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"NO TRESPASSING!"

by Gary North

Thou shalt not remove thy neighbour's landmark, which they of old time have set in thine inheritance, which thou shalt inherit in the land that the Lord thy God giveth thee to possess it (Deuteronomy 19:14).

The first principle of a Biblical covenant is transcendence. God is the Creator. How does this apply to man in his relation to the creation? Man is made in God's image. Therefore, man is a ruler over creation, too.

In the Old Testament, the guardians of God's holy sanctuary were the priests. This is why the Old Testament occasionally refers to the religious leaders as gods. "God standeth in the congregation of the mighty; he judgeth among the gods. How long will ye judge unjustly, and accept the persons of the wicked?" (Psalm 82:1-2). Men are rulers, or judges, over the creation.¹ I have said, Ye are gods; and all of you are children of the most High. But ye shall die like men, and fall like one of the princes" (Psalm 82:6-7). God's judgment was to fall on the religious leaders just as it was about to fall on princes. They all judged unrighteously.

Thus, men are to exercise their rulership over the creation, which is similar to the absolute rulership which God exercises over His creation. This is what the first principle of the covenant, the Creator-creature distinction between a transcendent God and dependent men, points to. Man is God's image and God's lawful representative on earth.

The Landmark

The landmark is what established the boundary lines of a particular family's property. We use a similar technique today surveying. When we apply this biblical law today, we make it illegal to tamper with court records that identify particular plots and their owners. We even have title insurance, so that if some irregularity in the history of the ownership of the property is discovered, and someone else can prove that he owns it, the initial buyer is paid for his loss by the insurance company.

The person who owns a piece of land has the right to exclude most people most of the time. There are a few exceptions to this rule. In emergencies, the police, as officers of the court who have been issued court orders or warrants, have the legal right to intrude on otherwise protected private property. But the owner has the legal right to keep people from coming onto his property most of the time.

The fence is a sign of this right, or the locked gate. The locked door on a home is another example. The idea is that "a man's home is his castle"—a legal fortress which must be respected.

Excerpted from Chapter Six of Gary North's forthcoming book in the Biblical Blueprints Series, *Inherit the Earth*.

When some property owner sticks a "No Trespassing" sign at his gate, or somewhere inside the boundaries of his property, his wishes are legally enforceable. He has the legal right to keep people off his property. The legal right to exclude someone from using your property is the essence of all ownership.

There are limits on this right of exclusion. For example, Biblical law says that a traveller who walks along the highway has the right to pick food from privately owned farms. He does not have the right to place the food in baskets or in the folds of his garment, but he has the right to whatever he can carry away (Deuteronomy 23:25). Jesus and His disciples picked corn on the sabbath, but the Pharisees didn't criticize them for stealing, only for taking corn and rubbing it together on the sabbath (Luke 6:1-5).

Nevertheless, there are only a few cases of such exceptions to exclusion. Property ownership is supposed to be widely dispersed in a Bible-based society, and this means that many people are to have near-exclusive use of their property.

Obviously, the principle of boundaries and the right of exclusion applies to other forms of property besides land. Therefore, we need to consider the concept of the boundary.

The Original Boundary

God set Adam and Eve in the garden. "And the Lord God took the man, and put him into the garden of Eden to dress it and to keep it" (Genesis 2:15). What does "to keep" mean? It means to keep something away from someone else. To keep the garden away from whom? From the intruder, Satan. They were to maintain it under God's authority as His appointed agents.

This means that they were required to put a kind of "No Trespassing" sign inside the garden against all those who would challenge the law of God. Satan then came to them and tempted them to disobey God, to accept the devil's interpretation of the law rather than God's.

What was the law's requirement? That they respect the boundary God had placed around the tree of the knowledge of good and evil. It was "off limits" to them. They could not touch it or eat it. It didn't belong to them.

God had excluded them. This pointed to His position as the original and ultimate owner of the property. It reminded them that they were under God's rule. They were His subordinates. But it also served to remind them of their responsibilities as keepers of the garden. They, too, were to serve as guardians. They were to keep out any intruder. Because God, as supreme and absolute owner, could legally keep them away from His property, so they were given power by God's law to keep Satan away from their property (meaning God's

property which He had entrusted to them).

The moment that they stole God's property by invading the forbidden boundary, they had in principle abandoned the garden, as well as the world outside, to the devil. If they could rightfully assert their power by violating God's property, then Satan could rightfully violate their property, too. If they were not willing to honor another owner's right to exclude them, to what law could they appeal to enforce their property rights? They had violated the rights of the cosmic Enforcer. Who could then enforce their claims against Satan?

By accepting the legitimacy of theft, they became the victims of the greatest thief in the universe. By accepting this cosmic thief's interpretation of God's property rights, they thereby placed themselves under Satan's moral (immoral) rule. They acknowledged their belief in his view of biblical law. What could they say against him after their act of rebellion?

Exclusion: Property

God then came to judge them all. He threw them all out of the garden: Adam-, Eve, and Satan. Humans would no longer be given physical access to the tree of life, the source of eternal life (Genesis 3:22-24). He placed angelic beings and a flaming sword at the entrance in order to keep them out. His property's boundary was marked by a "No Trespassing" sign of real power. He would no longer rely on their self-discipline to keep them away from His property. He imposed immediate punishment.

God didn't abolish private property when He cursed Adam and Eve. On the contrary, he reinforced it. The garden itself testified to the legitimacy of "No Trespassing" signs. Before their rebellion, the tree of the knowledge of good and evil had been temporarily prohibited. Now the entire garden became permanently prohibited. God did not abandon the principle of "No Trespassing"; He actually reinforced it by placing angelic guards and a flaming sword as restraining factors.

Thus, men still retain the right to exclude others from their property. They too can call upon the civil government to impose physical or other sanctions against those who violate their exclusive ownership, just as God called upon His angels to enforce His exclusive ownership.

Dominion relies on exclusion. Individuals are placed in authority over property, and they are held legally accountable by God for the administration of this property. If they misuse their property (for example, if they use it as a weapon) and violate other people's use of their property, then they are held legally accountable by the civil government and by church government if they are church members.

Not only are they legally accountable, but they are also economically accountable. They are held economically accountable by consumers. If they refuse (or are unable) to use their property in an efficient (low-waste) manner to meet market demand, they suffer losses. Ownership is a social function.

The first time that civil authorities allow thieves to have their way in the community because the State refuses to punish them, or refuses to require convicted criminals to repay their victim (Exodus 22), the State has begun to weaken the defense of property. If citizens encourage their political representatives to vote away the property of others, they themselves have become partners in the crime. Socialism and other kinds of political wealth redistribution are forms of theft. Why? Because the State is violating the right of present property owners to legally exclude other people from the use of their property or the fruits of their labor and property. The State begins to exclude rightful owners from their own property.

Exclusion is inescapable. The question is: Who will exclude whom, and on what basis? Will power rule, or will God's law? Will Gods law determine who should be excluded, or man's law?

Redeemed men are to increase their authority and dominion. They are to progressively exclude Satan's followers from positions of authority, in every area of life. How is this to be done? Not by the exercise of power, but by the exercise of following God's law. Redeemed men are to compete. They are to get rich through productivity. They are to give money away, in a grand exercise of charity. They are to run for political office, especially at the local level, where the Bible says that primary civil responsibility is to be located. They are to bear more and more responsibility in every area of life. Power flows to those who bear responsibility.

In short, the exclusion of the unrighteous from positions of public power is to be accomplished through the enforcement of biblical law. First and foremost, by the Christian's self-government under biblical law. Second, by Christians gaining majority political support among the voters in favor of biblical law. Third, by enforcing biblical law publicly. This means the steady and systematic replacement of today's humanist judges with judges who agree to enforce biblical law.

Let us make no mistake: Christian dominion necessarily involves the exclusion of anti-Christians from positions of public power. This is in part a political process. It is abottom-up process, not a top-down process. But there must be winners and losers politically. Our goal as Christians is to make political and cultural losers out of the humanists and satanists. We must do this through better performance, better organization, and the blessings of God.

Exclusion: Marriage

The eighth commandment is very clear: "Thou shalt not commit adultery" (Exodus 20:14). The tenth commandment is also very clear: no man is to covet another man's wife (Exodus 20:17). (This law also applies to wives who covet other women's husbands.) The sanctity of marriage is to be preserved by all of God's covenantal authorities: church, State, and family. All three institutions are to impose punishments (sanctions) against those who violate marriage by committing adultery.

This is very clearly a case of the right of exclusion. It is a lifetime "No Trespassing" sign at the bedroom door. Most people who favor a mild form of socialism – the so-called welfare State–would probably admit that the exclusionary aspect of marriage is not the same as the exclusionary aspect of private property. They would say that the right to exclude others is legitimate when it comes to personal relationships, but not with respect to economic goods.

Yet it is interesting to note that as the philosophy of the welfare State has become widespread, divorce and adultery have also become commonplace. Is this merely a coincidence?

Marxian Communism

In 1848, Karl Marx and Frederick Engels published the famous

In Part II of that book, they freely admit: "In one word, you reproach us with intending to do away with your property. Precisely so; that is just what we intend." On the next page (of my English-language edition) they go on to call for the abolition of the family. They are --- careful not to call for this openly (they were writing a popular tract), but they say that "bourgeois marriage," meaning one man-one wife, is in fact corrupt because there is adultery in society. Therefore, Communism only has to admit what is already supposedly the case: "a system of wives in common." They say: "The Communists have no need to in-

roduce the community of women; it has existed from almost time immemorial." This is nonsense historically; it makes a weak excuse for this evil aspect of Communism.

Engels himself later made this remarkable observation: "It is a curious fact that in every large revolutionary movement the question of 'free love' comes to the foreground." Of course it does: what the revolutionaries hate is Christianity's principle of legal exclusion. What they hate is Gods right to exclude them from eternal life, and every aspect of exclusive legal rights points to the legal right of Gods people to enjoy God's favor on earth and in eternity.

It should not be surprising to learn that Engels never married and had several mistresses, and that Marx seduced his wife's lifetime maid (yes, "Dr. Communism" had a full-time, lifetime servant) and was the father of her illegitimate son, Fred Demuth.¹

During the first two decades of Communism in the Soviet Union, there was free love, widespread abortion, and easy divorce. Then, in the mid-1930's, Stalin saw what was happening to the family. Birth rates dropped, production sagged, and Communist society was beginning to disintegrate. He reversed the earlier free love doctrines and drastically strengthened the State's enforcement of family ties. That decision saved the Communist experiment.

In 1965, just a few months after the removal of Nikita Khrushchev, the Soviet Union again reversed itself at the same time that the whole non-Communist Western world also reversed itself, and began to introduce family planning (mainly by cheap State-funded abortions). The Bible speaks of the dog who returns to its vomit (2 Peter 2:22); so also do socialist societies eventually return to anti-family practices. They hate the idea of the right to exclude, in every area of life.

But the concept of exclusion is inescapable. The socialists and humanists want people to exclude babies from life. They want people to "keep their gardens" away from crying infants. Again, it is not a question of exclusion vs. no exclusion. It is always a question of who excludes whom, and on what basis.

Exclusion: Adoption

We have all heard horror stories about how a family adopts an unwanted child, and later on the biological mother changes her mind and decides that she wants "her" child. She goes to court and gets some God-hating judge to award her custody of the child. The police accompany the "mother" and hand the child over to her.

Consider the anguish of the parents. They have invested love on that child. Their emotional commitment is very great. They have thought of themselves as responsible guardians of that child, and yet the biological mother's preferences are honored. She wins back the child, despite the child's protests and the parents' protests. Adoption – Gods covenantal solution to the sins of man (John 1:12)—is considered second-rate parenthood by the humanistic judges of a society that faces God's judgment.

To avoid this sort of horror, parents hire lawyers (at high fees) to insure that the original mother cannot do this to them in the future. State-licensed adoption agencies go to great lengths to conceal the name of the biological mother from the adopting parents, and equally great lengths to conceal the name of the adopting parents from the biological mother. Without these legal assurances, adoptions become too risky.

The same is even more true of God's legal adoption of us, redeemed humanity. He gives us the power to become His sons (John 1:12). Once this adoption takes place, Satan

cannot challenge God's legal claim as Father to His people. This is why Paul could write: "Who is he that condemneth? It is Christ that died, yea rather, that is risen again, who is at the right hand of God, who also maketh intercession for us. Who shall separate us from the love of Christ? Shall tribulation, or distress, or persecution, or famine, or nakedness, or peril, or sword?" (Remans 8:34-35). He then answers his own rhetorical question: "For I am persuaded, that neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature, shall be able to separate us from the love of God, which is in Christ Jesus our Lord" (Remans 8:38-39).

God has exclusive claims on the lives of all people. As limited creatures, none of us has an unlimited claim on anything or anyone, for only God has unlimited claims. But we do have legitimate limited claims on each other: as marriage partners (1 Corinthians 7:4-5), as parents (Exodus 20:12; Ephesians 6:1-3), as church members (Ephesians 5:21), and as citizens (Remans 13:1-7).

These claims are defined and described by Biblical law. They are therefore protected relationships. We are speaking of legal protections for mutual ownership (exclusion). For example, parents cannot legally beat their children to death, but they can legally impose physical punishment, and the Bible insists that they must. A parent who refuses to do this hates his child (Proverbs 13:24). (Look up the listing of the word "rod" in especially in the Book of Proverbs.) So the State has some degree of control, but it is minimal. It can protect a child's life—a legal boundary, or legal exclusion— but not his behind. It cannot legitimately prohibit physical punishment of children by parents or by those who have been given legal power by parents to represent them in giving physical punishment (school teachers).

All socialists hate the idea that God excludes those who hate Him from eternal life. This division between saved and lost is horrifying to them. They do their best to exclude Christianity and its evil doctrine of Gods exclusive eternal favor to some (but not all) men. Wherever socialism is widely believed by the people, the church is persecuted, or at least discriminated against. Socialism is inherently anti-Christian, and Christianity is inherently anti-socialist.

Exclusion and Dominion

The model of adoption is basic to the model of property ownership. If God establishes mutual rights of exclusive ownership to other persons, how much more for the ownership of animals or objects!

The administration of property is a training ground for dominion. This means that certain people must be made legally and economically accountable before God and other men. They need the right to exclude other people from their lawful property if they are to become wise managers of that property. They also need this protection as an encouragement to make the heavy sacrifices necessary to make any project pay off. The sacrifices of owners in increasing their property are similar to the sacrifices of adoptive parents. Adoptive parents insist on (and need) the assurance that their position as parents will be upheld by civil law. So do property owners.

Property ownership is not to become some monopoly of an elite corps of State-appointed or State-elected officials, any more than parenthood is. It is not simply some distant bureaucracy which is to possess the exclusive right of keeping others from "State" property (meaning, ultimately, property controlled by the administrators). Every man is to be encouraged to become a property owner—a responsible steward before God. Decentralized property ownership takes advantage of the Biblical principle of the division of labor.

¹ Robert Payne, *Marx* (New York: Simon & Schuster, 1965), pp 265-67,

It is interesting that in communist societies, from Plato's utopian (nowhere) "Republic" to modern Soviet society, State officials have demanded parental rights over children. They set up day care centers and require working mothers to leave their children under State care. Furthermore, compulsory education in State-licensed schools is a universal aspect of the modern Savior State. Rushdoony was correct when he titled his book on State-financed education

of
(Craig Press, 1963). The State as Savior is the vision of progressive educators, as Rushdoony proves from their writings. A Bible-honoring Christian identifies compulsory State education as a form of legalized kidnapping.

Conclusion

God excluded Adam and Eve from the tree of the knowledge of good and evil. They, in turn, were to exclude Satan from the garden by pronouncing God's judgment against his lies, and waiting for God to return to the garden to judge him. Adam, Eve, and Satan were then excluded from the garden by God as a punishment. In the case of humanity, ~~this was necessary to exclude them from eternal life -on~~ terms other than God's gracious adoption. They were to be kept from the tree of life.

Property is scarce—land, skills, good will, and all other forms of salable wealth. This means simply that at zero price, there is more demand for scarce property than supply. Thus, every society must find ways to exclude certain people from control over specific pieces of property. There is no escape from the concept of exclusion. It is an inescapable concept. The two relevant questions are these: Who will exclude whom, and on what basis?

The Bible says that God excludes the lost at the day of judgment. It also says that the family and the economy are to be based on the right of individuals to own private prop-

erty and to exclude others from access to their family members and the property of the members. This outrages socialists, who want the State alone to possess this right of exclusion.

The Biblical principle of exclusion leads us to the following conclusions:

1. God, as the sovereign owner, excludes men from whatever He chooses to keep for Himself.

2. He chooses some for eternal life (adoption, John 1:12), and excludes others (Romans 9).

3. He delegates to men a limited legal power to exclude others in every area of life.

4. Redeemed men are to take dominion from Satan's followers in every area of life.

5. Redeemed men are therefore to exclude rebellious men from ownership in every area of life.

6. The means of lawful economic exclusion is productivity within a competitive market, not political force.

7. This power of exclusion operates in every area of life: family, church, State, business, education, etc.

8. Exclusion is basic to dominion: it is the training ground for personal responsibility.

9. Ownership (the right to exclude) of property is not to be violated by the State, just as the right to exclude others in marriage is not to be violated.

10. The State is not to become the single owner; therefore, the State cannot legitimately abolish private property.

11. Socialism is theft: the illegitimate exclusion by the State of lawful owners.

12. Socialism is therefore anti-dominion and pro-power.

13. Socialism is historically and theoretically anti-family.

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