

FROM ARGUMENTATION ETHICS TO ACTION ETHICS: THE IMPOSSIBILITY OF DEMONSTRATING PREFERENCE FOR COERCION AS A UNIVERSALIZEABLE ETHICAL NORM

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Abstract

In this comment, I critique Murphy and Callahan’s criticisms of argumentation or discourse ethics. Summarily, I attempt to: (1) Briefly overview argumentation or discourse ethics. (2) Criticize the slave-owner / slave debate objection to discourse ethics. (3) Outline why it is impossible to demonstrate preference for coercion as a universalizeable ethical norm, i.e., “action ethics”. (4) Outline possible pacifist implications of this. (5) Preemptively respond to the possible criticism that my argument only shows that people are hypocrites.

Brief Overview of Discourse Ethics

This comment is my critique of Murphy and Callahan's¹ criticisms of Hoppe's argumentation ethics² (van Dun has also responded to Murphy and Callahan's arguments³). Rather than responding point by point, I will attempt to briefly respond to the breadth of the critique.

Anyone disputing argumentation or discourse ethics are engaging in argumentation or dialect to do so. They are not trying to bludgeon their intellectual opponents over the head to convince them that argumentation ethics is wrong. Hence, they are implicitly agreeing with the value of non-aggressive peaceful behavior. A person can certainly never demonstrate their preference for the initiation of aggression during argumentation; all they can do is engage in the initiation of aggression.

The Slavery Objection to Discourse Ethics

On a tangential note, the oft-given example of a slave-owner debating the ethics of slavery with his slave does not suggest that argumentation ethics is invalid. It merely shows that individuals can be inconsistent in their application of normative ethical principles. By allowing the slave to debate freely and make up his own mind as to the validity of

¹ Murphy, R. P. C., Gene (2006). "Hans-Hermann Hoppe's Argumentation Ethic: A Critique." Journal of Libertarian Studies: An Interdisciplinary Review **20**(2): 53-64.

² Hoppe, H.-H. (1989). The Ethical Justification of Capitalism and Why Socialism is Morally Indefensible. A Theory of Socialism and Capitalism. Auburn, Alabama, Ludwig von Mises Institute: 127-144.

³ van Dun, F. (2006). Comment on R.P.Murphy's & Gene Callahan's Critique of Hans-Hermann Hoppe's Argumentation Ethics. Unpublished.

arguments given during discourse, the slave-owner recognizes the slave's right to self-ownership implicitly. He does not merely recognize that the slave possesses his own body – that only the slave can control his body in the peculiar and direct way that a self-owner can control his own body – but also doesn't in any way attempt to control the slave's body during debate.

If the slave owner engages in this debate and then afterwards continues enslaving his slave, then it wasn't a genuine debate to begin with, but merely an academic game; for in that case, the slave-owner wasn't really normatively granting the slave the right to make up his own mind freely and act on it. He was merely creating that illusion. In such a case, the slave owner's thread of coercive force was always behind the debate. If after the debate, the slave-owner says, "Ok, now get back to picking my cotton, or I'll whip you," that does not show that discourse ethics is invalid. Such is not an argumentative justification for the initiation of aggression.

Using another situation, if a robber is stealing money from a victim, the victim can argue that's wrong, and the robber can respond. The robber can create all kinds of arguments for the non-immorality of robbery. However, they are then utilizing peaceful means. At best, they can convince their victim to voluntarily give up their money – in which case it is *not* robbery! However, they cannot use argumentation to convince the victim that robbery is right, as argumentation is contradictory to the action of robbery; all they can do is give up on argumentation, and bludgeon their victim. Ultimately, all arguments for the use of coercive force come down to that. Arguments for the use of coercive force are games, not civilized activities; because if it comes down to it, and the person arguing for the initiation of aggression really believes in such, they will just bludgeon their intellectual opponents.

Action Ethics, and Of Cows and Men

There is also a peculiar contradiction about the idea of trying to convince someone that it is ok to rob him, or initiate aggression against him. Such an argument attempts to convince someone that it is morally justifiable to take money from him without his or her consent. Yet, what about when the person arguing for robbery, or some other initiation of aggression, actually puts him- or herself in the position of the robbed, or the victim? He or she can voluntarily agree to give their money to the robber, in which case it *is not robbery* at all.

Alternatively, he can refuse to give his money to the robber, in which case his actions suggest that he thinks robbery is not right – that is, he resists his money being forcibly taken from him.

It is *logically impossible* for someone to demonstrate in action a *preference* for someone else to rob him (or a preference for any other initiation of aggression); it is impossible for anyone to demonstrate that this is a preferred normative ethical value. This is because proposed norms have to be universalizable; otherwise, they are meaningless; thus, any proposed norm must apply to all parties of an interaction. Furthermore, norms are a guide for personal conduct. Thus, if the person proposing a given norm cannot conceivably demonstrate his *preference* for that *norm in action* – from all sides of the interaction to which the norm pertains – the norm *cannot* be correct.

It is possible for someone to demonstrate their preference to rob from *someone else*; however, as normative ethical positions must be universalizable, this position is invalid as a proposed norm. Because a normative ethical code is a guide to how people should act, it is only meaningful if it is universalizable. Of course, if one can demonstrate differences in people that would affect how they should be treated,

there might be some arguments for treating some people differently (e.g., criminals). For example, there are clear differences between humans and cows, which is why it is fine for people to tax and enslave (that is, milk and herd) cows. The differences between the tax-collectors and the tax-payers are not such as the difference between cows and men.

Possible Pacifist Implications of Action Ethics

My argument seems to suggest that there is no way that someone could demonstrate his preference for the norm that he can coercively punish criminals against their will⁴. Someone can say that we should coercively force criminals to bear restitution/retribution. However, what if he commits a crime and faces punishment? He can accept such "punishment" willingly – in which case he is not being punished against his will, and he has not demonstrated preference that he be forcibly punished. Alternatively, he can refuse to accept punishment willingly, in which case he also has not demonstrated preference for coercively forced punishment.

However, by Kinsella's estoppel argument⁵, at the very least, he is estopped from objecting to his punishment; if he put up such an argument against punishment – that no-one can demonstrate their preference for being coercively punished – then his punishers can use that same argument against any would-be punishers of them. That said, clearly, even in the case of punishment, non-coercive punishment

⁴ As I'm sympathetic to pacifism, I don't have any problem with this.

⁵ Kinsella, S. (1996). "Punishment and Proportionality: The Estoppel Approach." Journal of Libertarian Studies: An Interdisciplinary Review 12(1): 51-73.

– i.e., voluntary submission by the criminal – is preferred to coercive punishment.

Does Action Ethics Only Show Hypocrisy?

As a final note, Murphy and Callahan may also take issue with what I claim is demonstrated by action, or not demonstrating by action. They may argue that a robber resisting robbery only shows that he does not want to be robbed from – despite any arguments for the legitimacy of robbery– and is a hypocrite. Thus, they might argue he is not demonstrating his moral preference for non-coercion. However, it is still impossible for him to demonstrate his preference to *be coerced*; thus, it is impossible for him to demonstrate the universalizability of coercion as a normative ethical principle.