

Getting Self-Ownership in View

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Abstract: The thesis of self-ownership has been criticised on various grounds: that it assumes an indefensible mind-body dualism; that it objectifies and/or commodifies the self; that it is excessively individualistic; that it fails to recognise reasonable positive obligations to others; and that it licenses objectionable contracts, including slave contracts. I argue that all of these criticisms are mistaken. I conclude, further, by arguing that the natural economic implementation of self-ownership resembles neither the capitalist market championed by many right-wing libertarians nor the common-resource model championed by libertarians of the Otsuka-Steiner-Vallentyne variety.

Setting the Stage

The thesis of self-ownership has been criticised on various grounds: that it assumes an indefensible mind-body dualism; that it objectifies and/or commodifies the self; that it is excessively individualistic; that it fails to recognise reasonable positive obligations to others; and that it licenses objectionable contracts, including slave contracts. While I won't offer a positive case for self-ownership here, I will argue that all of these criticisms are mistaken. I'll conclude, further, by arguing that the natural economic implementation of self-ownership resembles neither the capitalist market championed by many right-wing libertarians nor the common-resource model championed by libertarians of the Otsuka-Steiner-Vallentyne variety.

Let me begin, though, by specifying what I understand by "self-ownership." I take the thesis of self-ownership to be a (natural or moral, rather than legal or conventional) property rights thesis; and if a property rights thesis, then a rights thesis. While the concept of rights is used in a variety of ways in ordinary language, in the context of political philosophy it generally has two components: a) an obligation on the part of others to treat the rights-holder in a certain way, and b) the permissibility, whether on the part of the rights-holder or of others on the rights-holders' behalf, of enforcing that obligation. Rights in this sense have legitimately enforceable obligations as their correlate. A right is *negative* when its correlative obligation is one of mere non-interference, and *positive* when its correlative obligation involves more than mere non-interference.

A *property* right is, briefly, a negative right to exclusive control over a certain thing; and so the thesis of self-ownership amounts to the claim that one has a right of exclusive control over oneself, meaning

a) that everyone else has an obligation not to interfere with one's control over oneself, and b) this obligation may permissibly be enforced, whether by oneself or by others on one's behalf.¹

Furthermore, assuming self-ownership to be a general right, then on pain of incoherence clause (a) must be interpreted in light of clause (b); that is, exclusive control over myself must be interpreted in such a way that your forcing me not to violate your exclusive control over yourself does not by itself (i.e., without further conditions such as disproportionality) constitute interference with my exclusive control over myself. Any reasonable conception of self-ownership must interpret different self-owners' rights as compossible.

I take the conception of self-ownership I've just sketched to be more or less what most users of the term mean by it, particularly within the libertarian movement. (Note also that the libertarian "principle of non-aggression" thus emerges as one component – the (a) component – of self-ownership.) Of the various criticisms I'm about to engage, it's not always clear to me when they are objecting to this conception (or to a family of conceptions that includes this one), and when they are instead objecting to some other conception that they (mistakenly, I think) take to be the dominant one. I also think it is likely that both defenders and critics of self-ownership have often had less than fully settled conceptions of what they are debating about.

Mind and Body

One criticism commonly encountered (though more often in conversation than in print) is that self-ownership entails an objectionable mind-body dualism. This criticism is hard to get a handle on; it seems to rely on the premise that ownership is an asymmetric relation, but it does not use that premise as one would expect. If ownership really is an asymmetric relation, then nothing can bear that relation to itself, which would make self-ownership straightforwardly impossible. But that is not how the objection usually goes. Instead, the objection seems to interpret the self-ownership thesis in such a way that it does not contradict the asymmetry-of-ownership thesis; instead, self-ownership advocates are implicitly assumed to agree with their critics about asymmetry, and so the self-ownership thesis must *really* mean that part of me, presumably my mind, owns another part of me, presumably my body, and it is this alienation from one's body that the critics find unacceptable.

¹ For further elaboration, see Roderick T. Long, "Abortion, Abandonment, and Positive Rights: The Limits of Compulsory Altruism," *Social Philosophy & Policy* 10.1 (Winter 1993), pp. 166-191; and Long, "The Irrelevance of Responsibility," *Social Philosophy & Policy* 16.2 (Summer 1999), pp. 118-145. Both online at: <http://praxeology.net/political-philosophy.htm>

But while attributing to one's opponent certain theses one takes to be plausible oneself is generally a praiseworthy impulse of interpretive charity, there are surely limits to its reasonableness. In particular, it seems odd to assume that someone defending *self-ownership* must really accept the asymmetry thesis, since self-ownership is about as straightforward a denial of the asymmetry thesis as one could ask for. To be sure, when self-ownership advocates say "I own *my body*," there might be room for assuming the need for a dualistic interpretation; but when they say "I own *myself*," a dualistic reading surely loses purchase. And most self-ownership advocates seem as happy to say that they own their minds as that they own their bodies.

Why do critics of self-ownership find the asymmetry thesis so plausible? It might be because they think all subject-object relations are asymmetric. But that would mean that, for example, while I can be aware of things outside myself, I cannot be aware of myself. Some philosophers have indeed held something like this view; a version of it seems to be defended in what are arguably the earliest surviving philosophical works, the early Upaniṣads, where the apparent upshot is that one's true self is a transcendental entity whose nature cannot be grasped.² But this seems like a thicker metaphysical dogma than most of us are prepared to bite off.

The argument might instead be that there is something specific to *ownership* in particular, rather than subject-object relations in general, that makes it necessarily asymmetric. But if so, what? Perhaps the idea is that ownership necessarily involves *subordination*, and subordination is asymmetric. But it's not obvious that ownership necessarily involves subordination. It's true that ownership of things *other than oneself* does seem to involve subordination; but it's not clear why ownership of *oneself* must do so. Remember, to say that I own myself is simply to say that I have a right to make decisions about what to do with myself; where is the subordination?

Plato argues, along similar lines, that one's true self must be the soul, rather than either the body or the mind-body composite, because one uses one's body, and the user and the used must be distinct.³ This might be the clearest case of the kind of view that the critic is envisioning and rejecting. But surely what is wrong with Plato's argument is the asymmetry thesis: while I can use my body, I can also use my mind, so Plato must either abandon the view that use is inherently asymmetric, or else be pushed back either to an infinite regress or else to the Upaniṣadic view.

² See, e.g., the *Bṛhadāraṇyaka Upaniṣad*, 3.4 and 4.5.

³ Plato, *Alcibiades I*, 129b-130c.

I'll note further, that those who object to self-ownership on the grounds that it either *objectifies* or *commodifies* the self seem to be making either the asymmetry mistake I've just discussed, or the alienability mistake I'm about to discuss. Or if there is a third way of construing such objections, I haven't been able to come up with one as yet.

Slavery and Inalienability

Another frequent criticism of self-ownership is that it would license giving, selling, or contracting oneself into slavery. Some self-ownership advocates (such as Robert Nozick and Walter Block) have indeed endorsed this implication, though others (such as John Locke and Murray Rothbard) have not, instead upholding self-ownership as inalienable.⁴ But does self-ownership in fact imply the legitimacy of slavery contracts?

The usual argument for the affirmative is: if you own yourself, then you have a right to do whatever you like with or to yourself so long as you do not violate the like rights of others; transferring your ownership of yourself to someone else does not violate anyone else's rights; therefore you have a right to transfer ownership of yourself to someone else.

But the right question to ask about alienating one's self-ownership, as I see it, is not whether it is *permissible* but whether it is *possible*. Remember, my self-ownership consists in two moral facts: an obligation, on everyone else's part, not to interfere with my decisions concerning myself, and the legitimacy, on my part or the part of others on my behalf, of enforcing that obligation. So in order to transfer ownership over myself to someone else, I would have to alter those moral facts. Nothing in the concept of self-ownership implies that I have that power. If I don't, then asking whether I have a right to give up my self-ownership might be like asking whether I have a right to turn myself into a prime number. The problem is not that I lack the right, but that I lack the power.

Those who assume that self-ownership must be alienable are, I suspect, taking ownership of external property as the primary kind of property and then modeling self-ownership on it. In that case, it will seem natural to suppose that the self, if it is owned, must be alienable. But in the self-ownership literature there is a long tradition, running back to Locke, of seeing self-ownership as the

⁴ Robert Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974); Walter Block, "Towards a Libertarian Theory of Inalienability: A Critique of Rothbard, Barnett, Smith, Kinsella, Gordon, and Epstein," *Journal of Libertarian Studies* 17.2 (Spring 2003), pp. 39-85; John Locke, *Two Treatises of Government* (Awnsham Churchill: London, 1689); Murray N. Rothbard, *The Ethics of Liberty* (New York: NYU Press, 2003), ch. 19.

fundamental kind of property, in which other forms of property must be grounded.⁵ And indeed I take this to be correct, for the following reasons. As I have written elsewhere:

[S]ince rights are, by definition, legitimately *enforceable* claims, it ... follows that there can be no rights *in addition* to self-ownership. For if there were such additional rights, then there would be claims other than self-ownership that could be legitimately enforced, which would mean that refraining from invading the self-ownership of others would no longer be sufficient to exempt one from liability to coercive interference. But self-ownership ... just is exemption from liability to coercive interference so long as one respects the like self-ownership of others; hence the right of self-ownership is inconsistent with the recognition of any additional rights. (To put it another way, if the initiation of force is forbidden, then any legitimate use of force must be a response to force; but enforcing a right is by definition a legitimate use of force; so there can be no rights other than the right to be free from others' use of force.) ... It follows that whatever property rights there are cannot be rights *in addition* to self-ownership, but must instead be specific *applications* of the self-ownership right itself.⁶

And indeed I think there is a plausible way to understand rights to external property as extensions of the right of self-ownership:

The essence of human personality is not the mass of material which composes our bodies – a bundle of stuff that in any case changes over time like Heracleitus' river, through accretion of new particles and discharge of old ones – but our activities and projects; indeed a human being's body itself is simply one of its owner's ongoing projects. By transforming external objects so as to incorporate them into my ongoing projects, I make them an extension of myself, in a manner analogous to the way that food becomes part of my body through digestion. What we transform in this way becomes so related to us that no one can subject *it* to her purposes without thereby subjecting *us* to her purposes and so violating our right of self-ownership; we make something into our property by causing it to have the same relation to ourselves that the matter composing our bodies has to ourselves.⁷

And this is why it is possible to transfer ownership over external property but not over oneself. Just as one acquires external property by connecting it to oneself, so one alienates it by disconnecting it

⁵ See, e.g., Murray N. Rothbard, "Law, Property Rights, and Air Pollution," p. 61, n. 12; *Cato Journal* 2.1 (Spring 1982), pp. 55-99: "[R]ather than [self-ownership and homesteading] being two independent axioms, the homesteading principle really follows from the single axiom of self-ownership."

⁶ Roderick T. Long, "Land-Locked: A Critique of Carson on Property Rights," pp. 90-91; *Journal of Libertarian Studies* 20.1 (2006), pp. 87-95; online at https://mises-media.s3.amazonaws.com/20_1_6.pdf Cf. Long, "Why Libertarians Believe There is Only One Right," *Center for a Stateless Society* (7 April 2014): <https://c4ss.org/content/25648>

⁷ Long, "Land-Locked" (2006), p. 91.

form oneself – whereas one obviously cannot disconnect oneself from oneself. Rather than taking alienable external property for granted and using it as the paradigm whereby to understand self-ownership, we should start (if we are self-ownership advocates) with inalienable self-ownership as the paradigm, on the basis of which we then turn to the justification of external property and its alienability.

It may be objected that slavery contracts are merely an extreme example of ordinary service contracts, which will likewise, inconveniently, be rendered unenforceable if we take the inalienability of the self seriously. But that is so only if we conceive of the enforcement of service contracts as mandating specific performance. From a self-ownership perspective, the title-transfer theory of contracts is preferable, as only it can explain how service contracts are legitimate.⁸ Suppose you agree to mow my lawn for \$50; so I pay you the \$50 but you don't mow my lawn. On the title-transfer view, I'm transferring \$50 to you *conditionally*, that is, on the condition that you mow my lawn. If the condition isn't met, then ownership of the \$50 reverts back to me. So I don't have a right against you that you mow my lawn, because rights to personal services are not transferrable; but I do have the right to get the \$50 back (plus damages for my inconvenience), because rights to external property such as money are not transferrable.

With regard to slavery contracts, then – could you enter into a contract in which you agree to do whatever I say from now on? Certainly. I think such a contract would be morally objectionable on both sides, but it would be a legitimate contract. However, if you should break the terms of the contract, all you would owe me is whatever I paid you plus damages; you would not owe me specific performance.

What happens if you do not have the money to pay me? May I, or some legal authority, then legitimately force you to work? One might think so. After all, there are cases in which one has to perform some positive action in order to avoid violating a negative right; for example, I may have to turn the steering wheel of my car to avoid running over you, and so your negative right not to be run over generates a positive right against me that I turn the wheel.⁹ Likewise, then, why doesn't a creditor's negative right not to have her property taken unless the agreed-upon condition is met

⁸ Williamson M. Evers, "Toward a Reformulation of the Law of Contracts," *Journal of Libertarian Studies* 1.1 (1977), pp. 3-13; online at: http://direct.mises.org/sites/default/files/1_1_2_0.pdf Cf. Randy E. Barnett, "Contract Remedies and Inalienable Rights," *Social Philosophy & Policy* 4.1 (Autumn 1986), pp. 179-202, as well as Rothbard (2003), ch. 19.

⁹ On such "derivative positive rights," see Long (1993).

generate a positive right to force the debtor to work (in a debtor's prison, if necessary) until the debt is repaid?

The answer, I suggest, is that although rights to external property are an extension of the self, the extent to which something is part of the self is a matter of degree. It would be morally disproportionate for me to force you into labour (a *major* intrusion on *your* selfhood) in order to recoup the loss of my money (a *less* major intrusion on *my* selfhood). Only if you acquire further resources voluntarily will I be in a moral position to garnish some of them, and even then how much I can take will reasonably be governed by considerations of proportionality.

But whence this talk of proportionality? Are considerations of proportionality consistent with self-ownership? I think the self-ownership approach actually support them. If I am justified in forcibly intruding upon your self only in response to your forcible intrusions on my (or someone else's) self, then it makes sense that the response needs to be proportionate. The whole tenor of the self-ownership approach is to limit forcible intrusion to the counterbalancing of prior forcible intrusion; a disproportionate response seems contrary to the spirit of such an approach.

The title-transfer approach also seems to place limits on the enforceability of usurious contracts. As I have written elsewhere:

Suppose Roy lends me \$1000 but charges 500% interest. That is, he transfers \$1000 to me now, on condition that I transfer \$6000 to him a year from now. If I refuse to pay him the \$6000, then the condition is nullified, and I now owe him his \$1000 back, plus damages – but I do not owe him \$6000.¹⁰

(Of course there are other ways, such as credit reports, whereby to secure compliance with usurious contracts, even when they are not literally enforceable.)

On what I take to be the most natural reading of the self-ownership approach to property, then, self-ownership not only does not license the enforcement of slavery contracts, but actually prohibits it, along with the enforcement of certain other contracts, while nevertheless permitting the enforcement of most ordinary contracts.

One might worry how various sorts of shared property interests – such as joint ownership, as in a business partnership, or rental contracts, where some rights are transferred and others retained – if property is an extension of the self. But joint ownership and the like need not involve a merging of selves. As long as various individuals' claims on the property are compossible and well-defined (or at

¹⁰ Roderick T. Long, "A Note on Credit Institutions in a Free Nation," *Formulations* 7.3 (Spring 2000).

least there is some reasonable way of specifying them should the need arise), then the aspects of the physical item that are incorporated into one user's projects will be distinct from the aspects that are incorporated into those of another. And the boundaries of the self are defined by projects, and not by physical chunks of stuff except to the extent that those are incorporated into the projects. (Does this mean we can't have joint projects? No. But it does mean that joint projects must be decomposable into distinct claims. The alternative is either to render rights impossible, or else to make individuals' rights subordinate to some sort of collective whole.

Individualism vs. Atomism

Another common criticism, or family of criticisms, of the self-ownership thesis is that it is too individualistic, where this is usually intended as a charge of atomism. But from a libertarian perspective, individualism and atomism are at odds. Libertarian individualists tend to "see human interests as harmonious and social cooperation as natural," and consequently are "social individualists, encouraging autonomy and independence," as well as "economic and political individualists, trusting individuals to pursue their goals without coercive control" – whereas atomists "tend to see human interests as naturally conflictual," and so "do not expect social order to emerge unless it is imposed on society by coercive authority," a position that puts them at odds with social, economic, and political individualism.¹¹ And as Chris Sciabarra's work emphasises, hostility to atomism in all its forms has been a dominant theme in the libertarian individualist tradition.¹²

As evidence of the inherently atomistic nature of libertarian individualism, Ann Cudd points to Rothbard's use of an unrealistically asocial Robinson Crusoe model in *Ethics of Liberty*.¹³ There's a certain irony there, as the point that Robinson Crusoe models (or what Marx calls the "unimaginative conceits of the eighteenth-century Robinsonades") are unrealistically asocial is one well-established in libertarian thought, *including the work of thinkers who use them*. Frédéric Bastiat, for example, writes:

¹¹ Roderick T. Long, "The Classical Roots of Radical Individualism," p. 263; *Social Philosophy and Policy* 24.2 (July 2007), pp. 262-297. Online at <http://praxeology.net/political-philosophy.htm>

¹² Chris Matthew Sciabarra, *Total Freedom: Toward a Dialectical Libertarianism* (University Park: Pennsylvania State University Press, 2000); see also Sciabarra, *Marx, Hayek, and Utopia* (Albany NY: SUNY Press, 1995), and Sciabarra, *Ayn Rand; The Russian Radical*, 2nd ed., (University Park: Pennsylvania State University Press, 2013).

¹³ Ann Cudd, "Feminism and Libertarian Self-Ownership," p. 128; *Routledge Handbook of Libertarianism*, ed. Jason Brennan, Bas van der Vossen, and David Schmitz (New York: Routledge, 2018), pp. 127-139. The reference is to Rothbard (1994), ch. 6.

It was ... Daniel Defoe's original plan to cast Robinson Crusoe ashore on the Isle of Despair alone, naked, deprived of all that can be added to one man's strength by united effort, specialized skills, exchange, and society.

Nevertheless, and despite the fact that the obstacles are purely fictitious, Defoe would have deprived his novel of every trace of verisimilitude if, overfaithful to the thought he wished to develop, he had not made necessary social concessions by allowing his hero to save from the shipwreck a few indispensable objects, such as provisions, gunpowder, a rifle, an ax, a knife, rope, boards, iron, etc. –decisive evidence that society is man's necessary milieu, since even a novelist cannot make him live outside it.

And note that Robinson Crusoe took with him into solitude another social treasure worth a thousand times more, one that the waves could not swallow up: I mean his ideas, his memories, his experience, and especially his language, without which he could not have communicated with himself or formed his thoughts.¹⁴

Yet, having said this, Bastiat goes on to employ Robinsonades himself, later in the same work.¹⁵ Was he confused?

I don't think so. In the Aristotelean tradition – which, I've argued elsewhere, the libertarian tradition mostly follows on this point – there are

two different ways in which we might consider, say, a horse in abstraction from its color. We may consider the horse *as not* having a determinate color, or else we may consider the horse *not as* having a determinate color. To consider the horse *as not* having a determinate color is to hold, or attempt to hold, as the object of our thought a horse that simply has no determinate color – a creature never encountered in physical reality, and having its home either in Platonic heaven or nowhere. This sort of abstraction falsifies and contradicts the concretes on which it is based. But to consider the horse *not as* having a determinate color is simply to consider the horse as a horse without considering its color one way or the other; and here no falsification is involved. These two types of abstraction are often referred to as *precisive* and *non-precisive*. ... [A] precisive abstraction is one in which certain actual characteristics are *specified as absent*, while a non-precisive abstraction is one in which certain actual characteristics are *absent from specification*.¹⁶

But this does not mean that precisive abstraction has no legitimate uses. On the contrary,

¹⁴ Frédéric Bastiat, *Economic Harmonies*, trans. W. Hayden Boyers (Irvington-on-Hudson, NY.: Foundation for Economic Foundationn, 1964), p. 64.

¹⁵ Bastiat (1964), pp. 94-96.

¹⁶ Roderick T. Long, "Realism and Abstraction in Economics: Aristotle and Mises *versus* Friedman," p. 7; *Quarterly Journal of Economics* 9.3 (Fall 2006), pp. 3-23. Online at: <http://praxeology.net/political-philosophy.htm>

the purpose of precise abstractions is to help us better grasp non-precise abstractions. ... By imagining an example in which only certain factors are operative, we can more easily focus, without distraction, on the operation of those factors—but the goal is to understand how those factors work wherever they are active. ...

Similar remarks apply to Mises’s “evenly rotating economy,” a construct that bears a superficial resemblance to the perfect-competition construct that Austrians excoriate. Both constructs abstract *precisely* from such real-world features as imperfect information and novelty. The difference is that *the evenly rotating economy is not supposed to be a model – realistic or otherwise – of the real world*. What happens in the ERE is not supposed to be a good predictor of what happens in real-world economies; quite the contrary. Rather, its point is to help us understand, for example, the difference between *profit* and *interest*, by showing us how, in a world without changes in price, profit would disappear but interest would not. The point of considering the ERE’s profitless world is thus not to prepare us to analyze situations in which profit is negligible, but precisely to enable us to analyze situations in which profit is *not* negligible, so that we may distinguish conceptually between the role of interest and the role of profit when both factors are operative and their effects intermingled.¹⁷

Likewise, in making use of a Robinsonade, Rothbard is not asserting that our true nature is asocial; indeed, he explicitly notes that the example is unrealistic, and that its use is not to *describe* the real world but rather to help us, through abstraction, to *pick out* features of the real world that would otherwise be difficult to notice.

To be sure, Cudd makes a *pro forma* acknowledgment of this when she writes:

Now the libertarian will grant these facts and yet hold that this model of the atomistic self, while it is literally false, makes the individual person the proper subject of moral theory. But I do not see how this can be done in a non-question-begging way. Furthermore, by assuming persons are or can be that atomistic individual, we dismiss significant portions of our lives in which we are dependent on others.¹⁸

But Cudd’s response misses the point. By describing Rothbard’s thought-experiment as “assuming persons are or can be that atomistic individual,” she is taking it as a model of reality when that is precisely what it is not, and is not intended to be.

A related objection to libertarian self-ownership is that it denies the ways in which the self is socially constituted. But as Crispin Sartwell has argued at length,¹⁹ there is no conflict between self-

¹⁷ Long, “Realism and Abstraction” (2006), pp. 17-18.

¹⁸ Cudd (2018), p. 128.

¹⁹ Crispin Sartwell, *Against the State: An Introduction to Anarchist Political Theory* (Albany NY: SUNY Press, 2008).

ownership and viewing the self as socially constituted. Self-ownership does seem to depend on a basic *distinctness* of persons; but to say that my identity *depends* in part on my relations to other people does not imply that other people are literally part of me or vice versa. To treat mutual distinctness as inconsistent with mutual dependence is an atomist mistake, not an individualist one.

A somewhat different objection to libertarian self-ownership is that it is incompatible with the recognition of positive obligations, even non-enforceable ones. Now some thinkers have indeed conceived self-ownership in that way; Cudd cites Peter Vallentyne, for example.²⁰ But that is certainly not how self-ownership is conceived by most libertarians. Recall what is involved in a negative rights thesis: the obligation of others to let me do X, and the permissibility of my, or my agent's, enforcing that obligation. Nowhere is the permissibility of *my doing X* included.

Suppose I have a right to publish and distribute pamphlets advocating Nazism. All that means is that other people are obligated not to interfere coercively with my doing so, and that it's permissible for me, or for others acting on my behalf, to stop them forcibly if they try. In no way does it mean that my promotion of Nazism is itself morally permissible. In the same way, while self-ownership implies that I have a *right* to refrain from offering positive assistance to others (except in the case of derivative positive rights noted above), it does not imply that it is *permissible* for me to do so.

Cudd further worries that self-ownership forbids “very plausibly allowable violations of the strict boundaries it draws around the self.”²¹ But, as again I've noted elsewhere, the libertarian principle of non-aggression – which is essentially the obligation component of self-ownership – is

fairly abstract, and there are different ways of rendering it more concrete. A variety of moral considerations, some consequentialist, constrain the ways in which its generality can reasonably be specified. The contours of what counts as aggression are not infinitely malleable; but absent the contribution of further values ... they are not infinitely specific either. (The same applies to determining the boundaries of the person.) In some cases the principle will require not using someone else's property without her consent; at other times (*i.e.*, in emergency situations where the threat is great and the use temporary and minimal) it may merely requires compensating the owner after the fact for unconsented use.²²

²⁰ Peter Vallentyne, “Critical Notice of G.A. Cohen's *Self-Ownership, Freedom, and Equality*,” *Canadian Journal of Philosophy* 28 (1998), pp. 609-626.

²¹ Cudd (2018), p. 129.

²² Roderick T. Long, “Eudaimonism and Non-Aggression,” *Bleeding Heart Libertarians* (30 April 2013); online at: <http://bleedingheartlibertarians.com/2013/04/eudaimonism-and-non-aggression/>

We may say of self-ownership what Mill said of utilitarianism: “There is no difficulty in proving any ethical standard whatever to work ill, if we suppose universal idiocy to be conjoined with it.”²³

Applying Self-Ownership

Let me conclude by saying something about the economic implementation of the self-ownership thesis. Some version of self-ownership is championed both by right-wing libertarian champions of capitalist and by common-resource libertarians of the Otsuka-Steiner-Vallentyne variety. (I’ll call them common-resource libertarians rather than “left-libertarians” because “left-libertarian” already had a standard meaning within the libertarian movement, a meaning with which I identify, before the common-resource libertarians began using it.)

Common-resource libertarians accept some version of self-ownership, but regard natural resources as in some sense the common property of the human race. But this runs counter to the point I’ve discussed earlier, that rights over external objects can be justified only as extensions of self-ownership: “How can the human race plausibly claim as *part of itself*, or an *extension of itself*, land that no human hand has yet transformed?”²⁴ Moreover, it’s not clear why the common-resource view should be limited to inhabitants of this planet. “If there turn out to be intelligent extraterrestrials, then does the entire physical mass of the universe become the common patrimony of all intelligent life, so that an alien civilization in the Andromeda galaxy can claim, just by existing, a residual property share in the cornfields of Iowa, and we likewise can claim, just by existing, a residual property share in the vapor mines of Antares ...?”²⁵ Saying yes seems absurd, but saying no seems like an arbitrary limitation on the common-resource view.

But if we take instead the view that natural resources are unowned until homesteaded, that does not automatically establish the sort of capitalist market that right-wing libertarians typically favour, at least if we take capitalism to imply that a) all property is privately owned except when joint ownership is established by explicit contracts, and b) the means of production are concentrated in the hands of an employing class, requiring those outside that class to serve as wage labourers for the employing class on pain of starvation.

²³ John Stuart Mill, *Utilitarianism* (London: Parker, Son, and Bourn, 1863), p. 34.

²⁴ Long, “Land-Locked” (2006), pp. 92-93.

²⁵ *Ibid.*

With regard to (a), homesteading can be done jointly without any explicit contracts, through individual participation in common activities, in which case informal common property can arise legitimately.²⁶ With regard to (b), as individualist anarchists have been arguing since Thomas Hodgskin in 1832,²⁷ and have further elaborated over the past couple of decades in particular,²⁸ the concentration of ownership of the means of production in the hands of an employing class is best understood as the product, not of libertarian rules of appropriation and transfer, but of state interference with those rules, in the absence of which, market competition would serve as a leveling factor, making the means of production far more freely and equally available, and thus making wage labour a choice rather than a necessity. (Time constraints permit only pointing to the relevant supporting research in a footnote.) Hence the natural economic implementation of self-ownership is neither capitalism nor a common-resource approach, but rather free-market anti-capitalism.



²⁶ Ibid., p. 93; cf. Randall G. Holcombe, “Common Property in Anarcho-Capitalism.” *Journal of Libertarian Studies* 19.2 (2005), pp. 3-29; online at https://mises-media.s3.amazonaws.com/19_2_1.pdf; Kevin A. Carson, “Governance, Agency and Autonomy: Anarchist Themes in the Work of Elinor Ostrom,” *Center for a Stateless Society Paper No. 16* (2013); online at: <https://c4ss.org/wp-content/uploads/bkp/01/Anarchist-Themes-in-the-Work-of-Elinor-Ostrom.pdf>

²⁷ Thomas Hodgskin, *The Natural and Artificial Right of Property Contrasted* (London: B. Steil, 1832).

²⁸ See, e.g., Charles W. Johnson, “State Capitalism and the Many Monopolies,” *Industrial Radical* 2.1 (Autumn 2016), pp. 42-48, online at: <http://praxeology.net/cjohnson-state-monopolies.pdf>; Gary Chartier and Charles W. Johnson, eds., *Markets Not Capitalism: Individualist Anarchism Against Bosses, Inequality, Corporate Power, and Structural Poverty* (London: Minor Compositions, 2011), online at: <http://radgeek.com/gt/2011/10/Markets-Not-Capitalism-2011-Chartier-and-Johnson.pdf>; Cory Massimino and James Tuttle, eds., *Free Markets & Capitalism?: Do Free Markets Always Produce a Corporate Economy?* (Auburn and Tulsa: Center for a Stateless Society, 2016); Kevin A. Carson, *Studies in Mutualist Political Economy* (Charleston SC: Booksurge, 2007), online at: <https://kevinacarson.org/pdf/mpe.pdf>; Carson, *Organization Theory: A Libertarian Perspective*. Charleston SC: Booksurge, 2008), online at: <https://kevinacarson.org/pdf/ot.pdf>; Carson, “Labor Struggle: A Free Market Model,” *Center for a Stateless Society Paper No. 10* (2010), online at: <https://c4ss.org/wp-content/uploads/2010/09/C4SS-Labor.pdf>; Gary Chartier, *Anarchy and Legal Order: Law and Politics for a Stateless Society* (Cambridge: Cambridge University Press, 2012); and Roderick T. Long, “Left-Libertarianism, Market Anarchism, Class Conflict, and Historical Theories of Distributive Justice,” *Griffith Law Review* 21.2 (2012), pp. 413-431, online at: <https://www.tandfonline.com/doi/pdf/10.1080/10383441.2012.10854747>