

Storming the Global Castle: Property Defense, Dispossession, and the Legality of the 2026 Maduro Capture

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ABSTRACT

The research explores the legal and ethical implications of the U.S. capture of former Venezuelan President Nicolás Maduro in January 2026. The study examines the justification of U.S. intervention as a defensive measure against Maduro's ties to international narcotics trafficking and economic oppression against the Venezuelan peoples through comparing state actions to individual property law concepts such as the Castle Doctrine and proportionality. The paper acknowledges the moral merit in liberating the Venezuelans, but also recognizes the dangers of bypassing the United Nations' authorization, setting a precedent where militarial dominance can redefine offensive geopolitical actions as defensive measures.

INTRODUCTION

"On January 3, 2026, President Trump announced that the U.S. military had launched strikes across Venezuela that culminated in the capture and arrest of President Nicolás Maduro and his wife, Cilia Flores". (Seelke, 2026) They were extradited to New York bringing to culmination a seven-year campaign to remove Maduro from power. In individual property defense, concepts like ownership, proportionality, and accountability might deem that the capture of Maduro carried out by the U.S. was legally wrong. However, the context of the Venezuela crisis and international state law presents a more complex narrative. The U.S. framed this as a defensive measure, protecting its own national security and the Venezuelan people from oppression, economic crises, and illegal drug trafficking (Human Rights Watch, 2024).

The U.S. states that Maduro has been oppressing Venezuelan citizens, abusing their national resources like oil, and importing drugs illegally to the U.S. Thus, in response to the Venezuela crisis, the U.S. began applying various defensive measures such as sanctions and diplomatic pressure, but their actions quickly turned offensive once Trump began seizing oil tankers, conducting Operation Gideon in 2020, and eventually the arrest of Nicolas Maduro. Such events disrupted Venezuela's international sovereignty, the legal, functional, and territorial characteristics of an independent state (Crawford, 2006). However, as the actions of the U.S. were not directly authorized by international organizations, their rationale was framed by themselves, meaning that the U.S. deemed that they were under threat and their own actions were necessary, proportional, and just. In any scale of law, a stakeholder cannot judge their own doings as this creates a world where more powerful nations are able to decide that they have been threatened by weaker states leading to a potential attack on their property (Kosovo Commission, 2000). Despite the U.S. not meeting all three foundational concepts to individual property defense, the actions of the U.S. were morally appropriate and rational due to Maduro's history of resorting to corrupt and oppressive means which threatened the national security of both Venezuela and the U.S.

INDIVIDUAL PROPERTY DEFENSE

Individual property defence relies on two primary pillars: proportionality and vulnerability. Proportionality dictates that the harm inflicted in response to the damage of one's property is appropriate and must align with the severity of the crime. On the other hand, vulnerability considers the circumstances that are specific to the victim and environment. Specifically, vulnerability consists of a series of components that are pivotal within property crime: access to law enforcement, involves the evaluation of emergency response times and nearest precincts; purposefulness or premeditation of property crime, crimes that are premeditated often warrant more severe retaliations; physical limitations such as perpetrators with disabilities, although unlikely, calls for less harmful responses and booby traps may be proportional for victims with physical limits; and minority populations, minority groups often face enhanced vulnerability due to historical discriminatory frameworks.

Aside from the two major principles of individual property law, necessity is another concept within the realm of property crime, encompassing the lenses of imminence and alternatives. When examining a property crime through imminence, it will be imperative to note if the crime has been

committed in an area with quick law enforcement response, usually urban, or slower response times, usually rural; oftentimes, in urban areas, there may be a lesser need to take action as law enforcement is easily accessible and vice versa. Conversely, actions in response to a property crime may have been prompted due to a lack of alternative actions varying with the victim's financial situation, geographical location, and lethality of perpetrator to victim's health.

To illustrate, the landmark case, *Katko vs. Briney*, highlighted the limitation of any property defense that abandoned judgement and proportionality. The defendant, Bertha L. Briney experienced a number of break-ins to her empty, ancestral farm over the course of ten years. Despite boarding up doors, windows, and clear signage, the intrusions continued. Ultimately, the defendant's husband set up a 20-gauge shotgun trap, which heavily injured the plaintiff, who was a young trespasser. The court eventually ruled that the homeowner was liable for the injuries inflicted on the plaintiff, because the automated shooting was not proportional to trespassing and burglary of an abandoned farm due to its high risk of causing fatalities (*Katko v. Briney*, 1971). When deciding the physicality of injury allowed, there should be a certain level of human judgement involved; this precludes the use of booby traps because the trap will apply force indiscriminately, and is more likely to lead to fatalities. Although no one was disputing that *Katko* was not trespassing or that *Maduro* was a good leader, both cases consisted of a defendant who took rather aggressive courses of action in response. However, the difference is that *Briney* faced the court of law, which ultimately decided that her actions were unjust, while the U.S. did not face a judge which deemed that their actions were just. Thus, establishing if the sanctioning state has a legitimate rationale and is ultimately just will be pivotal to state property defense.

The *Katko v. Briney* case leads to another concept of individual property defense: the Castle Doctrine, which was established in 1604 in England. Its rationale is that unlike property damage to other possessions, if an individual's home is under threat, there is no other place to retreat to, i.e., "an Englishman's home is their castle" (*Semayne's Case*, 1604). Currently, the United States is one of the few nations today to continue to adopt the doctrine; however, the severity of force and other specifics vary between states. For instance, in 2008, Joe Horn saw his neighbor being robbed by two unarmed burglars in Texas, a state that had recently adopted the Castle Doctrine during that period. Horn ignored the dispatcher and cited the legal concept before shooting the burglars dead (Texas Penal Code, 2008). Circling back to the Venezuela crisis, the U.S. believes that, prior to the arrest of *Maduro*, their own national security was threatened due to the drugs imported illegally by *Maduro* and his allies. However, although one cannot claim the Castle Doctrine when threatening another individual's property, Trump justifies his actions by indicating the disarray within Venezuela itself. According to CBS, "*Maduro's* capture [sparked] joy" as the former president caused severe economic collapse, widespread poverty, and political repression during his 26 year regime (Reuters, 2026). However, there is a major discrepancy when directly comparing individual property rights to international conflicts regarding property. In contrast to individual property rights, attacks on states consist of far more factors. Thus, comparing a homeowner's shotgun trap and various other individual property rights to international economic sanctions may trivialize the complexity of foreign policy decision-making.

PROPERTY DEFENSE ON THE INTERNATIONAL SCALE

On the global stage, property refers to assets, land, buildings, and resources owned by the government (national, state, or municipal) for public use or benefit. Oftentimes, these resources are transferred between nations in the form of international trade in return for either other resources or financial assets. However, due to the geographical nature of specific nations in the world, some may rely heavily on a specific natural resource such as Venezuela who has amongst the largest oil reserves in the world with around 303 billion barrels (OPEC, 2023). The U.S. historically controlled the Venezuelan oil industry before the nationalization of the nation's oil industry in 1976, thus recognizing a pattern of U.S. interventions' correlation with resource-rich regions. Today, around 90% of Venezuela's exports involve the exchange of oil making the resource extremely crucial to their one-dimensional economy. Thus, when measuring proportionality of state property defense, it will be pivotal to factor the severity of the action on the perpetrator (ICRC, n.d.).

However, similar to the exchange of personal property, state property also has regulations which come in the form of sanctions; economic or political penalties, like trade bans or asset freezes, used by governments or international bodies to pressure a state to change their behavior – including breaches of international peace and security, occurrence of human rights violations, acts of corruption, proliferation of prohibited weapons, sponsorship of terrorism, and violation of international treaties. Aside from sanctions, governments can take further action in the form of international diplomatic pressure, political blockades, and military intervention. Diplomatic pressure encompasses the use of direct negotiations with state representatives, issuing of strong public statements, or expulsion of diplomats from international organizations, such as the United Nations, to express disapproval, ultimately pressuring the state to alter their behavior. After which, political blockades are much more forceful and are employed to suffocate a state by preventing all movement of people, goods, and communications in or out of the state, aiming to cripple their economy and war-making abilities. While wartime tools have been involved during periods of political blockades in the past, they have evolved becoming controversial due to severe humanitarian impacts. As a result, use of such weapons will result in military intervention. Use of military force can be authorized, typically requiring a mandate from the United Nations Security Council (UNSC), in cases with significant threats to international security.

Oftentimes, such behavior can be attributed to the state's history leading to their independence; whether that came from colonialistic methods or not. A state which has a history of colonialistic occupation will be affected or even harmed in their national identity, political stability, economic system, and overall societal structure. Moreover, there would also be impacts in terms of extraction of natural resources, or even the people who may have been taken from the independent power to enlist in the army, work, and serve for the colonialistic power. Thus, there would be two main elements: the first being whether or not independent power can get compensation or reparation for being colonized. The second main element is if they are justified in being more extreme in their level of defense due to such past trauma.

In the context of state property rights, the UN is used as a mediator between parties to maintain international peace and a bridge for communication between nations. The UN frequently achieves peace through diplomacy, using envoys, ambassadors, or diplomatic representatives; peacekeeping, deploying multinational troops to conflict zones; enforcement, imposing sanctions or authorizing use of military force through the UNSC; and humanitarian aid, critical aid provided by international agencies such as UNICEF and UNHCR to help nations suffering from crisis.

CASE STUDY: US-VENEZUELA TENSIONS

Recent tensions between the United States and Venezuela over oil tankers are a visible effect of their broader geopolitical conflict, highlighting the clash between U.S. sanctions policy and Venezuela's efforts to keep its oil-dependent economy alive. These incidents, which have occurred mainly since the late 2010s, revolve around the movement of oil and fuel by sea in defiance of U.S. economic restrictions.

After the U.S. imposed sanctions on Venezuela's state oil company, PDVSA, in 2019, Venezuela's ability to export crude oil and import refined fuel was severely crippled. The sanctions' purpose was to cut off revenue to Venezuelan President Nicolás Maduro's government by discouraging international companies, insurers, and shipping firms from doing business with Venezuela. As a result, Venezuela began doing business with alternative partners such as Iran which eventually led to discreet maritime practices to continue transporting oil. Eventually, these high-profile oil tanker movements drew the attention of the U.S. leading them to label these shipments as sanctions violations.

Despite U.S. warnings, Iranian tankers continued to deliver gasoline to Venezuela, causing the U.S. to take action by seizing fuel from other tankers en route to Venezuela, citing legal authority tied to anti-terrorism and sanctions enforcement. These seizures, often carried out without direct naval confrontation, emphasized the expansion of economic warfare into the maritime domain. For Venezuela and its allies, the tanker shipments were framed as acts of sovereignty and resistance; whereas for the U.S., they were portrayed as necessary steps to uphold the legitimacy of international sanctions.

The oil tanker situation illustrates the castle doctrine in the scale of nations; where in this case, the U.S. claims that they were enforcing and defending international sanctions against Venezuela which has been portrayed as the 'perpetrator'. However, an argument can be made that the actions of the U.S. are too severe for Venezuela's sanction violations as the seizure of their oil tankers will disproportionately harm the nation's entire oil-dependent economy. Specifically, around 90% of Venezuela's export revenue comes from oil, meaning such sanctions and seizures of resources may be extremely detrimental to their economy.

This series of events led to the recent capture of Nicolás Maduro and his wife on January 3rd, 2026. The U.S. believes that the arrest was well deserved as not only did Maduro steal the election, proven by political experts worldwide, but both Maduro and his wife were also deemed "two alleged international narco traffickers" by Attorney General Pam Bondi in a post on X hours after the two were captured (Bondi, 2026). However, many other critics argue that it may not be in the U.S.'s place to

meddle in Venezuela's domestic situation by seizing oil tankers and kidnapping their president. Their actions have both set a precedent that other countries are able to commit the same actions as the U.S. Eventually, states may use the standard as a ploy to gain geopolitical or economic benefit.

Similar to the concept of the Castle Doctrine, Trump's rationale for capturing Nicolás Maduro was to protect the U.S. against the drugs imported from Venezuela which was allegedly authorized by him. Conversely, the U.S. cannot claim "Castle Doctrine" while storming someone else's castle in the form of capturing Maduro. Originally, the Venezuelan crisis began in 2013 when Maduro was elected as the president. In 2014, then-U.S. President Barack Obama, signed the Venezuela Defense of Human Rights and Civil Society Act of 2014, imposing sanctions on Venezuelan individuals deemed responsible for human rights violations during the 2014 Venezuelan protests (Venezuela Defense of Human Rights and Civil Society Act, 2014). These sanctions were amplified in the period from 2014, which consisted of Venezuela asset freezes and visa bans, to 2017, prohibiting Venezuela access to U.S. markets, due to further demonstrations and repression. Subsequently, in 2018, Nicolas Maduro was declared the winner with around 67% of the vote consisting of a low reported turnout – around 46% (CBC Staff, 2018). After which, the main opposition coalition party boycotted the election, saying that the nature of the vote was unfair due to major Venezuelan leaders being jailed, exiled, or barred from running. The series of events attracted the attention of international organizations and observers such as the European Union and Lima Group, describing the election as lacking essential democratic guarantees and guarantees. Furthermore, many also noticed that Venezuela's National Electoral Council (CNE) and judiciary were widely seen as controlled by Maduro's allies, which critics say undermined fairness. The U.S. claimed that in response to Maduro's actions in 2018, they needed to expand the sanctions further which blocked purchase of Venezuela debt. However, despite such actions by the U.S., Maduro continued to resort to corrupt means.

Similar events occurred in the 2024 Venezuelan election, where obscurity and electoral integrity concerns were raised again by international observers. Although the supposed results stated that Maduro won the election narrowly by 1-2%, critics believed that the election was not free and fair due to several series of reasons (Chacon & Seelke, 2024). For instance, there was a lack of transparency and independent verification as the CNE did not publish detailed and verifiable results at the polling-station, key for independent confirmation of votes. Moreover, critics from the Carter Center and United Nations technical teams concluded that the election did not meet international standards of electoral integrity, thus, could not be considered democratic (United Nations, 2024). In October 2023, just before the election, the Biden administration eased certain U.S. sanctions on Venezuela's oil, gas, and gold sectors in return for commitments to release political prisoners and ensure free elections in 2024. However, in April 2024, most of those sanctions were reinstated after the U.S. State Department concluded that the Barbados Agreement's conditions for fair elections had not been met (The Carter Center, 2024).

During Trump's second administration in 2025, the U.S. decided to commit more drastic actions by seizing oil tankers due to Venezuela's violations of the sanction, which eventually led to the capture of Maduro and his wife in 2026. Although oil is Venezuela's most valuable trade resource, Trump's confiscation of their tankers was an ethically rational decision as there was a build-up in the severity of actions. Specifically, sanctions led to oil transportation seizures which resulted in the arrest of the

president for his previous crimes. In the context of the Venezuelan crisis, the U.S.'s usage of sanctions does not increase international tensions drastically, reducing the risk of international condemnation, while applying enough incentive for the sanctioned nation to possibly alter their behavior. The build-up of diplomatic pressure provided Maduro with a series of opportunities to withdraw from his oppressive political behavior.

INTERNATIONAL VS INDIVIDUAL PROPERTY LAW

To evaluate Trump's actions, it is naive to use individual property laws as a rule of thumb for state property laws as states are much more complex, thus involving a greater number of varying factors. To illustrate, if a perpetrator breaks into an individual's home and they are shot, the act is permanent. Whereas, in an international setting, if the U.S. imposes sanctions on Venezuela, the act is reversible, which is oftentimes argued as a characteristic for less severe actions.

Furthermore, the scale of impact is much different as individual actions of property defense only affects the perpetrator, in contrast, state actions will affect an entire nation composed of millions of civilians. For instance, the seizure of oil tankers significantly harmed the Venezuelan economy negatively impacting the 28 million non-combatants in the state. While confiscating oil transportation was morally correct as Venezuelan sanctions from the U.S. began in 2013 with years of incentivizing Maduro to stop his corrupt behavior, in an individual property legal aspect, the U.S. cannot claim "Castle Doctrine" as on January 3, 2026, they violated Venezuela's international sovereignty through arresting their president on the nation's home land.

Another factor which contrasts between the two property rights is the time for deliberation. When a perpetrator breaks into one's house, the homeowner is expected to make split-second decisions, but, due to the nature of government, state property defense involves more time for deliberation for all actions, meaning all behavior is pre-meditated.

Similar to individuals who are stronger or physically equipped to defend themselves, states with larger economies or military resources should also be expected to restrain themselves when 'defending' themselves against smaller economies. In this case study, the U.S. had the larger economy and military, and appropriately restrained their power when seizing oil tankers and arresting Maduro.

WHAT WERE THE RIGHT ACTIONS?

When the U.S. seized the oil tankers, they were doing so due to a variety of reasons, of which the most prominent being Venezuela's violation of U.S. sanctions which greatly limited oil export options for Venezuela. The sanctions were imposed because the U.S. originally claimed that Maduro's government was not preventing the imports of drugs into their nation, which then changed to Maduro being an alleged narco trafficker and illegally sending narcotics into the U.S., therefore harming the nation's citizens. This led them to subsequently enforce sanctions in hopes of changing the Venezuelan government's behavior.

Such actions committed by the U.S. was fair as they resorted to using a buildup of actions, starting with the less severe actions such as sanctions. The arrest of Maduro was the last resort as Venezuela has resisted previous acts of defense. However, despite this, there is a main concern of setting the precedent of allowing other nations to commit the same actions as the U.S., except for their own benefit, by bending their true intentions into an illegitimate rationale. Instead, the U.S. should have resorted to more authorization and credibility from the United Nations. Through taking authorized action, the U.S. would not set a precedent that would allow states with larger economies and militaries to impose on the sovereignty of another nation.

CONCLUSION: DOES IT MATTER?

In comparison to individual property law, the international counterpart is much more ‘grey’, consisting of many different factors and being far more flexible. However, the ambiguous nature of international property law does not mean that it is necessarily bad. When a perpetrator commits active dispossession, there is a definitive legal system to penalize the criminal for their actions and compensate the victim. In international law, property seizure may masquerade as self defense, and the lack of a supreme international regulatory system makes these definitions highly subjective (Dinstein, 2019). For the Venezuelan people, the ‘grey’ area of international property law allowed for an outcome that was legally questionable under the Castle Doctrine but morally appropriate (Independent International Commission on Kosovo, 2000), as “Maduro’s capture sparks joy” and celebration among Venezuelans after the capture (Reuters, 2026).

Conversely, the capture of Maduro in early 2026 serves as a sharp illustration of the lack of limitations on a dominant state’s power when it acts outside the rules of the United Nations (UN Charter, 1945). When the U.S., or other powerful nations, frame its own rationale for intervention, they effectively void human judgement required in a court of law. Then, they would move towards an escalating series of actions, such as when the U.S. moved from sanctions to seizures due to Venezuela’s resistance to previous acts of defense.

On a broader scale, the significance of the Maduro arrest is prevalent in the dangerous precedent the U.S. sets for nations across the globe. Through bypassing the UN as a mediator, the U.S. established a standard where states with larger economies and militaries can decide when a neighbor’s internal disarray justifies storming their castle. While the actions of the U.S. may be ethically rationalized by the liberation of the suffering Venezuelans, it opens the door for other nations to use illegitimate rationales to hide their own geopolitical or economic aim (Buchanan, 2011). These precedents will cause future conflicts to be no longer governed by the search for proportionality or necessity, but rather the search to brand offensive geopolitical intents as defensive maneuvers, potentially transforming the ‘grey’ of international property law into a permanent fog of war, where might becomes right.

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