connection between the ethic of no-harm, the golden rule, and the law of love, see *Exodus* (22:21), *Deuteronomy* (10:19), *Leviticus* (19:18), *Matthew* (19:19; 22:37–40), *Mark* (12:29–31), *Luke* (10:27), *John* (13:34), *Romans* (13:10), *Galatians* (5:14), *James* (2:8), *1 Peter* (4:8), and *1 John* (3:11; 3:23; 4:7–21).

¹⁰ For contrasting views on Confucius, see Murray Rothbard (1995, 23) and Roderick Long (2003).

¹¹ Lao Tzu (c. 600–500 BC), the founder of Taoism, approached the principle of pacifism: "To those who are good I am good; and to those who are not good I am also

The earliest precursors of non-aggression are found in religion, but the ancient philosophers also approached the non-aggression principle. As usual, it began with the Greeks. According to Aristotle, Hippodamus (498–408 BC) was “the first person not a statesman who made inquiries about the best form of government” (*Politics* 1267b). Aristotle reports that Hippodamus “divided laws into three classes, and no more, for he maintained that there are three subjects of lawsuits—insult, injury, and homicide” (*Politics* 1267b). To be clear, insult is not a violation of the non-aggression principle. But still, Hippodamus argues the only purpose of the law is to prevent and punish harmful action.¹² This shows that something verging on the no-harm principle is as old as political philosophy itself.

In Plato’s *Protagoras*, Protagoras (481–411 BC) suggests that civilization is founded on an idea similar to a non-aggression pact. Protagoras reports that the god Epimetheus assigned every species, except man, “defenses against mutual destruction” (*Protagoras* 321a). Prometheus noticed that man is a weak animal who cannot defend himself in nature, so he gave humankind fire and wisdom of the arts. However, early attempts at peaceful social cooperation failed because only Zeus, and not Prometheus, could endow mankind with the wisdom of justice: “They did indeed try to band together and survive by founding cities. The outcome when they did so was that they harmed each other” (*Protagoras* 322b). Fearing mutual harm would lead to the extinction of humanity, Zeus gave mankind the wisdom of justice:

good, and thus all get to be good” (*Tao Te King* 49.2). He writes, “Recompense injury with kindness” (*Tao Te King* 63.2). Mozi (c. 470–391 BC) was the founder of the ancient Chinese philosophy Mohism. Mozi can be considered a forerunner of the utilitarian advocates of non-aggression: “The business of the benevolent man must be to seek assiduously to promote the world’s benefit and to eliminate the world’s harms,” but “if a person harms others than others must, as a result, harm that person” (*Universal Love* II.15.1, II.15.4). Chuang Tzu (c. 369–286 BC), the Taoist whom Rothbard identifies as history’s first anarchist, writes, “The Great Man in his actions will not harm others” (*Autumn Floods*). Clearly, the ethic of no-harm was known in ancient China.

¹² W.K.C. Guthrie agrees with this interpretation: “Hippodamus would have agreed with J.S. Mill that the only purpose for which law could rightly be enforced against a member of the community was to prevent harm to others” (Guthrie 1971a, 140).

"Zeus was afraid that our whole race might be wiped out, so he sent Hermes to bring justice and a sense of shame to humans, so that there would be order within cities and bonds of friendship to unite them. Hermes asked Zeus how he should distribute shame and justice to humans.... "Should I establish justice and shame [to only some humans], or distribute it to all?" "To all," said Zeus, "and let all have a share. For cities would never come to be if only a few possessed these, as is the case with the other arts. And establish this law as coming from me: Death to him who cannot partake of shame and justice, for he is a pestilence to the city." (*Protagoras* 322c-d)

Several aspects of *Protagoras* are relevant to the prehistory of the non-aggression principle. First, a pact forbidding harm is required for the survival of human cities just as wisdom of the arts is required for human survival in nature. Second, injustice means to harm a person who has done no harm. Third, Zeus commands justice for all, the ideal of Western civilization: "Political or civic virtue, is shared by all, or there wouldn't be any cities," and "It is to our collective advantage that we each possess justice and virtue" (*Protagoras* 323a, 327b). Fourth, Zeus demands the use of defensive violence to combat and punish those who violate the laws of justice by harming others: "All human beings seek requital from and punish those who they think have harmed them" (*Protagoras* 324c).

Socrates (c. 470–399 BC) expresses the ethic of no-harm. For Socrates, "It is not the property of the just man to harm his friend or anyone else. It is the property of his opposite, the unjust man" (*Republic* 335d). Socrates defines good as that which benefits, and he defines bad as that which harms.¹³ Socrates says, "we should never willingly act unjustly ... acting unjustly is harmful and shameful in every way for the person who does it.... one must never act unjustly ... harming a man in any way is no different from doing an injustice" (*Crito* 49b-c). Like Confucius, Socrates

¹³ Socrates's definition of "good" was not unique. For example, Diogenes (412–323 BC) wrote, "Goodness ought only to be applied to that which always benefits, never harms" (quoted in Guthrie 1971b, 181).

expresses the underlying logic of non-aggression: “Treat the unjust badly, and the just well” (*Republic* 334d).¹⁴

The Greek historian Thucydides (c. 460–395 BC) wrote the classic history of the Peloponnesian War. Thucydides records that the Corinthians appealed to non-aggression before the Peloponnesian League: “To be sure, it is characteristic of men of prudence to remain at peace when they have not been provoked by injury; but it is also characteristic of the brave to exchange peace for war [violence] if injury is done them” (*The Peloponnesian War* 1.120).

Aristotle (384–322 BC) is perhaps the most important philosopher in history. Aristotle writes, “If a man harms another by choice, he acts unjustly” (*Nicomachean Ethics* 1136a). Aristotle’s definition of justice entails the no-harm principle: “When a man in violation of the law harms another (otherwise than in retaliation) voluntarily, he acts unjustly” (*Nicomachean Ethics* 1138a). Here, Aristotle argues that it is unjust to harm a person who has done no harm, but it is just to retaliate against a person who initiates harm.

Something reminiscent of the non-aggression approach to positive law was known to Socrates, Plato, and Aristotle. In Plato’s *Republic*, Glaucon (c. 445 BC) suggests to Socrates that positive law is something similar to a non-aggression pact:

“Doing harm, men say, is by its nature a good – and being harmed an evil – but the evil of being harmed outweighs the good of doing harm. As a result, when people harm one another and are harmed by one another, and get a taste of both, those who are unable to avoid the one and achieve the other think it will pay them to come to an agreement with one another not to do harm and not to be harmed. That’s how they come to start making laws and agreements with one another, and calling lawful and just that which is laid down by the law”. (*Republic* 358e–59a)

According to Aristotle, Lycophron (c. 400 BC) claims that “law is only a convention, ‘a surety to one another of justice’ ... for the

¹⁴ Roslyn Weiss agrees that Socrates approached the no-harm principle: “There are strong indications in the *Crito* (49a–e) and in the *Apology* (41d–e; see also 37b–c), as well as in Socrates’ extensive exchange with Polemarchus in the *Republic* (335a–e), that at the very core of justice lies a no-harm principle” (2007, 110n22).

prevention of mutual crime and for the sake of exchange" (*Politics* 1280). It should be noted that Plato and Aristotle do not indicate that Glaucon and Lycophron are the only Greek thinkers to express something like the non-aggression approach to positive law.¹⁵ In short, the classical Greek philosophers approximated the non-aggression approach to manmade law.

According to Epicurus (341–270 BC), justice is a concept that cannot be divorced from harm. Moreover, Epicurus views the no-harm approach to justice as a feature of nature:

"The justice which arises from nature is a pledge of mutual advantage to restrain men from harming one another and save them from being harmed. For all living things which have not been able to make compacts not to harm another or be harmed, nothing ever is either just or unjust; and likewise too for all tribes of men which been unable or unwilling to make compacts not to harm or be harmed. Justice never is anything in itself, but in the dealings of men with one another in any place whatever and at any time it is kind of a compact not to harm or be harmed". (*Principal Doctrines* 31–33)¹⁶

The rudiments of the non-aggression principle were known to the ancient Romans by way of the Greek philosophers. Cicero reports that the Roman consul Lucius Furius Philus (c. 130 BC) approached the non-aggression approach to justice. Here, Philus is expounding the argument of the Greek philosopher Carneades (214–129 BC). Philus says,

"When each fears another, both individuals and classes, then because no one is sure of himself, there is a kind of bargain made

¹⁵ Guthrie agrees, "The brevity and neatness of Lycophron's definition, rather than any originality, may have been what caused Aristotle to single it out for quotation" (1971a, 139n2, 98). Richard Mulgan writes, Aristotle "does not appear to single Lycophron out as an exceptional case" (1979, 126).

¹⁶ Karl Popper (1945, 58) aligns Protagoras with Lycophron. Mulgan (1979, 124) notes the similarity between Protagoras and Epicurus. Roderick Long (2008, 359) aligns Glaucon, Lycophron, and Epicurus. Guthrie writes, "Lycophron ... would have agreed with J.S. Mill that the only purpose for which law could rightly be enforced against a member of the community was to prevent harm to others" (Guthrie 1971a, 140).

between the people ... When it is necessary to make a choice among three possibilities, to do injury and not receive it, both to do it and to receive it, or neither, the best is to act without penalty if you can, the second best is neither to do nor to receive injury, and far the worst is always to be fighting in the arena both giving and receiving injuries". (*De Re Publica* 3.23)

The Roman poet Lucretius (c. 99–55 BC) was an Epicurean philosopher, and he followed Epicurus in adopting the no-harm approach to justice. For Lucretius, the no-harm pact is absolutely essential to the existence of the human race:

"Neighbors, in their eagerness neither to harm nor be harmed, began to form mutual pacts of friendship, and claimed protection for their children and womenfolk, indicating by means of inarticulate cries and gestures that everyone ought to have compassion on the weak. Although it was not possible for concord to be achieved universally, the great majority kept their compacts loyally. Otherwise the human race would have been entirely extinguished at that early stage and could not have propagated and preserved itself to the present day". (*On the Nature of Things* 1019–28)

The great Roman jurist and orator Cicero (106–43 BC) is a key figure in the history of the non-aggression principle. More than any other ancient philosopher, Cicero approaches the principle in its modern form. He writes, "It is the part of justice not to injure men," and, "No one can be permitted to injure another for his own benefit.... man, when obedient to nature, cannot injure man" (*De Officiis* 1.27, 3.5). Cicero extends the ethic of non-injury to private property:

"For a man to take anything wrongfully from another, and to increase his own means of comfort by his fellow-man's discomfort, is more contrary to nature than death, than poverty, than pain, than anything else that can happen to one's body or his external condition. In the first place, it destroys human intercourse and society; for if we are so disposed that every one for his own gain is ready to rob or outrage another, that fellowship of the human race which is in the closest accordance with nature must of necessity be broken in sunder.... if each of us seizes for himself the goods of others, and takes what he can from every one for his own

emolument, the society and intercourse of men must necessarily be subverted. It is, indeed, permitted, with no repugnancy of nature, that each person may prefer to acquire for himself, rather than for another, whatever belongs to the means of living; this, however, nature does not suffer, — that we should increase our means, resources, wealth, by the spoils of others". (*De Officiis* 3.5)

Cicero was a staunch defender of the right to self-defense: "If our lives be brought into danger by force or fraud, either by robbers or enemies, all means that we can use for our preservation, are fair and honest.... An aggressor against one may be lawfully killed" (*Pro Milone* 4.10–11). Good law must recognize that nature has engrained the impulse to self-defense in all living creatures: "Reason has taught the intelligent, necessity the barbarians, custom the nations, and nature herself the wild Beasts, at all times to repel, by any means whatsoever, all force or violence offered to our bodies, our members, or our lives" (*Pro Milone* 11.30). Cicero comes extremely close to the non-aggression principle: "The first demand of justice is, that no one harm another, unless provoked by injury" (*De Officiis* 1.7). He repeats, "he is a good man who benefits all that he can, and harms no one unless provoked by injury" (*De Officiis* 3.19).¹⁷

The great Roman jurist, Ulpian (170–223 AD), advocated the ethic of no-harm. He writes, "Justice is the constant and perpetual desire to give to everyone that to which he is entitled. These are the fundamental rules of right: live honestly, do not harm others, and render to each his own" (*Digest* 1.1.10). Ulpian's advocacy of the ethic of no-harm is especially significant because one-third of the *Digest* of Justinian (533 AD) is taken from his writings on law. This means the ethic of no-harm is the central ethical concept underlying the most important work in the history of Western law. Moreover, the right to use violence in self-defense was enshrined in the

¹⁷ The Roman poet Ovid (43 BC–18 AD) writes, "Arms I detest; peace is my delight" and "peace suits human beings" (*The Loves* 3.2; *The Art of Love* 3.12). However, "the law lets arms be wielded against arms" (*The Art of Love* 3.11). Seneca (4 BC–65 AD) writes, "To do an injury is to be avoided for its own sake," but "the most secure means of defense is always at hand; every man being charged with the care of his own person" (*De Benefi* 9.15, *Epistles* 121).

Digest: “One can repel force with force; for this is conferred by the Law of Nature” (*Digest* 43.16.27). In short, a concept very near to non-aggression is at the core of the *Digest*: “Whatever a man does in defense of his own person he is held to do lawfully; since nature makes us all in a sense akin to one another it follows that for one to attack another is forbidden” (*Digest* 1.1.3).

The Roman emperor Alexander Severus (c. 207–235) declared, “An unjust aggressor has no good or plausible excuse for his conduct; but he, who repels such an aggressor, receives confidence from the goodness of his conscience, and hopes for success, because he is doing no injury, but is only acting in his own defence” (*Herodian* 6.3).¹⁸ Porphyry (234–305) was the editor and biographer of the Neoplatonist philosopher Plotinus (203–270). Porphyry writes, “Justice lies in restraint and harmlessness towards everything that does not do harm” (*On Abstinence from Killing Animals* 3.224). Lactantius (c. 240–320), a Christian author who advised Emperor Constantine, cited Cicero’s early approximation of the non-aggression principle: “He is a good man who benefits all that he can, and harms no one unless provoked by injury” (*Divine Institutes* 6.18).

The Doctors of the Christian Church espoused the ethic of non-violence. For Augustine (354–430), “It is the duty of an innocent to hurt no man” (*City of God* 19.16). Augustine perceived a connection between the golden rule and the ethic of non-injury:

“The precept, “Whatsoever ye would that men should do to you, do ye even so to them,” cannot be altered by any diversity of national customs. And this precept, when it is referred to the love of God, destroys all vices when to the love of one’s neighbor, puts an end to all crimes. For no one is willing to defile his own dwelling.... And no one wishes an injury to be done him by another; he himself, therefore, ought not to do injury to another”. (*Contents of Christian Doctrine* 3.14)

¹⁸ Hugo Grotius attributes a nearly identical statement to Alexander the Great (356–223 BC). However, the statement could not be found in Plutarch’s *Life of Alexander*, the work cited by Grotius. Ulpian was an advisor to Alexander Severus (*Lampridius* LI). Moreover, Alexander Severus was sympathetic to Judaism and Christianity. In fact, he made the golden rule his motto, and the name ‘golden rule’ is often attributed to him (*Lampridius* LII). Also see note 8.

Ambrose (337–397), another influential Doctor of the Christian Church, writes, “You should do those things which injure no one” (*De Officiis* 1.8.26). For Ambrose, the ethic of non-injury is a feature of the natural law: “A man who guides himself according to the ruling of nature, so as to be obedient to her, can never injure another” (*De Officiis* 3.4.25). Ambrose writes on self-defense, “Courage which ... defends the weak, or allies against the robber, is full justice” (*De Officiis* 1.27.129). Ambrose penned a succinct approximation of the non-aggression principle: “The first expression of justice is, to hurt no one, except when driven to it by injuries received” (*De Officiis* 1.28.131).¹⁹ Ambrose shows that something similar to the non-aggression principle was well known to the Roman philosophers and the early Christian theologians.

Islam was founded in Arabia by Muhammad (570–632 AD). The Quran is the holy book of Islam, and it accepts the authority of the Jewish and Christian scriptures (*Quran* 3:3, 5:47, 5:68, 10:94). Whereas Jews and Christians believe their Bibles are the products of human authors inspired by God, Muslims believe the Quran is the perfect and eternal speech of Allah himself. Allah instructs Muslims to “enter into peace completely” (2:208) and says, “If they incline to peace, do thou incline to it” (8:61). But Allah gives Muslims permission to use defensive violence: “Permission to take up arms is hereby granted to those who are attacked; they have suffered injustice” (22:39). The Quran contains statements highly suggestive of the non-aggression principle: “Fight in the way of Allah with those who fight with you, but aggress not: Allah loves not the aggressors” (2:190, 5:32, 60:8).²⁰

¹⁹ Although he must have accepted the commandment “Thou shalt not steal,” Ambrose rejected the principle of private property: “Nature has poured forth all things for all men for common use. God has ordered all things to be produced, so that there should be food in common to all, and that the earth should be a common possession for all. Nature, therefore, has produced a common right for all, but greed has made it a right for a few” (*De Officiis* 1.28.132).

²⁰ It is beyond the scope of this paper to discuss whether the Quran’s approximation of non-aggression was abrogated by the Verse of the Sword (*Quran* 9:5). Whether or not it was abrogated, something strikingly similar to the non-aggression principle has existed in all Islamic societies since at least 632 AD. On abrogation in Islam, see *Quran* (2:106, 16:101). On affirmations of aggressive violence in Islam, see *Quran* (5:43–48, 5:68, 9:5, 9:29, 9:73, 9:123, 47:35, 48:29).

III THE AGE OF SCHOLASTICISM

Unfortunately, it is difficult to find new precursors of the non-aggression principle in Europe after the collapse of the Western Roman Empire around 476 AD. This is not totally surprising given the economic and intellectual decline and stagnation of the Dark Ages, and the general scarcity of written records from this period. The decline of the Dark Ages does not mean precursors of non-aggression were never expressed, however. As noted, the Quran contains statements very close to the non-aggression principle. “The Quran” means “the recitation,” and the Quran was transmitted through the process of recitation. This means that during the Islamic Golden Age (700–1100 AD), ideas similar to the non-aggression principle were recited constantly over a large part of the globe, from Spain in the West to Persia in the East. But after the collapse of the Western Roman Empire, there is little to report on the prehistory of the non-aggression principle until Thomas Aquinas.²¹

Along with Aristotle, Thomas Aquinas (1225–74) is perhaps the most important philosopher in the history of Western civilization. Aquinas is the great figure of the natural-law tradition, and “Do not harm others” is the general ethical rule of natural law. Aquinas wrote, “Do no harm to no person,” “One ought not to do harm to another,” and “Injury should not be done to another” (*Summa Theologica* I-II.95.2, I-II.100.7, I-II.94.5).²² He proclaims, “That a man

²¹ The systematic study of law resumed in Europe around 1150 with the *Decretum* of Gratian (c. 1160). Aquinas draws on the *Decretum*: “The purpose of legal enactments is to check human temerity and the capacity to harm” (*Decretum* DD.1.4). Although it cannot be attributed to Gratian, the Ordinary Gloss alludes to non-aggression: “When something benefits me and does not injure you, it is equitable that you not forbid me to do it” (*Decretum* DD.1.1.1). Isidore (560–636), the Spanish bishop of Seville, was one of Gratian’s main sources. Isidore writes, “Freedom for all, and the right to acquire whatever is taken from the sky, the earth, and the sea ... [and] the repulsion of violence by force. Now this, or whatever is similar to it, is never unjust, but is held to be natural and fair” (*Etymologies* 5.4).

²² Aquinas offers three equivalent statements of the ethic of no-harm: “Nulli est iniuste nocendum,” “nulli esse malum faciendum,” and “quod alios non offendat cum quibus debet conversari.”

should not do harm to anyone is an immediate dictate of his natural reason: and therefore the precepts that forbid the doing of harm are binding on all men" (*Summa Theologica* I-II.100.7). This passage reveals two features of Aquinas's conception of no-harm. First, the ethic of no-harm is an inherent feature of natural law discoverable by human reason. Second, the ethic of no-harm must apply to every human being, including government officials.

Aquinas extended the ethic of no-harm to private property: "Property of external goods is natural to man," and "Private property is not contrary to the natural law" (*Summa Theologica* II-II.66.1, II-II.66.2). He writes, "Theft and robbery are vices contrary to justice," and "Robbery implies a certain violence and coercion employed in taking unjustly from a man that which is his" (*Summa Theologica* II-II.66.3, II-II.66.8). Natural law prohibits theft and robbery because private property is natural and necessary to human life:

"It is lawful for man to possess property. Moreover this is necessary to human life for three reasons. First because every man is more careful to procure what is for himself alone than that which is common to many or to all: since each one would shirk the labor and leave to another that which concerns the community, as happens where there is a great number of servants. Secondly, because human affairs are conducted in more orderly fashion if each man is charged with taking care of some particular thing himself, whereas there would be confusion if everyone had to look after any one thing indeterminately. Thirdly, because a more peaceful state is ensured to man if each one is contented with his own. Hence it is to be observed that quarrels arise more frequently where there is no division of the things possessed". (*Summa Theologica* II-II.66.2).

The right to self-defense had been controversial in Christianity before Aquinas. For example, Augustine argued it is illegitimate for a Christian civilian to use lethal force in self-defense: "I do not agree with the opinion that one may kill a man lest one be killed by him; unless one be a soldier, exercise a public office, so that one does it not for oneself but for others, having the power to do so" (quoted in *Summa Theologica* II-II.64.7). Aquinas played a key role

in establishing the now widely accepted Christian view that defensive violence is legitimate.²³

“By [initiating aggressive violence] man departs from the order of reason, and consequently falls away from the dignity of his manhood ... he falls into the slavish state of the beasts.... Hence, although it be evil in itself to kill a man so long as he preserve his dignity, yet it may be good to kill a man [who uses violence], even as it is to kill a beast”. (*Summa Theologica* II-II.64.2)

For Aquinas, “it is natural to everything to keep itself in being, as far as possible” (*Summa* II-II.64.7). Thus, it is permissible to use defensive violence.

“Someone who defends his life is not guilty of murder even if he is forced to deal his aggressor a lethal blow. If a man in self-defense uses more than necessary violence, it will be unlawful: whereas if he repels force with moderation, his defense will be lawful ... Nor is it necessary for salvation that a man omit the act of moderate self-defense to avoid killing the other man, since one is bound to take more care of one’s own life than of another’s”. (*Summa Theologica* II-II.64.7)

For Aquinas, injustice means injuring the person or property of a non-injurious human being: “One who injures another contrary to the precept of the law (as when the law commands that an action be punished provided it is not against a person defending himself, i.e., resisting injury inflicted on oneself by another), such a one, I say, willingly does injustice” (*Nicomachean Ethics* 1093). Aquinas explicitly states the no-harm principle: “It is lawful for any private

²³ Today, the Catechism of the Catholic Church reads, “Legitimate defense can be not only a right but a grave duty for one who is responsible for the lives of others. The defense of the common good requires that an unjust aggressor be rendered unable to cause harm” (2265). The *Catholic Encyclopedia* states, “According to the accepted teaching of theologians, it is lawful, in the defense of life or limb, of property of some importance, and of chastity, to repel violence with violence, even to the extent of killing an unjust assailant” (Unjust Aggressor). Generally, Catholics, Lutherans, Baptists, and Eastern Orthodox Christians uphold the right to self-defense. By contrast, Presbyterians tend to believe defensive violence is illegitimate.

individual to do anything for the common good, provided it harm nobody. But if it be harmful to some other, it cannot be done" (*Summa Theologica* II-II.64.3).²⁴

Aquinas achieved the no-harm principle: every human being is free to do whatever they want, so long as they do not harm the person or property of another human being. However, the non-aggression principle must be expressed with specific terms such as violence and aggression rather than vague terms such as harm, hurt, or injury. Still, Aquinas's conception of no-harm definitely entails non-aggression. To Aquinas, harm can be done by murder, bodily injury, and theft and robbery (*Summa Theologica* I-II.100.5). But he also aligns such harmful actions with violence: "a man may use violence either upon a person by beating, fettering, murdering, or upon things by robbing another of his goods" (*Nicomachean Ethics* 930). Although Aquinas used the language of no-harm, non-aggression is part and parcel of the no-harm principle advocated by Aquinas and his followers.

Finally, Aquinas holds government cannot use aggressive violence against non-violent subjects: "it is unlawful for princes to use violence or coercion, save within the bounds of justice" (*Summa Theologica* II-II.66.8). He defines a tyrant as a ruler "who oppresses by force instead of ruling by justice" (*On the Governance of Rulers* 1.1). It is legitimate to resist a tyrannical government: "He who seizes power by violence does not become a true holder of power. Hence, when it is possible to do so, anybody may repel this domination ... An authority acquired by violence is not a true authority, and there is no obligation of obedience" (*Sentences* II.44.2.2). Following Cicero (*De Officiis* 3.4, 3.6, 3.21), Aquinas argues that it is permissible to kill a tyrant: "he that kills the tyrant for the liberation of the country, is praised and rewarded" (*Sentences* II.44.2.2). He writes,

"A tyrannical government is not just, because it is directed, not to the common good, but to the private good of the ruler ...

²⁴ The original Latin reads, "Ad tertium dicendum quod facere aliquid ad utilitatem communem quod nulli nocet, hoc est licitum cuilibet privatae personae. Sed si sit cum nocimento alterius, hoc non debet fieri." Here, the word *nocet* can be translated as hurt or harm.

Consequently there is no sedition in disturbing a government of this kind ... Indeed it is the tyrant rather that is guilty of sedition, since he encourages discord and sedition among his subjects, that he may lord over them more securely; for this is tyranny, being conducive to the private good of the ruler, and to the injury of the multitude". (*Summa Theologica* II-II.42.2)

Aquinas's student, John of Paris (c. 1255–1306), states, "each person may order his own and dispose, administer, hold or alienate [property] as he wishes, so long as he causes no injury to anyone else" (*On Royal and Papal Power* 8). The English philosopher William of Ockham (1285–1347) writes, "supposing that someone has been violently attacked – which is against natural law – then evident reason shows it is licit to repel violence with violence" (*Dialogus IllusIllas Dial* 3.6). The Frenchman Jean Buridan (1295–1363) declares, "It is licit for each equally to acquire for himself as much as he can, and to possess the things he has acquired, and to use them as it pleases him—on the condition that he does so without injuring the community or his fellow citizens" (*Quaestiones Super Decem* 5.18).²⁵ The Italian jurist Bartolus (1313–57) writes, "Whenever anything is done in a public place, it should be permitted on condition that it causes no injury to anyone" (*Commentaria Corpus Juris Civilis* D 43.8.2.10).²⁶

Francisco de Vitoria (1483–1546), the father of international law, was a distinguished Spanish jurist and founder of the school of Salamanca. Following Aquinas, Vitoria condemns harm and coercion: "To harm another is prohibited by natural law ... to apply coercion to anyone is evil" (*Commentary Summa Theologica* II-II.10.8).

²⁵ This approximates Rothbard's alternative formulation of the principle: "Everyone should be able to do what he likes, except if he commits an overt act of aggression against the person and property of another" (1982a, 417, 384).

²⁶ The Italian jurist Azo of Bologna (c. 1150–1220) expresses something similar to non-aggression when he quotes the *Digest*: "Whatever a man does in defense of his own person he is held to do lawfully; since nature makes us all in a sense akin to one another it follows that for one to attack another is forbidden" (Azo 1210, 27). Azo influenced the great English jurist Henry of Bracton (1210–68), who also cites the same passage (Bracton 1268, 27). In his masterwork the *Divine Comedy*, the great Italian poet Dante Alighieri (1265–1321) wrote that the violent are punished in the seventh circle of hell.

All aggressive violence is prohibited, but defensive violence is permissible to protect both person and property: "Any person, even a private citizen, may declare and wage defensive war.... any person may wage war without any other person's authority, not only for self-defence but also for the defence of their property and goods" (*On the Laws of War* 1.2.3). In fact, Vitoria even advocates tyrannicide, the assassination of a tyrannical ruler, if government is using aggressive violence against nonviolent citizens: "[Tyrannicide is lawful] because it is lawful for anyone to kill someone attacking him, when he cannot otherwise defend himself. For it is lawful to repel force with force, within the bounds of blameless defense. Therefore, it is much more lawful to kill an attacker of the republic" (*Commentary Summa Theologica* II-II.64.3).

Vitoria reiterates verbatim Aquinas's statement of the no-harm principle: "It is lawful for any private individual to do anything for the common good, provided it harm nobody: but if it be harmful to some other, it cannot be done" (*Commentary Summa Theologica* II-II.64.3). As noted above, Vitoria grants private citizens the right to wage defensive war against other citizens. But "the sole and only just cause for waging war is when harm has been inflicted" (*On the Laws of War* 1.3.4, 3.1.1).²⁷ Vitoria comes very near to the non-aggression principle: "In the law of nature, anyone can use any property he likes and even abuse it according to his pleasure, as long as he does not injure other men" (*Commentary Summa Theologica* II-II.62.1).²⁸

Domingo de Soto (1494–1560) was a Spanish Dominican and professor in the school of Salamanca. De Soto was not a liberal

²⁷ See Jesus Huerta de Soto (2009, 175n13) on the Spanish scholastics and just violence/war theory.

²⁸ Martin Luther (1483–1546) was the chief protagonist of the Protestant Reformation, the movement that fractured Western Christianity into Catholicism and Protestantism after 1517. Luther approached the non-aggression principle when he wrote, "No one in Christendom has authority to do injury, or to forbid the resisting of injury" (1520, 59). However, he thought Christians have a religious duty to suffer government violence: "It is in no wise proper for anyone who would be a Christian to set himself against his government, whether it act justly or unjustly, but a Christian ought to endure oppression and injustice, especially at the hands of his government" (Luther 1530b, 519–20).

Thomist like Vitoria, but he expressed the spirit of non-aggression. First, de Soto advocates the ethic of no-harm: "It is a very clear duty of man not to cause harm to anyone" (*Justice and the Law* 2.3.5). For de Soto, the golden rule and silver rule mean nonviolence against person and property: "Because of that principle: what you do not want for yourself, do not do to another, the conclusions follows: you shall not kill, you shall not steal" (*Justice and the Law* 1.5.2).

Human beings must interact nonviolently, but "every man has a natural right to defend his life" (*Justice and the Law* 1.4.5). Every human being has a natural right to use lethal force in defending person and property against aggressors: "Natural law allows anybody to kill an aggressor in legitimate defense" (*Justice and the Law* 2.4.3). Nature demands that we interact nonviolently, but nature also demands that we defend ourselves from aggressors. These demands place strict limits on positive, manmade laws: "Human laws should focus on prohibiting those vices, infamies, and crimes that disturb the republic in its peace and tranquility, the crimes that involve an injury" (*Justice and the Law* 1.6.2). The ethic of non-violence combined with the right to self-defense means the non-aggression principle: "Only those who act like wild beasts, who do not keep to their agreements, who rage against others, and rob whenever they can, may be subjugated by means of violence" (*Justice and the Law* 4.2.2).

Juan de Mariana (1536–1624) has been called the Spanish predecessor of John Locke. Mariana advocates the ethic of no-harm against person and property: "A good and wise man will commit no deceit, however much it behooves him to keep out of the public eye, he will harm no one, nor will he commit any turpitude" (1598, 331). Like Glaucon, Lycophron, and Epicurus, Mariana suggests society is a non-aggression pact:

"It fell to the lot of a weak body to prevent injury by repelling external violence.... since every man's life was threatened by injury from without, and even blood relatives and intimate friends did not restrain themselves from killing each other, those who were pressed by the more powerful began to draw themselves together with others in a mutual compact of society and to look for

someone outstanding in justice and trustworthiness. By his aid they hoped to ward off domestic and foreign injuries". (1598, 113)

For Mariana, the king is the person outstanding in justice who wards off domestic and foreign violence. Like Aquinas, Mariana holds that even a king cannot use aggressive violence against the person and property of nonviolent subjects: "the king is not the owner of his subjects' private possessions. He has not been given the power to fall upon their houses and lands, and to seize and set aside what he will.... it is criminal for kings to strip their people of their goods, or part of their goods, and to claim these goods as their own" (1609, 537-38). Again, "the prince is never permitted to oppress his subjects ... The private goods of citizens are not at the disposal of the king.... The king does not have the power to make a decision that results in loss of private goods" (1609, 540). He writes, "a prince cannot establish anything that would cause injury to the people" (1609, 544):

"The King exercises the power received from his subjects with distinguished modesty, oppressive to none, molesting nothing except wickedness and madness; he uses severity upon those that storm recklessly against the property and lives of others. Toward the remainder he displays a fatherly solicitude. And he lays aside with pleasure the character of the strict judge which wicked men force him to assume, as soon as the criminals have been punished for their misdeeds". (1598, 136)

For Mariana, a tyrant is a ruler who uses aggressive violence against non-violent citizens: "it is the essence of a tyrant to set no limits to his power, to consider that he is master of all. A king, on the other hand, puts a limit to his authority, reins in his desires, makes decisions justly and equitably, and does not transgress" (1609, 538). Furthermore, tyrannicide is justified if a ruler uses tyrannical violence against nonviolent subjects.

"A tyrant is like a beast, wild and monstrous, that throws himself in every possible direction, lays everything waste, seizes, burns, and spreads carnage and grief with tooth, nail and horn.... [The tyrant] may be killed by anyone and deprived of his life and

position. Since he is a public enemy and afflicts his fatherland with every evil, since truly and in a proper sense he is clothed with the title and character of tyrant, he may be removed by any means". (1598, 146–47)²⁹

The Spaniard Francisco Suárez (1548–1617) is the greatest philosopher in the history of the Jesuit Order. Suárez rooted the ethic of no-harm in natural law: "The natural law truly and properly forbids anything in human actions which is in itself harmful" (*A Treatise on Laws* 2.6.18). Suárez viewed the ethic of no-harm as a universal ethic that must apply to every person, without exception: "Some precepts deal with matter that does not admit of change or limitation, as is the case with the general principle, 'One may not do harm'" (*A Treatise on Laws* 2.8.7). Even kings and governments violate the laws of nature when they harm the person and property of nonviolent human beings:

"The negative precepts [of natural law] must necessarily be and have always been the same for all conditions; for they prohibit actions intrinsically harmful, which are therefore harmful for every such condition. Furthermore, they are binding without intermission, and consequently, binding also for every [human] condition". (*A Treatise on Laws* 2.9.9)

It is unjust for government to harm those who do not harm others, even if government imposes that harm to help others: "Harm should not be done that good may result, nor should certain persons be enriched at the expense of other persons" (*A Treatise on Laws* 1.7.6). Again, "harm should not be done in order to bring about good" (*The Three Theological Virtues* 18.12). Helping one human being by imposing violence on the person or property of a

²⁹ The great English poet John Milton (1608–74) expresses similar ideas: "from the root of Adam's transgression, falling among themselves to do wrong and violence, and foreseeing that such courses must tend to the destruction of them all, they agreed by common league to bind each other from mutual injury, and jointly to defend themselves against any that gave disturbance or opposition to such agreement" (1648, 377). He writes, "it is lawful, and hath been held so through all ages, for any, who have the power, to call to account a tyrant, or wicked king; and, after due conviction, to depose, and put him to death" (1648, 374).

nonviolent human being is never justifiable, even when done by government.³⁰

Suárez upholds the right to self-defense: "All laws allow the repelling of force with force. The reason supporting it is that the right to self-defense is natural and necessary" (*The Three Theological Virtues* 13.1.2). For Suárez, "The power of defending oneself against an unjust aggressor is conceded to all" (*The Three Theological Virtues* 13.2.1). The absolute right to self-defense is an immutable feature of the natural law:

"The right to repel force with force [is a feature of] the natural law ... such an act is common to men and to brute animals, and springs from the general inclination toward self-preservation. For just as reproduction arises from the natural inclination to preserve the species, so self-defense is the result of the innate tendency to preserve one's own life and one's own being; and both inclinations are common to men and to other animals" (*A Treatise on Laws* 2.13.6).³¹

To Suárez, the right to self-defense applies to both person and property:

"If any one tries to dispossess me of my property, it is lawful for me to repel force with force. For such an act is not aggression, but defense, and may be lawfully undertaken even on one's own authority.... any person who has been aggressed may, even on his own authority, have recourse to arms, because such an act is not

³⁰ This idea is also expressed by Cicero: "Those who injure some that they may be generous to others, are as much in the wrong as if they directly converted what belongs to others into their own property" (*De Officiis* 1.14). Henry of Bracton writes, "[The king] may give what is his own, that is his peace ... but by his grace he cannot give what belongs to another" (1268, 373). Aquinas states, "To take other people's property violently and against justice, in the exercise of public authority, is to act unlawfully and to be guilty of robbery" (*Summa Theologica* II-II.66.8). The French philosopher Nicholas Oresme (1320–82) declares, "we are not to do evil that good may come" (1350, 24; Romans 3:8). The Scottish philosopher Lord Kames (1696–1782) writes, "In the moral system, it is not permitted to violate the most trivial right of any one, however beneficial it may be to others.... All moralists agree, That we must not do evil even to bring about good" (1760, liv). On Kames, see note 39.

³¹ Suárez writes on tyrannicide, "Only the right of self-defense makes it permissible for private person to kill a tyrant" (*A Defense of the Catholic and Apostolic Faith* 6.4.13).

really aggression, but a defence of one's legal property". (*The Three Theological Virtues* 13.1.6)

Although he used the language of no-harm, Suarez expresses something very close to the non-aggression principle: "Armed violence is permissible only when one person makes an armed attack upon another" (*The Three Theological Virtues* 13.9.2). Natural law prohibits all acts of aggression, but it is permissible to use violence to defend person and property.

IV THE EARLY MODERN PERIOD

Hugo Grotius (1583–1645) is the Dutch jurist who, along with Francisco de Vitoria, is considered the father of international law. Grotius advocates non-injury against person and property: "Let no one inflict injury upon his fellow.... Let no one seize possession of that which has been taken into the possession of another" (1604, 27). He writes, "This care of maintaining society in a manner conformable to the light of human understanding, is the fountain of right, properly so called; to which belongs the abstaining from that which is another's" (1625, 85–86). Grotius recognizes that every living being has a natural impulse to preserve and defend itself: "The examples afforded by all living creatures show that force privately exercised for the defence and safeguarding of one's own body is justly employed" (1604, 104). Again, "It is most definitely and clearly legitimate to resist violence" (1625, 1757).

Grotius defines war as a dispute by force or violence, and, like Vitoria, he distinguishes between private war and public war (1625, 134, 240). Whether private or public, "there is no other reasonable cause of making war, but an injury received" (1625, 393). He writes,

"If a man is assaulted in such a manner, that his life shall appear in inevitable danger, he may not only make war upon, but very justly destroy the aggressor; and from this instance, which every one must allow us, it appears that such a private war may be just

and lawful. It is to be observed, that this right of self-defence, arises directly and immediately from the care of our own preservation, which nature recommends to every one, and not from the injustice or crime of the aggressor ... I am not obliged to suffer the wrong that he threatens to do me, no more than if it was a man's beast that came to set upon me". (1625, 397)

With the two fundamental laws of nature—nonviolence and self-defense—Grotius approximates the non-aggression principle:

"Right reason, and the nature of society ... does not prohibit all manner of violence, but only that which is repugnant to society, that is, which invades another's right: for the design of society is, that every one should quietly enjoy his own.... It is not then against the nature of human society, for every one to provide for, and take care of himself, so it be not to the prejudice of another's right; and therefore the use of force, which does not invade the Right of another, is not unjust". (1625, 184–85)³²

The elements of the non-aggression principle are obvious, self-evident features of natural law: "The principles of that law [of nature], if you rightly consider, are manifest and self-evident, almost after the same manner as those things are that we perceive with our outward senses" (1625, 111). Finally, although Grotius was a devout Protestant, he argued nonviolence and self-defense would still be features of natural law even if there was no God. To Grotius, the precepts of non-aggression "would be relevant even if we were to suppose (what we cannot suppose without the greatest wickedness) that there is no God" (1625, 1748).³³

³² Grotius's father studied with the Flemish philosopher Justus Lipsius (1547–1606). Echoing Cicero, Lipsius writes, "For the first task of justice is to make sure that no one hurts another, if he is not first provoked by injury" (*Politica* 5.4). Grotius was familiar with Cicero's approximation of the non-aggression principle (1625, 981). Moreover, "Hugo Grotius [was] deeply influenced by the late Spanish scholastics" (Rothbard 1995, 369). Grotius confirms he was familiar with the writings of Aquinas, Cajetan, Vitoria, de Soto, Molina, and Suárez (1625, 1763–89).

³³ This does not mean Grotius was the first thinker to claim natural law would still have validity without God. Rothbard writes, "Let there be no mistake: in the Thomistic tradition, natural law is ethical as well as physical law; and the instrument

The English philosopher Thomas Hobbes (1588–1679) is the father of modern legal positivism, the legal theory of absolutism and socialism. Legal positivism is incompatible with general ethical rules, so legal positivists might be surprised that Hobbes expressed something very close to the non-aggression principle. First, he advocates nonviolence against person and property: “The people are to be taught, to abstain from violence to one another’s person, by private revenges; from violation of conjugal honour; and from forcible rapine, and fraudulent surreption of one another’s goods” (1651, 226–27). Hobbes thinks the golden rule is a law of nature, and he perceives a logical connection between nonviolence and the golden rule (1651, 104, 111, 227). Hobbes upholds the right to self-defense, and he even argues that it is impossible for men to relinquish this right:

“A covenant not to defend myself from force, by force, is always void. For (as I have showed before) no man can transfer, or lay down his right to save himself from death, wounds, and imprisonment, (the avoiding whereof is the only end of laying down any right;) and therefore the promise of not resisting force, in no covenant transferreth any right; nor is obliging”. (1651, 93)

Despite being the father of legal positivism, Hobbes expressed something strikingly similar to the non-aggression principle. In fact, he describes this principle as the “law of the Gospel” and “the fundamental law of nature.”

“It is a precept, or general rule of reason, that every man, ought to endeavour peace [non-violence], as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of war [violence]. The first branch of which rule, containeth the first, and fundamental law of nature; which is, to seek peace, and follow it. The second, the sum of the right of

by which man apprehends such law is his reason—not faith, or intuition, or grace, revelation, or anything else” (1982b, 6).

nature; which is, by all means we can, to defend ourselves". (1651, 87)³⁴

The German philosopher Samuel Pufendorf (1632–94) was the most influential follower of Hugo Grotius. For Pufendorf, non-injury is the first rule of natural law: "the law of nature ... consists first and foremost in this, namely, that no one injure another unjustly" (1660, 31).³⁵ Like Aquinas and his followers, Pufendorf uses the language of harm and injury. But again, these terms are used to denote aggression: "First among the absolute duties is the duty not to harm others.... By this precept all crimes are understood to be forbidden by which harm is inflicted on another, as, killing, wounding, beating, robbery, theft, fraud and other forms of violence, whether inflicted directly or indirectly, in person or through an agent" (1673, 57).

Extending the precept to property, he writes, "Let no one usurp, corrupt, or purloin the property of a second person against his will" (1660, 352). Elaborating, he states: "This duty affords protection not only to what we have from nature, as life, body, limbs, chastity, liberty, but also to what we have acquired on the basis of some institution and human convention. Hence this precept forbids that anything which is ours by legitimate title be taken spoiled, damaged or removed from our use in whole or in part" (1673, 56–57).

Although Pufendorf recognizes that society is founded on peaceful, nonviolent human interaction, society can only be maintained if each person has the right to defend person and property from aggressive violence. He writes, "There is no way that I can live at peace with one who does me harm. For nature has implanted

³⁴ Hobbes was obsessed with discrediting Sir Edward Coke (1552–1624), the great English jurist and defender of the rule of law in England. Coke expressed the maxim: "It is prohibited that anyone should do anything in his own which might hurt someone else; and use your property that you do not injure that of another" (1610, 312). Coke was influenced by Henry of Bracton. On Bracton, see notes 25 and 29.

³⁵ Gottfried Leibniz (1646–1716), the co-inventor of calculus, was one of the most important philosophers of the early modern period. Leibniz wrote a critique of Pufendorf, but he agreed: "The precept of mere or strict right is that no one is to be injured" (1693, 172).

in each man such a tender love of himself and of what is his, that he cannot but repel by every means one who offers to do harm to either" (1673, 56). Following Grotius, he approaches the non-aggression principle from two fundamental laws of nature:

"The fundamental laws of nature and those from which all the rest flow are two: (1) That any one whatsoever should protect his own life and limbs, as far as he can, and save himself and what is his own [property]. (2) That he should not disturb human society [with violence], or, in other words, that he should not do anything whereby society among men may be less tranquil. These laws ought so to conspire, and, as it were, be intertwined with one another, as to coalesce, as it were, into one law, namely, that each should be zealous so to preserve himself, that society among men be not disturbed". (1660, 327)

Pufendorf argues that the two fundamental laws of nature should be synthesized to create one supreme law:

"[The] fundamental law of nature is: The social life is to be preserved by men towards one another, nor is anything to be done that will result in disturbing it. That social life is contained in pretty much these general offices, namely, that a hurt be done no man in person or in property without some antecedent deed of his by which there is brought to us the licence or necessity of hurting him". (1660, 347–48)

Pufendorf declares, "every man whatsoever, just because he is a man, is under obligation to cultivate peace with every other man whatsoever, so long as care for his own safety does not persuade him to a breach thereof on account of the wrongs done to him by others" (1660, 31). Simply put, "the right of war or of exercising violence begins when the second person attempts to injure me" (1660, 339).

Like Grotius, Pufendorf was an advocate of secular natural law, meaning he believed the building blocks of non-aggression are binding regardless of whether God exists: "The laws of nature would have had a perfect force to obligate man, even if God had never set them forth" (1660, 326). And since all human beings live

in nature, he argues that the principle must apply to everyone. Although some people are stronger, wealthier, or more intelligent than others, everyone must observe the non-aggression principle. Even government must not aggress against non-aggressors: "that obligation to cultivate the social life attends upon human nature as such, it is clear that the same binds all men equally and all men are equal in so far that, no matter how great be the blessings of mind and body in which some one surpasses the rest of men, he has no more right than the rest to inflict wrongs upon other men" (1660, 348).³⁶

John Locke (1632–1704) is often described as the father of classical liberalism. For Locke, the impulse to self-preservation is instilled in all human beings, and self-preservation requires freedom—that is, the absence of violence against person and property: "To be free from such force is the only security of my preservation; and reason bids me to look on him, as an enemy to preservation, who would take away that freedom" (1689, 348).³⁷ Although nonviolent interaction is natural to man, it is also natural to combat an aggressor with defensive violence:

"Declaring by word or action, not a passionate and hasty, but a sedate settled design upon another man's life, puts him in a state of war with him against whom he has declared such an intention, and so has exposed his life to the other's power to be taken away by him ... it being reasonable and just, I should have a right to destroy that which threatens me with destruction; for, by the fundamental law of nature, man being to be preserved as much as possible, when all cannot be preserved, the safety of the innocent

³⁶ An impressive group of German philosophers came after Pufendorf, including Christian Thomasius (1655–1728), Christian Wolff (1679–1754), and Johann Gottlieb Heineccius (1681–1741). Thomasius writes, "Natural law teaches that humans should refrain from inflicting injuries on anyone," but "it will be permitted to attack someone preparing to harm me" (1688, 485, 166). Wolff states, "Injure no one," but "a right belongs to every man by nature not to allow himself to be injured by another" (1749, 129). Heineccius comes very close to the non-aggression principle: "For if it be asked against whom [violence] is allowable, you will answer rightly, if you say, against all by whom we are brought into danger without any fault of our own" (1738, 136).

³⁷ For Aquinas, "natural liberty ... is freedom from coercion" (*Summa Theologica* II-II.66.1).

is to be preferred: and one may destroy a man who makes war upon him, or has discovered an enmity to his being, for the same reason that he may kill a wolf or a lion; because such men are not under the ties of the common law of reason, have no other rule, but that of force and violence, and so may be treated as beasts of prey". (1689, 347, 442)

Locke argues that nonviolence is a dictate of reason's common law, but aggressors open themselves up to violence by breaking the common bond of reason. For Locke, the non-aggression principle is the only ethical rule that can unite humankind into one fellowship and society:

"No one ought to harm another in his life, health, liberty, or possessions ... Every one, as he is bound to preserve himself, and not to quit his station wilfully, so by the like reason, when his own preservation comes not in competition, ought he, as much as he can, to preserve the rest of mankind, and may not, unless it be to do justice to an offender, take away or impair the life, or what tends to the preservation of life, the liberty, health, limb, or goods of another.... All men may be restrained from invading others rights, and from doing hurt to one another, and the law of nature be observed, which willeth the peace and preservation of all mankind". (1689, 341–42)³⁸

V

THE EIGHTEENTH CENTURY

Gershom Carmichael (1672–1729) and Francis Hutcheson (1694–1746) were the founding fathers of the Scottish Enlightenment. Carmichael writes, "In natural liberty violent defense rightly begins as soon as it is quite clear that another person is engaged in

³⁸ Rothbard writes, "Locke may have been and indeed was an ardent Protestant, but he was also a Protestant scholastic, heavily influenced by the founder of Protestant scholasticism, the Dutchman Hugo Grotius, who in turn was heavily influenced by the late Spanish Catholic scholastics" (1995, 314).

inflicting violence upon us" (1707, 362).³⁹ Hutcheson was Carmichael's great student, and he says, "The state of nature is that of peace and good-will, of innocence and beneficence, and not of violence, war, and rapine" (1742, 127). Consequently, "we are bound to preserve ourselves innocent continually, and to avoid doing injuries" (1742, 158). Although Hutcheson advocated nonviolence, he upheld the right to self-defense: "In natural liberty men had also this right of repelling injuries, and punishing by violence any one who attempted or executed any injury, and even of putting him to death" (1742, 259).

When is it legitimate to use violence against person and property? Hutcheson answers, "That violence alone is just which is necessary, or naturally conducive, to repel the injury" (1742, 200). In other words, defensive violence is the only type of justifiable violence. It is also necessary:

"The just causes of beginning war in natural liberty are any violation of a perfect right. There could be no security in life, none of our rights could be safe, were we prohibited all violent efforts against the injurious, and they allowed to pass with impunity When therefor any of our perfect rights are violated, either by destroying or damaging our goods, or refusing what we have a perfect right to claim; or when a like injury is done to any innocent neighbour; 'tis lawful, nay often honourable by force to compell those who oppose us or our neighbor in obtaining our rights, to desist from these injuries ... injuries alone justify the violence of private persons against any fellow subject". (1742, 201)

Elaborating, he writes:

"The term of commencing violence ... is when one either by express declaration or any hostile action (or other certain evidence) has discovered a fixed purpose of hurting us or any innocent neighbour; and won't desist upon admonition. We are not

³⁹ Carmichael was a follower of Pufendorf, and he translated Pufendorf's work into English. Pufendorf was influenced by the Catholic scholastics, but he was a Lutheran who refused to cite Catholics. Thus, knowledge of the Catholic scholastics' influence on the Scottish was lost. See Rothbard (1996, 153–54).

obliged to receive the first assault; as it may perhaps prove fatal to us ... We may therefor justly prevent and surprize such as have formed and declared sufficiently their injurious designs of hostility. The proper term of commencing in civil life any violence that may be dangerous to others, is when the aggressor has brought us into such straits that we can neither retire without danger, nor obtain any aids from magistrates or our fellow-citizens". (1742, 202)⁴⁰

The Swiss philosopher Jean-Jacques Burlamaqui (1694–1748) was a follower of Samuel Pufendorf. For Burlamaqui, human beings have a natural tendency to love themselves and to love others (1747, 156). The natural tendency to love others impels most human beings to interact nonviolently: "We should do no wrong to any one," and "the law of nature expressly forbids all manner of violence" (1747, 157, 217). He writes, "It is a fundamental maxim of the law of nature and nations, that individuals and states ought to live in a state of union and society, that they should not injure each other" (1747, 447).

While the natural love of others leads to nonviolent human interaction, the natural inclination of each person to love themselves impels most human beings to defend person and property: "Reason would empower us to use force against any one that would make an unjust attack upon our lives, our goods, or our liberty" (1747, 85–86). Further, "Whoever declares himself my enemy, gives me liberty to use violence against him *in infinitum*, or so far as I please; and that not only till I have repulsed the danger that threatened me, or till I have recovered, or forced from him, what he either unjustly deprived me of, or refused to pay me, but till I have further obliged him to give me good security for the future. It is not therefore always unjust to return a greater evil for a less" (1747,

⁴⁰ Henry Home, better known as Lord Kames (1696–1782), was another early leader of Scottish Enlightenment. Lord Kames suggests law is a type of non-aggression pact: "Because there can be no society among creatures who prey upon each other, it was necessary, in the first place, to provide against mutual injuries" (1760, lxx). He writes, "To abstain from injuring others, is accordingly the primary law of society," but "the duty of abstaining from mischief implies a right in others to be secured against mischief" (1760, 40, xli).

488). Burlamaqui gives a statement strikingly similar to the non-aggression principle: "Each person may dispose of himself, and of what he possesses, as he thinks proper, with this only restriction, that he keep within the bounds of the law of nature, and do no prejudice or injury to any man" (1747, 173).⁴¹

The eminent Scottish philosopher David Hume (1711–76) is perhaps the most important critic of natural law in the history of philosophy.⁴² Still, his writings are highly sympathetic to the non-aggression principle. Although he rejected Grotius's conception of natural law, Hume admits his theory of "justice, is in the main the same with that hinted at and adopted by Grotius" (1751, 391n). Liberty is the absence of violence against person and property, and "liberty is the perfection of civil society" (1777, 23). Hume suggests justice means nonviolence against person and property:

"[Maintaining society] can be done after no other manner, than by the convention entered into by all the members of the society to bestow stability on the possession of those external goods, and leave everyone in the peaceable [i.e., nonviolent] enjoyment of what he may acquire by his fortune and industry.... After this convention, concerning abstinence from the possessions of others, is entered into, and every one has acquired a stability in his possessions, there immediately arise the ideas of justice and injustice; as also those of property, right, and obligation. The latter are altogether unintelligible, without first understanding the former. Our property is nothing but those goods, whose constant possession is

⁴¹ The Swiss international lawyer Emer de Vattel (1714–67) expressed the spirit of non-aggression. He writes, "Every individual already possesses a perfect natural right to be exempt from harm, injury, and real offence" (1758, 346). However, "every man has a right to preserve himself from injury, and by force to provide for his own security, against those who unjustly attack him. For this purpose, he may, when injured, inflict a punishment on the aggressor" (1758, 190). Vattel states, "In promising to live in peace, we only promise not to attack without cause, and to abstain from injuries and violence" (1758, 676).

⁴² Rothbard writes, "David Hume is the philosopher supposed by modern philosophers to have effectively demolished the theory of natural law" (1982b, 14). Further, "Hume's [*A Treatise of Human Nature*] was pivotal in its corrosive and destructive skepticism, managing unfairly to discredit the philosophy of natural law ... There is no figure more important in the unfortunate discrediting of the classical philosophical tradition of natural law" (1995, 425).

established by the laws of society; that is, by the laws of justice".
(1738, 259–60)

Nonviolence is the foundation of society, but a person who employs aggressive violence against person or property can be combatted and punished with defensive violence: "When any man, even in political society, renders himself by his crimes obnoxious to the public, he is punished by the laws in his goods and person; that is, the ordinary rules of justice are, with regard to him, suspended for a moment; and it becomes equitable to inflict on him, for the benefit of society, what otherwise he could not suffer without wrong or injury" (1751, 258). To Hume, something similar to the non-aggression principle played a central role in the history of England: "Every subject of England had entire power to dispose of his own actions, provided he did no injury to any of his fellow-subjects ... No prerogative of the king, no power of any magistrate, nothing but the authority alone of laws, could restrain that unlimited freedom" (1761, 649).

The Frenchman Mercier de la Riviere (1719–1801) was the chief political theorist of the Physiocrats, the first school of economics.⁴³ For Riviere, self-preservation is the first duty of nature, and private property is natural to humankind because self-preservation is impossible without private ownership of person, land, and movable goods: "Land ownership, which gives the right to cultivate, is a physical necessity; movable property, which ensures the enjoyment of the harvest, is a physical necessity; self-ownership, without which the other two would be null, is a physical necessity; labour, without which land would remain uncultivated, is a physical necessity; the freedom to enjoy, without which labor would not take place, is of physical necessity" (1767, 29).

Riviere believed property and freedom are the keys to society: "Property and freedom are the foundation of the essential order of society" (1767, 39). Property means the freedom to exclusively

⁴³ Francois Quesnay (1694–1774), the founder of physiocracy, approached the non-aggression principle: "Every man has a natural right to the free exercise of his faculties provided he does not employ them to the injury of himself or others" (quoted in Higgs 1897, 45).

control a scarce good, so there is a vital connection between property and freedom: "Property is the measure of freedom, as freedom is the measure of property" (1767, 35). Riviere's view of property, freedom, and society led him to advocate no-harm against person and property: "Once we understand that it is absolutely necessary that each man's personal property and moveable property be exclusive, we are also forced to recognize certain absolutely necessary duties for each man: these duties entail never harming the property rights of other men" (1767, 10).

Riviere articulated the law of equal freedom. According to the law of equal freedom, "it is absolutely necessary that every man's freedom to use property only be limited by other men's freedom to use their property" (1767, 36).⁴⁴ He writes, "Social freedom can be defined as independence from external will that allows us make the best possible use of our property rights, and to derive all possible resulting enjoyment without prejudicing the property rights of other men" (1767, 26). The law of equal freedom is the natural and essential order of society:

"All the rights to which a rational being can aspire are contained within property rights; the freedom of enjoyment that results from property rights must know no limits except those assigned to it by the property rights of other men. As the fundamental order of society determines the extent of liberty for each of its members, and this freedom being as extensive as possible without disturbing this fundamental order, it is impossible to add anything to the liberties of some without damaging freedom as a whole, and

⁴⁴ The physiocrat Pierre Samuel Du Pont de Nemours (1739–1817) expressed the law of equal freedom: "There must be the greatest possible freedom in the use of all personal, movable and immovable properties, and the greatest possible security in the possession of what is acquired by the use of these properties.... The complete freedom to enjoy the full extent of one's property rights necessarily implies to each individual total security of that enjoyment; and therefore obviously prohibits any use of the faculties of some against the property of others. No property, no freedom, no freedom, no security. For the greatest possible freedom in the use and the greatest possible security in the enjoyment of personal, movable and immovable properties, men in society must mutually guarantee these properties and protect them from all their physical forces. It is this mutual guarantee and protection that properly constitutes society" (1768, 15).

therefore the property of others, which becomes an injustice, a disorder that can only be fatal to society". (1767, 59)

Adam Smith (1723–90) is perhaps the most famous economist in history, but his first major treatise, *A Theory of Moral Sentiments*, is a work on moral philosophy. For Smith, justice is a concept that cannot be separated from harm: "We are said to do justice to our neighbour when we abstain from doing him any positive harm, and do not directly hurt him, either in his person, or in his estate" (1759, 398). Smith recognized there is a vital difference between morality and justice: "We must always carefully distinguish what is only blamable, or the proper object of disapprobation, from what force [violence] may be employed either to punish or to prevent" (1759, 80). He writes, "Mere justice is, upon most occasions, but a negative virtue, and only hinders us from hurting our neighbour. The man who barely abstains from violating either the person, or the estate, or the reputation of his neighbours, has surely very little positive merit. He fulfils, however, all the rules of what is peculiarly called justice, and does every thing which his equals can with propriety force him to do, or which they can punish him for not doing. We may often fulfil all the rules of justice by sitting still and doing nothing" (1759, 117).

All aggressive violence is immoral and unjust, even if that aggressive violence is designed to foster morality. Hence, it is always self-defeating to use aggressive violence to force nonviolent individuals to behave morally:⁴⁵

"Proper resentment for injustice attempted, or actually committed, is the only motive which, in the eyes of the impartial spectator, can justify our hurting or disturbing in any respect the happiness of our neighbour. To do so from any other motive is itself a violation of the laws of justice, which force ought to be employed either to restrain or to punish. The wisdom of every state or commonwealth endeavours, as well as it can, to employ the force of the society to restrain those who are subject to its

⁴⁵ Aquinas wrote, "The necessity of coercion makes an act involuntary and consequently deprives it of the character of praise or merit" (*Summa Theologica* II-II.186.5).

authority from hurting or disturbing the happiness of another".
(1759, 319)⁴⁶

Smith reports that something like the non-aggression principle was an ethical rule that nobody doubted in his day and age: "The origin of natural rights is quite evident. That a person has a right to have his body free from injury and his liberty free from infringement unless there is a proper cause, nobody doubts" (1763, 8). Finally, Smith alludes to non-aggression in his famous work on economics, *The Wealth of Nations*: "The obvious and simple system of natural liberty establishes itself on its own accord. Every man, as long as he does not violate the laws of justice, is left perfectly free to pursue his own interest his own way" (1776, 184).⁴⁷

The German philosopher Immanuel Kant (1724–1804) is perhaps the most influential philosopher of the Age of Enlightenment. The categorical imperative is the centerpiece of Kantian ethics, and it states, "Act in such a way that you can wish your maxim to become a universal law" (1795, 122). This formulation of the categorical imperative is known as the universalizability principle, and it can be used to test whether individual actions and ethical rules are right or wrong.⁴⁸ For an ethical rule to be right, it

⁴⁶ Smith was influenced by Hugo Grotius: "Grotius seems to have been the first who attempted to give the world any thing like a system of those principles which ought to run through, and be the foundation of the laws of all nations" (1759, 503). In connection, Grotius was influenced by the Spanish scholastics.

⁴⁷ Adam Ferguson (1723–1816), another philosopher of the Scottish Enlightenment, endorsed something very close to the non-aggression principle: "The law of nature ... [gives every individual] a right to preserve themselves; to employ undisturbed the means of life to retain the fruits of labour; to demand the observance of stipulations and contracts. In the care of violence, it condemns the aggressor, and establishes, on the part of the injured, the right of defence" (1767, 323). Again, "Liberty or freedom is not, as the origin of the name may seem to imply, an exemption from all restraint, but rather the most effectual application of every just restraint to all the member of a free state, whether they be magistrates or subjects. It is under a just restraint only that every person is safe, and cannot be invaded, either in the freedom of his person, his property, or innocent action" (1792, 458).

⁴⁸ Kant gives four formulations of the categorical imperative. The other popular formulation reads, "Act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means" (1785, 80). Kant insisted all four formulations are logically equivalent.

must be a universal rule that applies to every person. By contrast, an ethical rule is wrong if it only applies to some people but not others: "All actions affecting the rights of other human beings are wrong if their maxim is not compatible with their being made public [universal]" (1795, 126). Kant gives the following summary of right and wrong:

"Right is therefore the sum of the conditions under which the choice of one can be united with the choice of another in accordance with a universal law of freedom. Any action is right if it can coexist with everyone's freedom in accordance with a universal law, or if on its maxim the freedom of choice of each can coexist with everyone's freedom in accordance with a universal law. If then my action or my condition generally can coexist with the freedom of everyone in accordance with a universal law, whoever hinders me in it does me wrong; for this hindrance (resistance) cannot coexist with freedom in accordance with a universal law". (1797, 387)

As this passage indicates, freedom is the most important concept in Kantian political philosophy. And for Kant, freedom is defined as the absence of aggressive violence against person and property:

"There is only one innate right, the birthright of freedom. Freedom is independence of the compulsory will of another; and in so far as it can coexist with the freedom of all according to a universal law, it is the one sole original, inborn right belonging to every man in virtue of his humanity. There is, indeed, an innate equality belonging to every man which consists in his right to be independent of being bound by others to anything more than that to which he may also reciprocally bind them". (1797, 393–94)

A society based on freedom is the only society compatible with the categorical imperative. Since freedom means the absence of violence, the categorical imperative is only compatible with ethical rules of nonviolence. Any ethical rule or law that allows one human being to use aggressive violence unilaterally against the person or property of another human being is wrong because it violates the

categorical imperative: "A lawful state ... is characterised by equality in the effects and countereffects of freely willed actions which limit one another in accordance with the general law of freedom. Thus the birthright of each individual in such a state (i.e. before he has performed any acts which can be judged in relation to right) is absolutely equal as regards his authority to coerce others to use their freedom in a way which harmonises with his freedom" (1793, 76; 1781, 91).

The non-aggression principle is compatible with Kant's categorical imperative; it is a universalizable rule that creates equal liberty for all while giving every person an equal right to use violence.⁴⁹ Indeed, Kant expressed the law of equal freedom: "Each remains free to seek his happiness in whatever way he thinks best, so long as he does not violate the lawful freedom and rights of his fellow subjects" (1793, 80). Again,

"Man's freedom as a human being, as a principle for the constitution of a commonwealth, can be expressed in the following formula. No one can compel me to be happy in accordance with his conception of the welfare of others, for each may seek his happiness in whatever way he sees fit, so long as he does not infringe upon the freedom of others to pursue a similar end which can be reconciled with the freedom of everyone else within a general workable law — i.e. he must accord to others the same right as he enjoys himself". (1793, 74)

Thomas Jefferson (1743–1826) was the author of the *Declaration of Independence* and the third president of the United States.⁵⁰ Jef-

⁴⁹ Rothbard writes, "To be a valid ethic the theory must hold true for all men, whatever their location in time or place.... The society of liberty is the only society that can apply the same basic rule to every man" (1982b, 42, 46).

⁵⁰ Benjamin Franklin (1706–90) states, "Wrong none, by doing injuries," and "No man, or body of men, can be justly deprived of a common right, but for some equivalent offence or injury done to the society in which he enjoyed that right" (1784, 69; 1785, 56). John Adams (1735–1826) writes, "Resistance to sudden violence, for the preservation not only of my person, my limbs and life, but of my property, is an indisputable right of nature ... common law seems to me to be founded on the same great principle of philosophy and religion. It will allow of nothing as a justification of blows, but blows [i.e., of violence, but violence]" (1763, 439).

Jefferson believed that liberty—the absence of aggressive violence against person and property—is the condition natural to man: “Under the law of nature, all men are born free, every one comes into the world with a right to his own person, which includes the liberty of moving and using it at his own will. This is what is called personal liberty, and is given him by the author of nature, because necessary for his own sustenance” (1770, 474). Jefferson was an advocate of nonviolent human interaction, and he believed aggressive violence against person and property is unnatural. To Jefferson, “coercion is a departure from the plan of the holy author of our religion” (1821, 71).⁵¹

Jefferson thought aggressive violence is never justifiable, and violence against person and property can only be used defensively to combat aggressors: “For by nature’s law, man is at peace with man, till some aggression is committed, which, by the same law, authorizes one to destroy another as his enemy” (1793, 400). Jefferson recognized that a nation of free men must be based on the non-aggression principle, and this means limited government: “The legitimate powers of government extend to such acts only as are injurious to others” (1785, 78). Jefferson declared in his historic first inaugural address, “A wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government” (1801, xv). The only laws compatible with individual liberty and freedom are laws that prohibit aggression against person and property: “No man has a natural right to commit aggression on the equal rights of another,

⁵¹ Anne Robert Jacques Turgot (1727–81) was the most influential French economist of his age, and he influenced Jefferson. Turgot writes, “A man has not the right to oppress another man ... whoever oppresses another opposes himself to the divine order.... The liberty to injure has never been sanctioned by conscience. The law ought to interdict it, because the conscience of mankind condemns it. On the other side, the liberty to act while not injuring can be restrained only by laws really tyrannical” (1753, 514). Jefferson appreciated “the comprehensiveness of his mind,” “the benevolence and purity of his heart,” and “the gigantic stature of his mind” (Jefferson 1813, 146). Jefferson had a bust of Turgot in the entrance hall of his home.

and this is all from which the laws ought to restrain him" (1816, 543).⁵²

VI THE NINETEENTH CENTURY

Jeremy Bentham (1748–1832) is the great advocate of utilitarianism and legal positivism. Although Bentham is one of history's most influential opponents of natural law, his theory of justice approximates non-aggression. He writes, "As a general rule, the greatest possible latitude should be left to individuals, in all cases in which they can injure none but themselves.... The power of the law need interfere only to prevent them from injuring each other" (1802, 63). Bentham argued that every person best serves his own and society's interests by not injuring others: "Our own interest, well understood, will never leave us without motives to abstain from injuring our fellows" (1802, 63). To Bentham, "Self-defence ... is only the repulsion of a greater evil, since even the death of an unjust aggressor is a less evil for society than the suffering of an innocent person. This right of defence is absolutely necessary.... Overt acts [of violence] must not be employed except to defend the person or the property" (1802, 269). Two of the most important legal positivists, Thomas Hobbes and Jeremy Bentham, expressed ideas very close to the non-aggression principle.

The French-Swiss writer and politician Benjamin Constant (1767–1830) was leader of the French opposition to Napoleon. Although he uses the language of no-harm, Constant's ideas closely approximate the non-aggression principle. He writes,

⁵² Marquis de Lafayette (1757–1834) was the great French military hero of the American Revolution, and he was the principal author of the central document of the French Revolution: *The Declaration of the Rights of Man and of the Citizen* (1789). *The Rights of Man* expresses the spirit of the Law of Equal Freedom: "Liberty consists in the freedom to do everything which injures no one else; hence the exercise of the natural rights of each man has no limits except those which assure to the other members of the society the enjoyment of the same rights ... The law ought to prohibit only actions hurtful to society" (Articles 4–5). Lafayette frequently consulted Thomas Jefferson while drafting of *The Rights of Man*.

“Society ha[s] no political prerogatives over individuals except when these prevent them harming each other” (1815, 228). For Constant, the no-harm principle is the ethical rule of freedom and liberty: “Individuals must enjoy a boundless freedom in the use of their property and the exercise of their labor, as long as in disposing of their property or exercising their labor they do not harm others who have the same rights. If they do so harm them, society intervenes, not to invade anyone’s rights but to guarantee the rights of all” (1815, 383). Following Thomas Jefferson, Constant argued that government must limit its activity to combatting harm: “To prevent men from doing each other mutual harm and to leave them otherwise full freedom to manage themselves in the efforts of their work and in their progress toward improvement, that is the sole purpose of a good government” (1815, 429).

The French economists Jean-Baptiste Say (1767–1832) and Destutt de Tracy (1754–1836) were associates of Thomas Jefferson. Say writes, “The property a man has in his own industry, is violated, whenever he is forbidden the free exercise of his faculties and talents, except inasmuch as they would interfere with the rights of third parties” (1803, 129–30). Like Juan de Mariana, de Tracy views society as a non-aggression pact:

“First, society is nothing but a succession of exchanges. In effect, let us begin with the first conventions on which it is founded. Every man, before entering into the state of society, has as we have seen all rights and no duty, not even that of not hurting others; and others the same in respect to him. It is evident they could not live together, if by a convention formal or tacit they did not promise each other, reciprocally, surety. Well! this convention is a real exchange; every one renounces a certain manner of employing his force, and receives in return the same sacrifice on the part of all the others. Security once established by this mean, men have a multitude of mutual relations”. (1817, 95)⁵³

⁵³ Destutt de Tracy considered the French philosopher Marquis de Condorcet (1743–94) to be “the greatest philosopher in modern times” (1811, 258). Condorcet wrote, “It appears to be one of the rights of man that he should employ his faculties, dispose of his wealth, and provide for his wants in whatever manner he shall think best. The general interest of the society, so far from restraining him in this respect,

Richard Whately (1787–1863) was an English theologian, philosopher, and economist, and he served as Anglican archbishop of Dublin and professor of political economy at the University of Oxford. Whately wrote an enormously popular economics primer called *Easy Lessons of Money Matters; for the Use of Young People* (1833). The final sentence of that work reads, “Every man should be left free to dispose of his own property, his own time, and strength, and skill, in whatever way he himself may think fit, provided he does no wrong to his neighbors” (1833, 104).⁵⁴

Frederic Bastiat (1801–50) was one of the most important French economists of the eighteenth century. For Bastiat, nonviolence “is the principle of justice, peace, order, stability, conciliation, and of good sense” (1850a, 61). Nonviolence is the key to a just social order, but it is also the key to economic progress: “Self-preservation and development is the common aspiration of all men, in such a way that if every one enjoyed the free exercise of his faculties and the free disposition of their fruits, social progress would be incessant, uninterrupted, inevitable” (1850a, 52). Nonviolence is the fundamental condition of liberty, individuality, and prosperity:

“Law is justice. And it is under the law of justice, under the reign of right, under the influence of liberty, security, stability, and responsibility, that every man will attain to the fullness of his worth, to all the dignity of his being, and that mankind will accomplish with order and with calmness—slowly, it is true, but with certainty—the progress ordained for it.... the solution of the social problem is in liberty”. (1850a, 92)

forbids, on the contrary, every such attempt; and in this department of public administration, the care of securing to every man the rights which he derives from nature, is the only sound policy, the only control which the general will can exercise over the individuals of the community” (1796, 190).

⁵⁴ John Maynard Keynes (1883–1946) rejects this passage from Whately in his essay *The End of Laissez-Faire* (1926, 280). Keynes describes the non-aggression principle as “dogma” and the “political economist’s religion” (1926, 280–81). Although he rejected the spirit of Whately’s statement, Keynes could not deny its enormous influence: “It had become a copybook maxim. The political philosophy, which the seventeenth and eighteenth centuries had forged in order to throw down kings and prelates, had been made milk for babes, and had literally entered the nursery” (1926, 281).

Nonviolence is the fountain of everything good in life, but it is natural for human beings to defend person and property: “It is in the nature of men to rise against the injustice of which they are victims” (1850a, 53). In Bastiat’s view, the right to defend person and property is absolutely essential to the existence and flourishing of humanity. In fact, “without this right, the existence of the human race is impossible” (1850b, 979).

Moreover, the individual right to self-defense is the ultimate source of the right to form government. Every human being has a right to defend person and property, and this means every human being has a right to enter partnerships to defend each other’s person and property. We can give these defense partnerships a special name: government. But whatever the name, a defense partnership cannot use aggressive violence any more than the individual citizens who constitute it. In short, government is created by individual citizens who must obey the non-aggression principle, and, consequently, government must also obey the principle:

“If every man has the right of defending, even by force, his person, his liberty, and his property, a number of men have the right to combine together to extend, to organize a common force to provide regularly for this defense. Collective right, then, has its principle, its reason for existing, its lawfulness, in individual right; and the common force cannot rationally have any other end, or any other mission, than that of the isolated forces for which it is substituted. Thus, as the force of an individual cannot lawfully touch the person, the liberty, or the property of another individual—for the same reason, the common force [government] cannot lawfully be used to destroy the person, the liberty, or the property of individuals or of classes”. (1850a, 51)

Bastiat advocates the non-aggression principle: “Every individual has a right to have recourse to force only in cases of lawful defense” (1850a, 89). He writes, “What are the things that men have a right to impose upon each other by force?... individual force is justified only by legitimate defense” (1850c, 447). Bastiat concludes,

“In what cases is the employment of force legitimate? In one case, and, I believe, only one – the case of legitimate defense.... The right

of the man whose liberty is attacked, or, which comes to the same thing, whose property, faculties, or labor is attacked, is to defend them even by force ... But an individual has no right to employ force for any other purpose... We must, then, regard as a fundamental principle in politics this incontestable truth, that between individuals the intervention of force is legitimate only in the case of legitimate defense; and that a collective body of men [government] cannot have recourse to force legally but within the same limit". (1850b, 926–27)

The utilitarian philosopher John Stuart Mill (1806–73) was the nineteenth century's most influential English-speaking philosopher and economist. Mill is considered the father of the no-harm principle, although many thinkers expressed it long before him.⁵⁵ He writes, "The sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others" (1859, 223). According to Mill, "The only freedom which deserves the name is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs or impede their efforts to attain it" (1859, 226). Mill states, "It is mostly considered unjust to deprive anyone of his personal liberty, his property, or any other thing which belongs to him by law. Here, therefore, is one instance of the application of the terms just and unjust in a perfectly definite sense, namely, that it is just to respect, unjust to violate, the legal rights of anyone" (1863, 241). Mill stressed the overwhelming importance of the no-harm principle to humankind: "The moral rules which forbid mankind to hurt one another (in which we must never forget to include wrongful interference

⁵⁵ Mill receives far too much credit for the no-harm principle. As shown here, the principle was formulated long before Mill. In fact, Mill dedicated his book *On Liberty* to the German philosopher Wilhelm von Humboldt (1767–1835). Humboldt writes, "Every citizen must be in a position to act without hindrance and just as he pleases, so long as he does not transgress the law ... If he is deprived of this liberty, then his right is violated, and the cultivation of his faculties—the development of his individuality suffers" (1792, 167, 127).

with each other's freedom) are more vital to human well-being than any maxims" (1863, 255).⁵⁶

The English philosopher and biologist Herbert Spencer (1820–1903) was considered to be the greatest intellectual figure of the Victorian era.⁵⁷ The non-aggression principle owes its name to Spencer, although he called it the law of non-aggression or the law of equal freedom: "Every man has freedom to do all that he wills, provided he infringes not the equal freedom of any other man" (1851, 103, 113, 129, 172, 217, 311).⁵⁸ In other words, "every man may claim the fullest liberty to exercise his faculties compatible with the possession of like liberty by every other man" (1851, 78). Spencer writes,

"Liberty of action being the first essential to exercise of faculties, and therefore the first essential to happiness; and the liberty of each limited by the like liberty of all, being the form which this first essential assumes when applied to many instead of one, it follows that this liberty of each, limited by the like liberty of all, is the rule in conformity with which society must be organised. Freedom being the pre-requisite to normal life in the individual, equal freedom becomes the pre-requisite to normal life in society... this law of equal freedom is the primary law". (1851, 88–89)

⁵⁶ Mill also recognized a relation between the golden rule, the law of love, and the no-harm principle: "To do as you would be done by, and to love your neighbor as yourself, constitute the ideal perfection of utilitarian morality" (1863, 323).

⁵⁷ Spencer coined the term "survival of the fittest," and today he is best remembered, albeit incorrectly, as an advocate of social Darwinism. Spencer never advocated crude social Darwinism. Like Friedrich Hayek, he was a social evolutionist who used evolutionary theory to explain how the rules of justice emerge. His reputation was also unfairly tainted by the British philosopher G. E. Moore, who falsely accused Spencer of committing the naturalistic fallacy.

⁵⁸ Spencer printed the law of equal freedom in 1851, and he thought he invented the law. However, in 1879, he admitted that Kant had articulated the law earlier. This means Spencer considered Kant an advocate of the law of equal freedom. As shown above, Mercier de la Riviere and Pierre Samuel Du Pont de Nemours articulated the law of equal freedom in the 1760s. Related, Rothbard writes, "[The] libertarian credo was formulated with particular cogency by Herbert Spencer in his 'Law of Equal Liberty'" (1974, 278).

Spencer noticed that the formula for justice contains a positive element and a negative element. The positive and negative elements must be united to create the fundamental rule of ethical behavior—the non-aggression principle:

“The formula [for justice] has to unite a positive element with a negative element. It must be positive in so far as it asserts for each that, since he is to receive and suffer the good and evil results of his actions, he must be allowed to act. And it must be negative in so far as, by asserting this of everyone, it implies that each can be allowed to act only under the restraint imposed by the presence of others having like claims to act. Evidently the positive element is that which expresses a prerequisite to life in general, and the negative element is that which qualifies this prerequisite in the way required when, instead of one life carried on alone, there are many lives carried on together. Hence, that which we have to express in a precise way, is the liberty of each limited only by the like liberties of all. This we do by saying: Every man is free to do that which he wills, provided he infringes not the equal freedom of any other man”. (1879b, 61–62)

Justice and liberty are equivalent, and both are maintained by one social rule: “Do not aggress” (1851, 270). The non-aggression principle is the primary law, the most important discovery in the history of ethics. It is the essential rule required to make society possible. He writes, “To administer justice,—to mount guard over men’s rights,—to prevent aggression,—is simply to render society possible, to enable men to live together” (1851, 283). Non-aggression is the primary law, but it is also the mother of all the virtues: “There needs but a continuance of absolute peace externally and a rigorous insistence on nonaggression internally to ensure the molding of men into a form naturally characterized by all the virtues” (1879a, 504). From a biological standpoint, the non-aggression principle is the ethical rule required for humanity to achieve its evolutionary potential. He writes, “The limit of evolution can be reached by conduct only in permanently peaceful societies,” and “the definition of that highest life accompanying completely-evolved conduct, itself excludes all acts of aggression” (1879a, 53, 170). In summary, an ideal society would be one in which every

human being obeys the non-aggression principle: "In an ideal state the law of non-aggression is obeyed by all—is the vital principle of every one's conduct—is fully carried out, reigns, lives" (1851, 271).

VII CONCLUSION

The supreme ethical question facing humanity is this: when is it justifiable for one human being to use violence against the person and property of another human being? According to the non-aggression principle, violence must never be used against the person and property of a nonviolent human being. Aggressive violence against person and property is always illegitimate, and the only legitimate type of violence is that used to defend person and property. Every human being must be free to do whatever they want with their person and property, as long as they do not use aggression to violate the equal freedom of another human being. In short, never aggress against a non-aggressor.

The central thesis of this paper is that a large and diverse group of history's most eminent thinkers have expressed ideas very similar to the non-aggression principle. The rudiments of the principle were known to the ancient Egyptians around 2000 BC, the ancient Hindus around 1500 BC, and the ancient Hebrews around 1000 BC. Around 500 BC, the ancient Chinese and Greek philosophers expressed the underlying logic of the principle, and Cicero approached the principle in its modern form in the decades before Jesus of Nazareth was born. The pre-history of the non-aggression principle falters in Western Europe during the Dark Ages, but anticipations of non-aggression were recited constantly in the Muslim world during this period. Thomas Aquinas reasserted something strikingly similar to non-aggression after the Dark Ages, and the scholastic philosophers carried the idea into the early modern period. During the seventeenth and eighteenth centuries, the non-aggression principle rose to the pinnacle of Western philosophy. Although it had important advocates, the non-aggression principle was less influential in the nineteenth and twentieth centuries.

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