

# REPLY TO MOSQUITO ON ISRAEL AND LIBERTARIANISM



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## Abstract

*Futerman, Farber and Block (2016B) make the case that the Israeli government is as compatible with libertarianism as is any other on the face of the earth. Mosquito (2018A, 2018B) is a critique of this contention. In the present paper Farber, Block and Futerman defend the position they have previously articulated. They reaffirm their contention that this only democracy in the Middle East has a legitimate government, insofar as these things go. The contention of course involves the legitimacy of land claims disputed between Jews and Arabs.*

**Key words:** Libertarianism, Israel, Palestinians, conflict

**JEL Category:** Q15

Mosquito (2018A) is an attempted refutation of Futerman, Farber and Block (2016B). Insofar as it goes, it is not an unreasonable rejection of this paper. In it, we attempt to apply libertarian theory (the non-aggression principle, NAP, along with private property rights based on homesteading)<sup>1</sup> to the dispute

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<sup>1</sup> See on this Hoppe, 1993; Huebert, 2010; Nozick, 1974; Rockwell, 2014; Rothbard, 1973, 1982

between Israel and the Palestinians. Our conclusion is that the government of this country is fully as justified as that of most nations, and more than some. This, we admit, goes rather against the grain, since the greatest libertarian of them all, Rothbard (1967), takes the very opposite position, and many very able libertarians, such as Mosquito, follow Mr. Libertarian on this matter.

Mosquito's (2018A) rejection of our thesis is not at all irrational on Mosquito's part since as even he admits he is: "... citing only from a summary..." That is true: Futerman, Farber and Block (2016B)<sup>2</sup> is indeed a mere "summary" of the much longer, and far more intense, Block, Futerman and Farber (2016A). In the former, we make all sorts of very controversial claims, and offer very little indeed of substantial backup for them. This, we do indeed supply, however, in the latter. Mosquito (2018A) is perhaps justified in rejecting, and harshly so, Futerman, Farber and Block (2016B). It is our hope in writing the present essay that he and all other potential critics will instead carefully consider, Block, Futerman and Farber (2016A).

We are not now going to attempt to refute each and every claim made by Mosquito (2018A) against our essay Futerman, Farber and Block (2016B). In our view, we have anticipated all his objections, and refuted them, in Block, Futerman and Farber (2016A). Instead, we will content ourselves by exploring, and deducing from, a premise shared by all five of us: Block, Futerman, Farber, Mosquito and Rothbard. To wit: that only 7% of the land claims made by the Jews vis a vis the Arabs is legitimate. That is, the Israelis are obligated, under libertarian principles, to give to

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<sup>2</sup> In Block, Futerman and Farber (2016A) we were extremely complimentary to Rothbard, even though we do not agree with him on this matter. We described him as our "mentor" and ourselves as "Rothbardians," and now reiterate those claims. However, in that essay we used the phrase "simply absurd" to describe this author's viewpoint. We greatly regret this error of ours. As far as we are concerned, if Rothbard claims that  $2 + 2 = 5$ , this is not "simply absurd" even though it would indeed be correctly characterized in that manner for lesser mortals.

the Palestinians, forthwith, 93% of the land under contention.<sup>3</sup> This exercise, we claim, has never before been mentioned, let alone seriously considered, in any of the voluminous literature concerning this territorial dispute.

Suppose Israel had started in 1948, with exactly 7% of the land that Rothbard, and following him, Mosquito, concede was legitimately-owned Jewish land. Let us now engage in a bit of contrary to fact history. What would the Arab reaction have been to this "legitimate" state of Israel? It is not too great a leap into the dark to posit that they would have reacted under this science fiction type assumption in exactly the same manner they actually did at that time. That is, the nations of Syria, Egypt, Saudi Arabia, Jordan and Lebanon would have attacked this fledgling new nation. Perhaps, even more avidly, since this "legitimate"<sup>4</sup> nation would have been even weaker.<sup>5</sup> The Arabs regarded the Jews as a viper in their bosom. Evidence for this contention lies in the numerous riots and pogroms staged by the former against the latter long before the creation of the Jewish state in 1948.

Let us extrapolate from the Kurdish attempt to set up a Kurdistan in parts of Turkey and Syria; from the Catalanian attempt to secede from Spain; from the reaction of the British to the attempt of the 13 colonies to leave their kingdom. How did the host countries, the mother nations, react to these secessionists? With force and violence.<sup>6</sup> Is it possible to make the case that the

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<sup>3</sup> Needless to say, we consider this point only arguendo.

<sup>4</sup> Scare quotes to indicate that all five of the contending parties agree that Israeli territory should extend at least to 7% of what it included in 1948. "The partition plan granted the Jews, *who had a negligible fraction of Palestine land*, almost half the land area of the country" (emphasis added) (Rothbard, 1967, 24). But this author admitted that "The Jews bought nearly 9% of the land, and homesteaded it..." (Block, Futerman & Farber, 2016A, 487)." As noted in the title of our paper, Israel is 7% legitimate" (Mosquito, 2018A).

<sup>5</sup> At least in terms of extent of territory.

<sup>6</sup> The Canadian response to the attempt of Quebec to set up its own country is an honorable exception to this general rule. No armies sweeping in, as in the case of the Kurds, or the Americans in 1776. Democratic elections were allowed, as they were not for the Catalanians in Spain.

Arabs hated the Jews much more viciously than did the Spaniards the Catalonians, the Turks and Syrians the Kurds, the British the Americans? Yes, although we admit we have no hard and fast evidence to back up this claim.<sup>7</sup> Still, we can speculate. When we do, we conclude that armies from Syria, Egypt, Saudi Arabia, Jordan and Lebanon would have violated the small<sup>8</sup> but legitimate state of Israel.

Stage two in our path down this path of alternative history is this: Who would have won this contrary to fact war? We posit that the Jews would have emerged victorious this time as well, since they were in effect a first world people, and the Arabs were not.<sup>9</sup> In addition, the victory of the Arabs would have meant, probably, the slaughter of each and every Jew in the area. This is not hard to posit given that the near entirety of European Jewry had just been annihilated 3 years beforehand, and that Arab leadership at the time was threatening to do the same to the Jews in Palestine.<sup>10</sup> That the Jews took the threat seriously this time in actual history is certainly not surprising. Annihilation of all Arabs would not have been at all the case had the fictitious Jews won in 1948; nothing like this genocide took place in the actual war of independence.

Moving back to actual history for a moment, no side contends that the Palestinians, who before 1967 simply called themselves Arabs, were annihilated by Jews in the millions after the events of 1948. They were not. Would all Jews who lived in Palestine have been annihilated had they lost the actual war? We contend that yes, they would have been. This in and of itself makes the State of Israel a defensive State, insofar as states go. Its existence stops genocide of Jews by Arabs.

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<sup>7</sup> Before the secessions, have the Spaniards held pogroms against the Catalonians? No. Had the British treated the Americans in this despicable manner? Of course not. QED?

<sup>8</sup> We are still assuming 7% of the terrain actually controlled by the Israelis in 1948.

<sup>9</sup> Work with us here.

<sup>10</sup> See Block, Futerman and Farber (2016A), pages 444, 476, 503, 508 for references.

Third premise, deeply imbedded in libertarian theory with which we assume Mosquito agrees with as a libertarian: when army A unjustifiably attacks country B, and the forces of the latter take over the territory of the former due to the (defensive) fighting, they may keep it.<sup>11</sup> They won it fair and square. If A does not want to be relieved of part of its land holdings, it should not have unjustifiably invaded B in the first place. Had Israel started as a state on only 7% of the land that Mosquito holds was legitimately held by Jews, and had the Arabs then attacked, the Jews would have been justified, according to Mosquito, in defensively conquering everything that they now actually hold. That is, unless Mosquito believes the Arabs would have accepted a Jewish state on that 7% of land. We find this belief bizarre, if he in fact holds it.

What may we conclude from this contrary to fact conditional? What follows is that most of the land now controlled by Israel came to it not as the result of “massive land theft and expropriation from Arabs” but from the unwarranted belligerence of the latter. This point is heavily buttressed by yet another counter factual: Suppose that Israel had won the entire Sinai Peninsula in the war of 1967, which it in fact did, but instead of giving it up, kept it. Then we would have a gigantic greater Israel.

Now, if Mosquito wants to hold on to his view that “the State of Israel (is) ‘uniquely pernicious’ in that it was ... founded on

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<sup>11</sup> On libertarian punishment theory, see the following: Block, 2006, 2009A, 2009B; Kinsella, 1996; Marjanovic, 2013; Morris, 1968; Nozick, 1981, pp. 363-373; Olson, 1979; Rothbard, 1998, 88; Whitehead and Block, 2003. In the view of Rothbard (1998, p. 88, ft. 6): “It should be evident that our theory of proportional punishment—that people may be punished by losing their rights to the extent that they have invaded the rights of others—is frankly a retributive theory of punishment, a ‘tooth (or two teeth) for a tooth’ theory. Retribution is in bad repute among philosophers, who generally dismiss the concept quickly as ‘primitive’ or ‘barbaric’ and then race on to a discussion of the two other major theories of punishment: deterrence and rehabilitation. But simply to dismiss a concept as ‘barbaric’ can hardly suffice; after all, it is possible that in this case, the ‘barbarians’ hit on a concept that was superior to the more modern creeds.” If this does not justify relieving the Arab countries of their undeserved property, and thus greatly expanding Israel, then nothing does or can.

massive land theft and expropriation from Arabs” (Mosquito, 2018A), he would be well-advised to renounce his concession of its 7% legitimacy in land titles. But he is on record as taking up and supporting this very position.

As for Mosquito’s complaint that we are departing from strict libertarianism in arguing our point and that this itself is invalid, we hold that Mosquito does precisely the same. The fact that he holds that 7% of the State of Israel is legitimate, by the very title of his article, means that he, too, admits that he is departing from strict libertarian principles just as he accuses us of doing. Indeed, he is departing from the “*entire basis for the non-aggression principle*,” as he writes in a follow up post (Mosquito, 2018B) to his original critique (Mosquito, 2018A).

For this, he says he is “speechless”. Well, so are we. How can a libertarian claim that 7% of a state is legitimate from a libertarian standpoint? If Israel is a state, by which we mean a monopoly on violence in a given territorial area, then 0% of it is legitimate according to strict libertarian standards. Perhaps 7% of the land in the area was legitimately owned by Jews, but that does not make 7% of the *state* of Israel *qua state* legitimate at all, again from a strict libertarian standpoint.<sup>12</sup> But again, we are not arguing on the basis of strict libertarianism. Neither, we believe, is Mosquito.

We are simply responding to a Rothbardian claim that Israel is a “uniquely pernicious” state, by which Rothbard (1967) meant that it is relatively farther away from the non-aggression principle than other states. In order to assess which states are relatively farther from the non-aggression principle than others, we must depart from strict libertarianism and analyze a conflict in terms of groups (“tribes,” in our words) rather than individuals. There is simply no other way to take apart these sorts of relative claims.

To sum up our point succinctly: If 7% of Israel as a state is legitimate from a tribal standpoint (for there is no other standpoint from which to call it so) and the state was actually founded on this 7% of land, the Arabs would have still attacked.

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<sup>12</sup> To which this author seeks to hold us.

The Jews would have defended themselves, legitimately so, from Mosquito's own perspective. The Jews would have won, and all of present day Israel would now be legitimate through the principle of self-defense. The state of Israel then, cannot be "uniquely pernicious" as Mosquito and Rothbard claim.

Let us put this in other words. We risk repetition on the ground that if such an acute observer as Mosquito can misconstrue our analysis of the Israeli-Palestinian situation, others may well be misled as well.<sup>13</sup>

Mosquito (2018B) fails to reckon with the fact that all anarcho-capitalists, including himself, do exactly what he accuses us of doing: stepping outside of strict libertarianism. At the very beginning of our paper (Block, Futerman and Farber, 2016A) we attack the government of Israel, since it is a state. But, then, we loosen our affiliation to this strict libertarian perspective so that we can step into the real world debate between states. If we followed Mosquito's implicit advice, we could not have done any such thing. We would have been limited to saying that all governments are evil.<sup>14</sup> Rothbard (1967), explicitly eschews this policy. We follow Rothbard on this as we do on so much else. In adopting our "tribal" analysis, we are doing the same thing: eschewing pure libertarianism, so that we can enter the muddy waters of the debate now raging between Israelis and Palestinians and their respective supporters.

Here is what Rothbard (1967) said about this issue. These words appear at the very beginning of his essay; we highly recommend them to Mosquito:

"The trouble with sectarians, whether they be libertarians, Marxists, or world-governmentalists, is that they tend to rest content with the root cause of any problem, and never bother themselves with the more detailed or proximate causes. The best,

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<sup>13</sup> Also, we are attempting to convert Mosquito, a pre-eminent libertarian theorist, to our way of looking at this matter.

<sup>14</sup> This is undeniable, but would prohibit us from commenting on Rothbard (1967) in any relevant manner.

and almost ludicrous, example of blind, unintelligent sectarianism is the Socialist Labor Party, a venerable party with no impact whatsoever on American life. To any problem that the state of the world might pose: unemployment, automation, Vietnam, nuclear testing, or whatever, the SLP simply repeats, parrotlike: 'Adopt socialism.' Since capitalism is allegedly the root cause of all these and other problems, only socialism will whisk them away, (sic) Period. In this way the sectarian, even if his spotting of the ultimate root cause should be correct, isolates himself from all problems of the real world, and, in further irony, keeps himself from having any impact toward the ultimate goal he cherishes.

"On the question of war guilt, whatever the war, sectarianism raises its ugly, uninformed head far beyond the stagnant reaches of the Socialist Labor Party. Libertarians, Marxists, world-governmentalists. each from their different perspective, have a built-in tendency to avoid hothering about the detailed pros and cons of any given conflict. Each of them knows that the root cause of war is the nation-State system; given the existence of this system, wars will always occur, and all States will share in that guilt. The libertarian, in particular, knows that States, without exception, aggress against their citizens, and knows also that in all wars each State aggresses against innocent civilians 'belonging' to the other State.

"Now this kind of insight into the root cause of war and aggression, and into the nature of the state itself, is all well and good, and vitally necessary for insight into the world condition. But the trouble is that the libertarian tends to stop there, and evading the responsibility of knowing what is going on in any specific war or international conflict, he tends to leap unjustifiably to the conclusion that, in any war, all States are equally guilty, and then to go about his business without giving the matter a second thought. In short, the libertarian (and the Marxist, and the worldgovernment partisan) tends to dig himself into a comfortable 'Third Camp' position, putting equal blame on all sides to any conflict, and letting it go at that. This is a comfortable position to take because it doesn't really alienate the partisans of either side. Both sides in any war will write this man off as a hopelessly 'idealistic' and (sic) out-of-it sectarian. a man who is even rather lovable because he simply parrots his 'pure' position without



informing himself or taking sides on whatever war is raging in the world. In short, both sides will tolerate the sectarian precisely because he is irrelevant, and because his irrelevancy guarantees that he makes no impact on the course of events or on public opinion about these events. No: Libertarians must come to realize that parroting ultimate principles is not enough for coping with the real world. Just because all sides share in the ultimate State guilt, does not mean that all sides are equally guilty.”

In contrast to Mosquito, the present authors do not wish to “isolate ... (ourselves) from all problems of the real world.”

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