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Anti-Copyright



## Statist "Private Property" Is Theft

David S. D'Amato

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Yesterday, Bloomberg reported that a Federal Circuit Court of Appeals upheld the validity of a patent protecting software used to defend against piracy. The decision could cost other companies that have used the technology billions in damages and "may boost [the plaintiff's] efforts to collect royalties from additional companies."

The same story goes on to describe a Baltimore restaurateur's registration of the word "hon" (short for the affectionate tag "honey") as a trademark, and a website administrator's recent challenge of it. Both the patent and the trademark detailed in the article provide emblematically insane examples of the kinds of perfectly arbitrary "private property" that the state inflicts on society.

And just as state-capitalism's co-opting of the phrase "free market" makes it more difficult to defend free markets, so do the state's spurious forms of "private property" exasperate any attempt to defend property as such.

Historically, anarchism has often been defined to entail a rejection of the idea of private property, of an individual right to

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own things against the claims of society at large. Assumedly “anti-property” anarchists, though, would nevertheless find it impermissible for someone to steal your car or barge into your dwelling uninvited. All anarchists on some level defend your rights to the control of your person and to the products of your labor, commitments that, to my mind, require property, notwithstanding the word itself and its baggage.

It is no coincidence that Thomas Babington Macaulay, in his criticism of the state, compared it to “one great capitalist” — meaning in essence a *monopolist* — with no motivation but to use society’s wealth for a privileged few. Many of the early anarchists would have understood property within this paradigm, as a tool for exploitation within the broader, state-capitalist economic system.

It is little wonder, then, that so many of them, in their hostility to all manner of authority, opposed property, the legal means through which wealth was concentrated. Similarly, when Emma Goldman said that “property, or *the monopoly of things*, has subdued and stifled man’s needs,” she was clearly dealing with “property” within the context of the centralized/monopolized economic system (emphasis added).

Given the reasons advanced by those anarchists for their disapproval, anarchists on the free market Left could also be thought of as, in a particular sense, remonstrating against property. Detached from its moral requirements — those prerequisite factors that justify the protection of your ownership of some things — property becomes merely another way for the state’s power elites to give themselves heirs. Intellectual property rights like patents and trademarks are instances of this, allowing today’s monopolists to hold the state’s gun to our heads to either stop us from competing or to pay them rent (in the form of “royalties”).

Benjamin Tucker enumerated his “Four Monopolies” precisely to oppose the kind of property that the state frames and institutes, not to oppose the concept of ownership foursquare. “Anarchism,”

he taught, “is a word without meaning, unless it includes the liberty of the individual to control his product or whatever his product has brought him through exchange in a free market — that is, private property. Whoever denies private property is of necessity an Archist.”

Again, we see that anarchists have consistently and correctly equated the statist formulation of property with *monopolization*, the very thing that market anarchists resist in all respects. If we consider the meaning of property as it is defined by the state — completely contrived rights bestowed by fiat — then the traditional, anarchist antagonism begins to come clear.

Remember as well that, due to the repressive authority of religious institutions, many anarchists regarded atheism as a *necessary* condition of anarchism, as an indispensable piece of the anti-authority attitude. (In the interest of disclosure: I’m an atheist.) Are we, the anarchists of today, therefore meant to exhort against the practice of faith, or might we do better to limit anarchism, like Tucker did, to opposition to one very specific thing — the state?

The anti-property position may be an article of faith within anarchism, but only insofar as we accept the state’s misshapen definition of it. Our task as anarchists is to show people that, by taking issue with the state’s private property, you support it in its true form.