

## *Shooting Looters*

**T**he great debate that raged during the post-King-funeral riots, and will continue to rage in the wave of ghetto rioting this summer, is: Should looters be shot?

Many defenders of property rights are backing the position of Chicago's Mayor Richard Daley that looters would be shot by the police, and are criticizing such officials as New York's Mayor John Lindsay, who maintains that his police will not shoot children for looting stores. The issue is being posed: the lives of the looters vs. the property rights of the merchants.

Those libertarians who favor maximum force to stop looting had best reconsider their position. Would they, for example, favor executing a young lad who steals an apple from a fruit stand? If not, why not? Are not property rights sacred?

The confusion here comes not from a disagreement on the right of the merchant to his property, but from an absence, among libertarians, of a well-thought-out theory of punishing invasions of that property right. Among those who have thought about this problem, there is a division of opinion; some libertarians oppose any use of force, even in self-defense. While I deeply respect this position, I do not agree with it. I believe that everyone has the right to use violence in defense of his property against invasion, but *only* in some kind of proportion to the crime itself. Any punishment must be limited to being proportionate to the crime; in the old

phrase, "let the punishment fit the crime." Therefore, if a man is attacked by a criminal and his life is in danger, he has, in my view, a perfect right to defend himself by any means necessary, up to and including the killing of the attacker. But if a merchant sees a kid running off with his apple, he has no right whatever to shoot that kid, because that would be tantamount to capital punishment for a minor property offense; the punishment would be grossly disproportionate, to such an extent that the merchant himself would then be an invader of the right of the looting kid to his own person and his own life. The merchant would then be an unjustified murderer.

Hence, the use of lethal weapons in self-defense, or in defense of others, is only morally justifiable if the victim's life is in danger. If it is not, then such excessive violence is in itself just as criminal and invasive of the looter's right to life as is any other capital crime.

Every man, then, has a moral right to his own property, which *includes*, and includes above all else, his property in his own person and life. When a man invades the property right of another, he only loses his own rights *to the extent* that he has invaded the similar right of his fellow man.

Therefore, shooting looters, whether by the merchant himself or by the police, is absolutely impermissible. The right to life, after all, *is* more important than the right to own a camera or a color TV set, as important as the latter undoubtedly are.