

Joseph Mazor and Peter Vallentyne, in *The Oxford Handbook of Distributive Justice*, edited by Serena Olsaretti (Oxford University Press, 2018), pp. 129-51

## **Libertarianism, Left and Right**

Libertarianism is a school of moral/political thought that is committed to full or near-full individual self-ownership. In the realm of distributive justice, libertarianism is probably most famous (or infamous) for its rejection of redistributive taxation. However, the libertarian view of distributive justice is less monolithic and more complex than is often recognized, and in this chapter we aim to clarify (and tentatively defend) this view. We begin by briefly defining “distributive justice” and “libertarianism” (Section 1). We then turn to considering self-ownership (Section 2), property rights in natural resources (Section 3), and property rights in human-made goods (Section 4). Finally, we consider directions for future research (Section 5) and conclude.

### **1. Preliminaries**

#### **1.1 Justice and Distributive Justice**

While there are many ways of understanding “justice”,<sup>1</sup> for the purposes of this chapter, we take justice to be concerned with *enforceable* moral duties, that is, those duties whose compliance may be permissibly induced using force or threat

---

<sup>1</sup> For a discussion of the different concepts of justice, including the one we appeal to in this chapter, see (Vallentyne, 2003a, pp. xi-xviii).

thereof.<sup>2</sup> We define *distributive* justice as that area of justice relating to the distribution of economic benefits and burdens.

## 1.2 Libertarianism

As the term suggests, libertarianism entails a commitment to respect for liberty. However, this is a commitment to a *very particular* conception of liberty: liberty as *full or near-full self-ownership*. The commitment to this type of liberty can be justified on a variety of grounds,<sup>3</sup> including consequentialism (e.g., Epstein, 1998), social contract (e.g., Narveson, 1998), autonomy (e.g., Grunebaum, 2000), natural rights (e.g., Mack, 1990), and the value of freedom from interference.<sup>4</sup> We will not explore the foundations of the commitment to self-ownership in this chapter. We will focus instead on explaining this commitment and its implications for distributive justice.

## 2. Full and Near-Full Self-Ownership

Self-ownership is simply a special case of ownership where the owner and the thing owned are one and the same. We therefore begin our discussion of self-ownership by considering the more general concept of ownership.

---

<sup>2</sup> There are coherent pacifist versions of libertarianism that recognize various libertarian duties but *no enforceable duties*. Such libertarian theories would have nothing to say about justice as we define it here. However, since every prominent libertarian thinks that coercive force may be used to protect property rights, we will not consider these pacifist libertarian theories here.

<sup>3</sup> For a critique of the libertarian commitment to self-ownership, see (Lippert-Rasmussen, 2008).

<sup>4</sup> For a debate on whether maximal equal negative liberty leads to traditional libertarianism conclusions, see (Narveson and Sterba, 2010). For a discussion, see (Vallentyne, 2011)

## 2.1 Ownership

Ownership can be best understood as a collection of certain Hohfeldian liberties, claim-rights, powers, and immunities that some person has with respect to some entity.<sup>5</sup> We will refer to these rights as *property rights*. These include:<sup>6</sup>

(1) *Control rights* over the entity (liberty-rights to use, a power to authorize use or encroachment by others, and a claim-right that others not use or encroach upon the entity without one's authorization),

(2) *Rights to transfer* one's property rights over the entity to others (by sale, rental, gift, or loan),

(3) *Enforcement rights* (e.g., rights of prior restraint, punishment) with respect to others' violations or potential violations of one's property rights over the entity,

(4) *Rights to compensation* when someone violates one's property rights over the entity without one's permission,

(5) *Immunities to the non-consensual loss* of one's property rights over the entity.

We will not take a position on which property rights are precisely necessary and sufficient for *ownership*. However, we will assume that an entity's *owner* must at least have liberty-rights to use the entity *and* either a claim-right against others' encroachment on the entity or a right to appropriate compensation if others use the entity without her permission.<sup>7</sup> We take it that these are the *minimal* requirements for ownership. The more property rights an owner has with respect to an entity, the stronger her ownership over the entity is.

It is worth emphasizing straightaway that even the strongest form of ownership over an entity *does not guarantee* a person the effective moral freedom to make use of that entity in any practical sense. After all, there are basically no

---

<sup>5</sup> For a more detailed account of the nature of these rights, see (Hohfeld, 1919)

<sup>6</sup> This list is enumerated and briefly discussed in (Vallentyne et al., 2005, pp. 203-204)

<sup>7</sup> We set aside here the important question of what constitutes appropriate compensation.

actions that someone takes with respect to an entity that use or encroach upon *only that entity*. For example, when I ride my motorcycle, I occupy space, discharge pollution into the air, and generate sound waves that encroach on other individuals. Ownership of my motorcycle only grants me a liberty-right to use *the motorcycle itself*. Before we can conclude that I have moral permission to ride my motorcycle somewhere, we need to know about my property rights with respect to *all the entities* that my motorcycle ride would use or encroach upon. This is a general point that applies to all types of ownership, including self-ownership, which we turn to next.

## 2.2 Self-Ownership

*Self-ownership* is ownership of one's own person.<sup>8</sup> Setting aside a variety of complex issues about personal identity, we will make the simplifying assumption that a person is her body. Thus, one can think of self-ownership intuitively as giving an individual (moral) rights over her body that are similar to the *legal* rights that slave-owners had (and in some parts of the world unfortunately still have) over their slaves (Cohen, 1995, p. 68).

A wide variety of theories are committed to granting individuals some type of self-ownership.<sup>9</sup> What distinguishes libertarianism from these other theories is the commitment to the following key moral claim (or something similar to it): Every

---

<sup>8</sup> As Cohen (1995, pp. 68-69) argues, the term "self" in self-ownership has a purely reflexive significance.

<sup>9</sup> See, for example, Judith Thompson's (1992) concept of self-ownership as "first property" in Chapter 8 of the *Realm of Rights*.

rational agent initially possesses *full* self-ownership.<sup>10</sup> We will refer to this as the *full self-ownership thesis*.

### 2.3 Full Self-Ownership

Full self-ownership assigns each person *the logically strongest* control rights (1) and transfer rights (2) over herself possible.<sup>11</sup> By “logically strongest” we mean both *maximally stringent* and *maximally extensive*. “Maximally stringent” means that the ownership rights can never be overridden by other moral considerations (e.g., those having to do with human welfare). “Maximally extensive” means the most complete list of Hohfeldian rights within the relevant categories possible.<sup>12</sup>

However, full self-ownership does not assign a person the logically strongest self-ownership rights possible in categories (3), (4), and (5). The reason is this: It would be impossible to grant every person (or indeed, even more than one person) full self-ownership were it defined this way. After all, the stronger we make one person’s rights of compensation and enforcement (i.e., what she may do to others in self-defense), the weaker we have to make others’ immunity to the non-consensual loss of self-ownership rights, and vice versa. Thus, libertarians define full self-ownership instead as granting a person a set of self-ownership enforcement rights (3), compensation rights (4), and immunity to loss of self-ownership rights (5) that

---

<sup>10</sup> More accurately, the thesis requires that every agent possess *the same* set of self-ownership rights. By “initially,” we mean before the agent contracts away any of these rights or loses these rights as a result of engaging in rights violations.

<sup>11</sup> We also assume that a full self-owner cannot be deprived of *other* property rights for exercising of self-ownership rights.

<sup>12</sup> Our discussion of extensiveness and stringency follows (Wall, 2009, p. 400)

are as strong as possible *subject to the constraint* of being compatible with others having *the same set of rights* in categories (3), (4), & (5) over themselves.<sup>13</sup>

Having defined the concept of full self-ownership, we now turn to considering three prominent criticisms of the full self-ownership thesis having to do with indeterminacy, small encroachments or risks of encroachments, and enforceable duties to assist.

## 2.4 Is Full Self-Ownership Indeterminate?

Some theorists have criticized libertarianism by arguing that the concept of full self-ownership is indeterminate (Fried, 2004, pp. 78-80). And indeed, there is *some* truth to this criticism. Full self-ownership *is* somewhat indeterminate when it comes to the question of what a person may do in self-defense. Since it is the case that the stronger we make one person's enforcement and compensation rights (3 & 4), the weaker we have to make another's immunity to non-consensual loss of self-ownership rights (5) and vice versa, there are admittedly many possible bundle of rights in categories (3), (4), and (5) that would satisfy the definition of full self-ownership.<sup>14</sup> One conception of full self-ownership could grant me full rights to defend my body, including the right to kill you if you are threatening to punch me. Another could deny me the right to do anything to you in response to your attack on my body. Another might provide me with enforcement rights that are proportional

---

<sup>13</sup> Our discussion here follows (Vallentyne et al., 2005, pp. 203-205)

<sup>14</sup> However, full self-ownership is not *completely* indeterminate in the realms of rights in categories (3), (4), and (5). For example, full self-ownership cannot include both strong rights in (3) & (4) and strong rights in (5) (since this would not be compatible with granting others the same set of rights). It also cannot include both weak rights in (3) & (4) and weak rights in (5) (since it would be possible to give a person stronger property rights in one of the categories in this case without violating the compatibility constraint).

in some way to the threat you pose. Each of these is an admissible conception of full self-ownership. Thus, full-self ownership is indeed indeterminate when it comes to the question of self-defense.

However, some theorists (e.g., Fried) have claimed that full self-ownership is also indeterminate when it comes to the question of whether one person may exercise her self-ownership control rights in ways that violate others' self-ownership control rights (Fried, 2004, p. 79). Libertarians, on the other hand, argue that there is no conflict between self-ownership control rights. For example, though you have full control rights over your fist, you cannot use your fist to punch my nose. However, Fried is unconvinced. She argues that such intuitively obvious examples simply obscure the indeterminacy regarding the conflict between different self-ownership control rights.

To evaluate Fried's criticism, let us consider the following example: Realizing that I am running late to an important appointment, I start jogging while others are walking nearby, thereby introducing a small risk that my hand will accidentally hit someone else's body. Is such jogging permissible? Fried's argument suggests that full self-ownership thesis does not provide a determinate answer regarding whether I may start jogging in this case.

However, Fried is mistaken. She seems to think that libertarians must evaluate the permissibility of jogging by somehow balancing the control rights I have my body against the control rights others have over their bodies to see which one would "win" (Fried, 2004, p. 79). However, this is wrongheaded. The property rights I have over my body, even in their logically strongest form, do not include a

right to take whatever actions I want with my body (just as full ownership over my motorcycle do not give me a right to ride the motorcycle wherever I want). To evaluate the permissibility of my jogging, we need to know what rights I have with regards to *any other entities that my jogging might encroach upon or use*. Since my jogging generates a risk of incursion on *others'* bodies, and since granting every person *the logically strongest* possible control-rights over their body gives them rights against even small risks of incursions, the full self-ownership thesis *condemns my decision to start jogging, and does so in a fully determinate way*.<sup>15</sup> Although the prohibition on my jogging is admittedly problematic, the problem here is not indeterminacy.

## **2.5 Full Self-Ownership and Small Incursions or Risks of Incursions**

The problem illustrated by the jogging case is this: libertarianism seems committed to an *implausibly strong* version of self-ownership. The full self-ownership thesis implies that *any action* that causes small incursions or risks of incursions on others is impermissible. Yet this seems to generate unacceptable restrictions on human activity.

Libertarians have sometimes considered this problem in the context of pollution or driving a car (Nozick, 1974, pp. 78-81). However, as the jogging example suggests, the problem is more ubiquitous than is commonly recognized. In fact, almost any action (e.g., even carefully walking to the grocery store) will impose *some* additional risk of incursion on another's body relative to the option of not

---

<sup>15</sup> Note that while others' self-ownership rights place moral restrictions on my *actions* in this case, these moral restrictions do not conflict with my self-ownership rights in any way.

doing anything. And since full self-ownership does not grant any weight to positive freedoms or human welfare in a contest with the rights that people have against (even tiny risks of) bodily incursions, the troubling upshot of the full self-ownership thesis seems to be universal, morally-required paralysis (Mack, 2011, pp. 112-113).

However, this problem need not necessitate abandoning a commitment to strong self-ownership rights altogether. Instead, libertarians can respond to this problem by *slightly stepping back* from the full self-ownership thesis to endorse some version of the *near-full* self-ownership thesis: the thesis that every rational agent initially has a set of self-ownership rights that is “close” to full self-ownership rights (where “close” entails minor, circumscribed deviations either in terms of stringency or in terms of extensiveness).<sup>16</sup> For example, in order to permit actions like jogging while others are around, libertarians might weaken individuals’ control rights over themselves to allow sufficiently small (i.e., “trivial”) incursions or risks of incursions by others. Needless to say, this theoretical move would require accounts of what counts as a *trivial* incursion and why such sufficiently small incursions are permissible. We will not explore these important issues further here.<sup>17</sup>

## 2.6 Full Self-Ownership and Duties of Physical Assistance

We turn instead to a third criticism of the full self-ownership thesis relating to its rejection of enforceable duties to assist others. Even if a child is drowning in a

---

<sup>16</sup> Admittedly, libertarianism is sometimes understood as requiring *full* self-ownership. On this view, any move to merely near-full self-ownership would be an abandonment of libertarianism in the strictest sense. However, such an understanding of libertarianism seems to us to be overly restrictive (it would exclude a large number of theorists commonly referred to as “libertarian”).

<sup>17</sup> For a discussion of the different libertarian approaches to address the problem of small incursions, see (Sobel, 2012).

shallow puddle next to the only person who is able to help, a commitment to the potential rescuer's full self-ownership prohibits anyone (including the state) from forcing the person to help (even if doing so would be quite easy for her) (Arneson, 2010, p. 183). Most people find this implication of the full self-ownership thesis to be unacceptable.

Libertarians have several responses to this important objection. First, they can point out that their theory does not reject all duties to physically assist. The core libertarian claim is only that individuals have no *general, enforceable* duties to physically aid others. This is compatible with their having special enforceable duties (e.g., from contract or past wrongdoing) to aid specific others. It is also compatible with individuals having *non-enforceable* general moral duties to aid others.

Second, libertarians can highlight the unappealing implications of principles that allow for blanket violations of self-ownership in order to alleviate grave suffering. For example, they have pointed out that such principles might grant some entity (e.g., state) the right to forcibly remove non-essential organs (e.g., an eye from a person with two) in order to help those who are gravely suffering (e.g., the congenitally blind). Such a forced transfer of eyes seems morally unacceptable.

Third, some libertarians have pointed out that it is often possible to alleviate suffering without violating anyone's self-ownership. A great deal of human suffering could be alleviated if only the badly off owned more resources. Indeed, some libertarians (left-libertarians) have been particularly interested in the role that the distribution of *natural* resources can play in increasing the welfare of the

less fortunate. We turn now to discussing the libertarian debate over natural resource property rights.

### **3. Property Rights in Natural Resources**

Natural resources can be defined (roughly) as objects of value<sup>18</sup> that (1) have not been produced by any rational agent and (2) are not part of a being with moral standing.<sup>19</sup> The debate over the ownership of natural resources defines the left/right libertarian divide. Left libertarians endorse some type of egalitarian ownership of natural resources. Right libertarians do not.

Note that this debate cannot be settled by an appeal to the full or near-full self-ownership thesis. Natural resources, by definition, are not part of, and have not been produced by, any rational agent. Moreover, since self-ownership rights are not rights to take action, full self-ownership rights do not include rights to use or encroach upon any natural resources. Having full self-ownership does not even guarantee a person the right to breathe air!

Since the central moral principle that unites libertarians says nothing about natural resource property rights, it is perhaps unsurprising that natural resources have been a locus of significant disagreement among libertarians. We will attempt

---

<sup>18</sup> By objects of value, we mean objects that serve someone's needs, desires, wants, interests, or values. See (Narveson, 1998, p. 15) There are also natural objects without value (e.g., a worthless rock) and objects that are bad for humans in some way (e.g., toxic natural chemicals). These are not resources given our definition and, for simplicity, we do not address the libertarian view on these objects here.

<sup>19</sup> A being has moral standing just in case its will or interests matter morally for their own sake. We leave open here the possibility that there may be beings with moral standing besides rational agents.

to clarify the different basic positions in this contentious debate by considering three interrelated questions:

1. Are natural resources initially owned?
2. If not, are there any moral restrictions on appropriation of natural resources?
3. If so, what are these restrictions?

In considering these questions, we will assume for simplicity a single generation of adults living in a single nation-state. We will briefly consider issues relating to minors, intergenerational, and international justice at the end of this chapter.

### **3.1 Are Natural Resources Initially Owned?**

The first question that divides libertarians is this: Are natural resources *initially owned*? If they are initially owned, then no one may use the owned natural resources without either obtaining the owner's permission or providing the owner with appropriate compensation.

A variety of thinkers (including some libertarians) have endorsed claim that natural resources are initially owned. Some have suggested that natural resources should be seen as *jointly-owned* in the sense that their utilization requires a collective decision-making process such as majority decision-making (Grunebaum, 2000, pp. 54-59) or unanimous consent (Cohen, 1995, pp. 94-95).

However, the initial joint-ownership idea is open to criticism. As both Narveson (1998, p. 12) and Rothbard (2000, p. 224) point out, Cohen's joint-ownership proposal would leave individuals unable to enjoy *any* substantive liberty

(since they would need others' permission to even breathe).<sup>20</sup> Moreover, Rothbard (2000, p. 224) argues that it is simply impractical for billions of people to jointly exercise *any sort* of collective ownership rights over the world's natural resources.

Cohen (1995, pp. 102-103) also considers a different type of initial ownership: Namely, he suggests that each person might be seen as having initial ownership of an *equal share* of all available natural resources.<sup>21</sup>

However, the equal-share initial ownership proposal is also problematic. For one thing, it is not clear *who* should be granted ownership of *which* share of natural resources. And while we could rely on some central authority to allocate ownership of particular shares to particular individuals,<sup>22</sup> such an authority did not always exist and it is unclear how equal-initial-ownership proposals would work in its absence.

Due to these problems, the vast majority of libertarians reject the initial ownership view. They hold instead that natural resources are initially *unowned* and morally available for anyone's *use*. We will refer to this as the *common-use view* and the initial situation as the *common-use state*. On this view, actions like picking

---

<sup>20</sup> Rothbard's and Narveson's appeals to substantive liberty to dismiss Cohen's collective ownership proposal open them up to the charge of inconsistency. After all, in dismissing the claims of the desperately poor to assistance, Rothbard and Narveson reject the value of substantive liberty and defend self-ownership instead. In fact, Cohen's (1995, pp. 94-102) purpose in introducing his joint natural resource ownership proposal is precisely to force libertarians to recognize the importance of substantive liberty

<sup>21</sup> Cohen mistakenly attributes this view to Steiner. Although Steiner holds that every person has an initial moral claim to an equal share of natural resources, he holds that no one initially has ownership of any *particular* share (Steiner, 1994, p. 235 fn. 11). The appropriation process determines which person obtains ownership rights over which *particular* natural resources.

<sup>22</sup> An example of this is Dworkin's natural resource auction. See (Dworkin, 1981, pp. 283-290).

apples from a tree or bathing in a stream do not require anyone's permission nor do they generate any duties of compensation.<sup>23</sup>

Though quite popular among libertarians, the common-use view is also open to criticism. One key problem is that, intuitively, there seem to be significant moral restrictions even on mere natural resource *use* when there is scarcity and when a person uses a large portion of the available natural resources.<sup>24</sup> For example, it seems wrong for a person in the common-use state to bathe in the *only source* of potable water (thus fowling it for everyone else) or to pick one of the *three* remaining apples in society without providing any compensation to others. Yet the proponents of the traditional common-use view seem committed to permitting these actions.

Despite this criticism, the majority of contemporary libertarians continue to endorse the common-use view. However, they do not insist that natural resources must remain in the common-use state forever. Instead, they hold that individuals have a moral power to *appropriate* (i.e., acquire ownership of) previously unowned natural resources, at least under certain conditions.<sup>25</sup> The key philosophical question, which we turn to next, concerns the conditions under which an individual may appropriate natural resources.

---

<sup>23</sup> For a brief discussion of use, see (Roark, 2012, p. 689)

<sup>24</sup> See (Roark, 2012, p. 695).

<sup>25</sup> An interesting question, which we cannot address here, concerns the boundaries of the appropriated property. When I appropriate land, do I also obtain rights to the space above the land? If so, how far up? Do I obtain rights to what is below the land? How far below?

### 3.2 No Restrictions on Appropriation

One answer to this question, endorsed by libertarians like Rothbard (2000) and Narveson (1998), is that there are *no restrictions* on natural resource appropriation (libertarians who endorse this position are sometimes called *radical-right libertarians*). On this view, individuals *not only* have a liberty-right to use natural resources in the common-use state, they also have an *unconditional* moral power to acquire permanent ownership of currently unowned natural resources by some taking action (e.g., laboring on the resource).<sup>26</sup>

However, many theorists have criticized this radical-right libertarian position. Primarily, critics have questioned whether merely being a first-comer should entitle a person to the enormous value of undeveloped natural resources.<sup>27</sup> And while some radical-right libertarians have argued that human activity is responsible for the entire value of natural resources,<sup>28</sup> this position has been criticized.<sup>29</sup> If natural objects indeed have a value that has not been created by anyone, it is not clear why first-comers should be able to appropriate this entire value for themselves.

---

<sup>26</sup> There is significant debate over the precise actions that are necessary to appropriate natural resources. Some libertarians argue that appropriation requires mixing one's labor with a natural resource (Rothbard, 2000, pp. 223-227). Others insist that first possession is all that is necessary for appropriation (Narveson, 1998, p. 11). Still others suggest that it is only necessary to publically stake a claim (Vallentyne, 2007, p. 273). We will not explore this debate here.

<sup>27</sup> For a version of this criticism, see (Otsuka, 2003, pp. 23-24).

<sup>28</sup> See Rothbard (2000, pp. 225-226) and Narveson (1998, pp. 14-15)

<sup>29</sup> See, for example, (Mazor, 2009, pp. 43-52)

### 3.3 The Equal Claims View and Restrictions on Appropriation

In fact, many libertarians endorse restrictions on natural resource appropriation. They hold (implicitly or explicitly) that all individuals have some type of *initial moral claims*<sup>30</sup> to natural resources – claims that *fall short of initial ownership*, but which nevertheless ground, not only liberty-rights to use natural resources, but also *conditional immunities against the loss of these liberty-rights*. In this section, we will consider theories that hold that individuals have *equal* initial moral claims to natural resources. We will refer to this as the *equal claims view*.

Under what conditions can individuals lose their liberty-rights to use particular natural resources? Several prominent libertarians have answered this question by appealing to Locke’s famous contention that one person’s appropriation of natural resources may be permissible (i.e., does not run afoul of others’ initial moral claims to natural resources) as long as it leaves others with “enough and as good.” This is known as the Lockean Proviso. The key debate among these libertarians has been about the interpretation of this proviso.

Nozick defends the following interpretation of the proviso: He suggests that one person’s appropriation must leave “enough and as good” only in the sense that others are no worse off than they would have been had *all* natural resources remained in the common-use state (1974, pp. 176-177).

Nozick’s account of permissible natural resource appropriation is open to a wide variety of objections,<sup>31</sup> and here we will focus on what we take to be the most

---

<sup>30</sup> Note that these are moral claims in the broad sense of the term rather than Hohfeldian claim-rights.

<sup>31</sup> For a review, see (Kymlicka, 2001, pp. 111-121).

important: Like the natural resource appropriation theories of Rothbard and Narveson, Nozick's theory condones enormous, seemingly arbitrary inequality in the distribution of natural resource wealth.<sup>32</sup> As G. A. Cohen (1995, pp. 79-80) points out, Nozick's theory would allow *one person* to appropriate *all* available natural resources as long as she pays others a wage to work her natural resources that is just high enough so that they are no worse off than they would have been in the common-use state. And since the common-use state is likely to be quite poor (due to the lack of sufficient incentive to develop or forebear from overusing natural resources), the morally required wages would be fairly low. As Otsuka (2003, pp. 23-24) argues, this outcome seems both blatantly unfair and implausible as an interpretation of the requirement to leave "enough and as good" for others.

Hillel Steiner offers a different account of the Lockean Proviso. Steiner claims that a person has left "enough and as good" if and only if she has appropriated no more than *an equally valuable share* of pristine natural resources (1994, pp. 235-36). Since the first appropriator is not morally permitted to appropriate a share that is any greater in value than the share taken by the last appropriator, Steiner's proviso is not subject to the criticism that it grants a significant unfair advantage *to first-appropriators*.<sup>33</sup>

---

<sup>32</sup> While Nozick (unlike the *radical*-right libertarians) accepts that there *are* restrictions on natural resource appropriation, he ultimately condones very *unequal* distributions of natural resource ownership (which is why he is classified as a right libertarian).

<sup>33</sup> Steiner (1994, p. 268) does, however, like most libertarians, condone individuals' appropriation of more than the benchmark share as long as they pay redress for the excess share equal to the market value of the over-appropriated natural resources to those who have under-appropriated. We do not address this part of Steiner's theory here.

However, the equal share interpretation of the Lockean Proviso is subject to a different criticism: Namely, that it is insensitive to unfair inequalities in individual circumstances (Quong, 2011, pp. 68-70).

To see the problem, assume a world with only two people and a single natural resource called manna. Imagine that one of the people has an illness (through no fault of his own) that makes it the case that he needs two thirds of the available manna to survive while the other person only needs one third to survive. Would it be just to permit to healthy person to appropriate half of the manna?

Otsuka argues that it would not. He explicitly rejects the position that all individuals have equal initial moral claims to natural resources. Instead, he holds that those who are unfairly disadvantaged have *greater* initial moral claims to natural resources than do the unfairly advantaged (Otsuka, 2003, p. 29). Otsuka endorses conditions on natural resource appropriation that aim to mitigate these unfair inequalities (as does Vallentyne). We now turn to considering this view on permissible appropriation in greater detail.

### **3.4 Equality-Aimed Restrictions on Appropriation**

To understand Otsuka and Vallentyne's accounts of permissible natural resource appropriation, it is first necessary to understand their conception of unfair inequality. Vallentyne (2002a) and Otsuka (2003, p. 25) hold that it is unfair that some have less *opportunity for welfare* than others. And although it is impermissible on their view to violate anyone's self-ownership to correct for inequalities in opportunities for welfare, they endorse restrictions on natural resource

appropriation that go at least part of the way towards correcting these inequalities. That is, they endorse equality-of-opportunity-for-welfare-aimed restrictions on natural resource appropriation (or *equality-aimed restrictions* for short).

Although Ostuka and Vallentyne's theories (like Steiner's) do not significantly advantage first-comers, they are subject to a variety of other potential criticisms. One potential criticism (from the left) is that these theorists give too much weight to self-ownership relative to equality of opportunity for welfare. Once it is conceded that equality of opportunity for welfare is an important moral value, it seems strange (though not philosophically incoherent) to effectively grant self-ownership *lexical* priority over this egalitarian value. Why are fairly minor violations of self-ownership (e.g., painlessly taking a small amount of blood) more important than very large gains in equality of opportunity for welfare (Arneson, 2010, p. 184)?

A second criticism is that these theorists do not go far enough in their pursuit of equality of opportunity for welfare, even *given* an unwavering commitment to self-ownership. After all, it is possible to have a regime of natural resource ownership that is wholly consistent with full self-ownership while at the same time *fully achieving* equality of opportunity for welfare (e.g., by requiring the advantaged to transfer sufficient resources to the disadvantaged as a condition of breathing air). Yet neither Vallentyne nor Ostuka calls for such a regime.<sup>34</sup>

---

<sup>34</sup> Vallentyne (Tideman and Vallentyne, 2001, pp. 451-452) holds that appropriation makes the appropriator morally liable for transferring *only* the competitive market value of the natural resource *and no more* to those with lower opportunity for welfare. Yet this limit seems somewhat ad hoc. Ostuka (2003, p. 32) argues that the natural resource appropriation regime should be structured to promote equality of opportunity for welfare *subject to the caveat that resulting natural resource property rights regime not excessively curtail the substantive liberty* (i.e., what Ostuka calls the "robust self-ownership") *of the more advantaged*. However, it is unclear why the value of "robust self-

A third criticism, this time from the right, is that this type of libertarian theory appeals to the wrong notion of fairness. Many theorists, including several right-leaning liberal theorists, argue that, rather than requiring any type of equality, fairness requires respecting individuals' claims to the fruits of their labor (including natural talents).<sup>35</sup> If this is what fairness requires, then it would be unfair to adjust downward the amount of natural resources a person can appropriate simply because her labor has been (or can be anticipated to be) particularly productive (e.g., as a result of more economically valuable natural talents). A fuller discussion of these criticisms and Vallentyne and Otsuka's potential responses is unfortunately beyond the scope of this chapter.

To sum up, most contemporary libertarians agree that natural resources are initially unowned. But they disagree about the restrictions on natural resource appropriation. Radical-right libertarians like Narveson and Rothbard hold that there are no restrictions on appropriation. Nozick and Steiner, on the other hand, endorse restrictions on appropriation that are based on the view that individuals have *equal* initial moral claims to natural resources. Vallentyne and Otsuka also endorse restrictions on appropriation. But they hold that those who are unfairly disadvantaged have greater moral claims to natural resources than do others. They endorse conditions on appropriation that aim to mitigate unfair inequalities. These different libertarian views on natural resource appropriation and their relationship to the traditional left/right libertarian divide are summarized below.

---

ownership" is appealed to here whereas elsewhere Otsuka finds non-robust (i.e., traditional) self-ownership to be a sufficient conception of liberty.

<sup>35</sup> See, for example, (Munzer, 1990, pp. 254-291). See also Chapters Seven and Eight of (Miller, 1999). For criticism, see (Vallentyne, 2012)

Left Libertarians		Right Libertarians	
<b>Equality-Aimed Appropriation Restrictions</b>	<b>Equal-Claim-Based Appropriation Restrictions</b>		<b>No Restrictions on Appropriation</b>
<i>Otsuka Vallentyne</i>	<i>Steiner</i>	<i>Nozick</i>	<i>Narveson Rothbard</i>

#### 4. Property Rights in Artifacts and Distributive Justice

The final major category of property rights that we have not yet discussed is property rights in artifacts (natural resources that have been improved through human action). If we accept a libertarian account of self-ownership and natural resource property rights, the libertarian account of property rights in artifacts is not at all complex. These property rights simply arise as a result of voluntary exercises of pre-existing property rights (self-ownership rights, natural resource property rights, and property rights in pre-existing artifacts).

Here is a simple example: Albert owns land with some apple trees on it. He makes Bella the following offer: If she would pick 100 of his apples, she can have 30 of the apples she picks. We can describe this offer more formally as follows: Albert conditionally transfers all of his property rights to 30 of his unpicked apples to Bella (while also authorizing Bella to encroach upon his land and apple trees) in exchange for Bella transferring certain limited, time-sensitive self-ownership control rights to Albert. Once Bella has picked the 100 apples, she gains ownership of 30 of them

while Albert now owns 70 picked apples. The *picked* apples are examples of artifacts.

Having discussed self-ownership, property rights in natural resources, and property rights in artifacts (i.e., the vast majority of property rights in society),<sup>36</sup> surprisingly little remains to be explained about the libertarian view of distributive justice (at least as a matter of ideal theory).<sup>37</sup> This is because libertarians generally do not appeal to particular end-state principles to determine the proper distribution of economic benefits and burdens in society.<sup>38</sup> The just distribution of benefits and burdens is simply that which arises from the voluntary exercise of property rights. Once we understand the libertarian account of these property rights (and particularly self-ownership and property rights in natural resources), the libertarian account of distributive justice follows straightforwardly.

However, while this account of distributive justice may be parsimonious, it is certainly not uncontroversial. In the remainder of this section, we consider a variety of prominent objections to this account having to do with the role of luck, the moral limits on markets, discrimination, paternalism, unjust prices, the libertarian notion of freedom, the plight of the desperately poor, and the conflict between economic prosperity and property rights.

---

<sup>36</sup> We have already explicitly mentioned certain entities (e.g., animals) that are not necessarily included in this discussion. We will raise some other exceptions (e.g., minors) in the final section of this chapter.

<sup>37</sup> We will briefly return to the issue of rectificatory justice (what should be done when property rights have been violated in the past) in the final section of this chapter.

<sup>38</sup> The exceptions are those libertarians who endorse equality-aimed restrictions on natural resource property rights. These libertarians still view distributive justice solely in terms of exercise of property rights. But the conditions on individuals' natural resources property rights (and, by extension on the artifacts made with natural resources) can change depending on how the owner fares in terms of equality of opportunity for welfare relative to others.

## 4.1 Brute Luck

Some theorists criticize libertarianism by pointing out that many of the differences in the economic benefits and burdens enjoyed by individuals can be traced back to factors for which the individuals themselves are not morally responsible. They are thus unjust (because unfair). For example, no one can be said to be responsible for the natural talents that they are born with (they are the result of an unchosen genetic lottery and thus a matter of brute luck). Many theorists who make this argument call for the rejection of the full or near-full self ownership thesis and advocate redistribution of wealth to correct for unfair inequalities in economic benefits (Arneson, 2006).

As we have seen, some libertarians have been willing to accommodate this concern to some extent by structuring *natural resource property rights* to address these types of unfair inequalities (see Section 3.4 above). However, none has been willing to abandon the commitment to full or near-full self-ownership in response to this criticism.

## 4.2 The Moral Limits of Markets

Libertarians generally do not place any moral constraints on individuals' transfer rights. This means that in theory at least, *everything* is available for sale. This includes organs, life preservers, and sex. A person can even sell herself into slavery if she so chooses. A variety of theorists have criticized this aspect of libertarianism. They have advocated limits to what can be bought and sold on the

market based on protecting human dignity (Sandel, 2012), preserving the social meaning of the goods in question (Anderson, 1990), and respecting fellow citizens as moral equals (Satz, 2010). However, libertarians have generally refused to condone restrictions on transfer rights on the basis of these values.

### **4.3 Discrimination**

Another troubling implication of the libertarian commitment to unrestricted transfer rights is the permissibility (as a matter of justice) of all forms of discrimination (Freeman, 2001, pp. 135-136). Imagine that, although Carol is a better apple picker than Betsy, Albert refuses to hire her to pick his apples because she is black and Albert believes that blacks are “dirty.” Although libertarians can condemn Albert’s discriminatory action as immoral, they cannot condemn such action as unjust (Vallentyne, 2006).

### **4.4 Paternalism**

Another problem with viewing voluntary choice as sacrosanct is this: people make mistakes, and sometimes their mistakes have very serious consequences for their well-being. Is it always impermissible to encroach on individuals or their property for their own good? If a person is about to cross a bridge that unbeknownst to him is rotten (and there is no time to inform him), is it really impermissible to physically prevent him from crossing the bridge? Although some libertarians have entertained the possibility of allowing paternalism in cases in which the relevant interference does not violate a person’s will, most libertarians

have refused to endorse any type of encroachment on individuals or their property, even for their own good.<sup>39</sup>

#### 4.5 Just Prices

Another important challenge to the libertarian account of distributive justice has to do with the distribution of the benefits from *individual transactions* (a critique that some have raised under the heading of just prices). A wide variety of theorists (e.g., Wertheimer, 1996) have argued that the distribution of the benefits of voluntary exchange might in fact be unjust (e.g., because unfair or exploitative) in certain cases (e.g., when one of the parties holds a monopoly on the relevant good).<sup>40</sup> Libertarians generally reject such criticisms. On the libertarian view, as long as a bargain was agreed to voluntarily, there can be no legitimate claim that the terms of the bargain are unjust.<sup>41</sup>

#### 4.6 An Overly Narrow Notion of Freedom?

Others have criticized libertarianism for endorsing an implausibly narrow notion of freedom (Olsaretti, 2009b, pp. 101-161). Although libertarians sometimes cast themselves as defending freedom very broadly, understood as a “right to decide what would become of [oneself] and what [one] would do...” (Nozick

---

<sup>39</sup> For an excellent discussion, see (Wall, 2009)

<sup>40</sup> Libertarians sometimes suggest that monopoly prices will not be a problem as long as unjust *legal* barriers to entry in markets are removed (Nozick, 1974, p. 17). When profits are very high, new firms will have incentive to enter the relevant market, and this will drive down prices. However, as economists have long recognized, there are a variety of *non-legal* barriers (e.g., very high fixed costs in a certain industry) to entry in many cases (Stiglitz, 2000, p. 78).

<sup>41</sup> See, for example, (Nozick, 1974, pp. 63-65). An important exception is Steiner (1984) who calls into question the justness of agreements whose terms were affected by a previous rights violation.

1974, p. 171), libertarians are seemingly unconcerned (at least as a matter of justice) with individuals who are *forced by their circumstances* into certain courses of actions. A well-known example is the worker who has no acceptable choice (e.g., she would starve otherwise) but to work for the capitalist for whatever the wage the capitalist offers (Cohen, 1995, pp. 34-37).

Some libertarians have responded by pointing out that, while the worker may be forced to work, she is not *coerced* into working. Unjust restrictions on freedom arise, on the libertarian view, when one person causes another person to be forced to choose a certain path *by violating (or threatening to violate) her rights*. Since there is no rights-violating coercion in the case of the worker, it is perfectly coherent for the libertarian to resist seeing her plight as a matter of justice (Barnes, 2012). However, while critics of libertarianism have conceded that coercion may raise special moral concerns, these critics continue to argue that the lack of acceptable alternatives by some individuals (e.g., the worker) can call into question the justice of the arrangements into which those individuals enter (Olsaretti, 2013).

#### **4.7 Desperate Poverty**

Another objection to the libertarian account of distributive justice is that it implausibly privileges individuals' property rights in artifacts over the moral claims of the desperately poor. Imagine that someone (e.g., David) is suffering from serious malnutrition. In fact, we might imagine that David is suffering in this way even after

he receives his rightful portion of natural resource wealth.<sup>42</sup> Why should David not be given property rights to, say, some of Bella apples?<sup>43</sup>

The most well-known libertarian response to this objection is that redistributive taxation (e.g., transferring rights to the apples from Bella to David) is on a par with forced labor (Nozick, 1974, pp. 169-170). Indeed, there is at least some sense in which the two are analogous. When rights to the apples are transferred from Bella to David without Bella's consent, there seems to be at least some sense in which Bella is used as a means for David's benefit, since Bella's labor has benefitted David rather than Bella against Bella's will. And while there have been many criticisms of the analogy between redistributive taxation and forced labor,<sup>44</sup> libertarians continue to take the connection between these two types of property rights violations seriously.

#### **4.8 Economic Prosperity vs. Property Rights**

Libertarian society is often pictured as highly unequal but also wealthy overall due to the power of free enterprise, well-defined property rights, and the lack of stifling government regulation. However, in reality, an unwavering commitment to property rights can (counterintuitively perhaps) generate very

---

<sup>42</sup> For example, under Valentyne's theory, if natural resources are perfectly plentiful so that they lack a market value, David would not be due any transfers from Bella.

<sup>43</sup> Some readers may think that it is *obvious* that the moral claims of the desperately poor are more weighty than the property rights of the well-off. However, a principle that allowed blameless, desperate poverty to always trump respect for property rights would have implications that few would be willing to countenance. It would, for example, require a massive reassignment of property rights to poor individuals in the developing world. Some might be willing to accept the large reassignment of global wealth to the global poor (e.g., Unger, 1996). Others might try to explain why state borders are sufficiently morally relevant to block the claims of the desperately poor (e.g., Nagel, 2005). However, for those who do not find these two routes appealing, the libertarian insistence on the moral importance of property rights provides another way of resisting the massive

<sup>44</sup> For a brief discussion and further references, see (Fried, 2004, p. 80)

serious economic difficulties. Indeed, as economists have long recognized in their discussion of market failures, a system of voluntary exchanges can fail to realize significant economic benefits in a wide variety of circumstances (Stiglitz, 2000, pp. 77-90).

It is difficult to understate the economic problems that such market failures could potentially cause in a libertarian society. Who would build the roads? Who would have an incentive to undertake technological innovation in the absence of at least temporary protection from competition? How would money work? Libertarian society might not only have pockets of desperate poverty. It could also be fairly poor overall.

Libertarians have several responses to this objection. First, some have argued that critics underestimate the potential of private market solution to so-called market failures.<sup>45</sup> Second, some libertarians have stepped back from their absolute commitment to property rights, often in contexts in which unaddressed market failures would have the most economically debilitating consequences.<sup>46</sup> Finally, libertarians could respond that other theories of distributive justice either fail to address the conflict between respect for property rights and aggregate economic benefits or, in the case of utilitarianism, choose to sacrifice property rights for the sake of aggregate benefits in ways that are very unattractive (e.g., condoning policies that force people from their homes for the sake of a private redevelopment

---

<sup>45</sup> For example, for a discussion of private solutions to the problem of public goods, see (Mack, 1986)

<sup>46</sup> For example, Nozick (Nozick, 1974, p. 79) does not insist that a polluter must obtain the explicit consent of every person whose rights might be encroached upon by her air pollution (since insisting on an explicit consent would almost surely lead to a society in which no pollution at all could occur – a society which would be very poor indeed)

projects). The unattractive implications of alternative theories at least raise the possibility that, despite its problems, some version of libertarianism might be the most plausible account of distributive justice on offer, all things considered.

## 5. Directions for Future Research

Before concluding, we would like to briefly highlight five topics for future research that have particularly important implications for libertarian accounts of distributive justice.<sup>47</sup> These involve the moral status of children, future people, and people in other nation-states, property rights in non-divisible natural resources, and rectificatory justice. In laying out these topics for future research, our focus will be on raising important questions and on providing the reader with references to further reading.

### 5.1 Minors

Throughout this chapter, we have assumed that the only beings with moral standing are autonomous agents. This leaves out sufficiently young children as well as severely cognitively impaired adults (i.e., minors). The treatment of minors raises important questions for the libertarianism. Can minors be owned by others? Do minors have any rights?<sup>48</sup> Does the proviso on appropriation of natural

---

<sup>47</sup> Note that there are many other important areas for further research, including the moral status of animals and preventative justice (i.e., what a person may do to prevent potential rights violations), which we do not discuss here because they have relatively few implications for distributive justice.

<sup>48</sup> Those who endorse the choice-protecting conception of rights deny that minors have any rights (since they lack any autonomous agency to protect). Those who endorse an interest-protecting conception of rights (or a hybrid conception), however, can hold that minors have rights (since they have interests to protect). For a superb analysis of choice-protecting vs. interest-protecting rights,

resources apply to minors? If so, who has a duty to ensure that the appropriation restrictions are respected?<sup>49</sup> Who, if anyone, has the right, and perhaps duty, to be their custodians (care-takers)?<sup>50</sup> Since so much of what matters for distributive justice happens before we reach majority, the questions regarding the status of minors are clearly a pressing topic for future research.

## 5.2 Intergenerational Justice

We have assumed throughout that there is only a single generation of people. What is the moral status of past people and their wishes? Do future people who will definitely exist have moral standing? Do future people who may exist, but also may not exist, have standing? If they have standing, do they have full self-ownership (e.g., that can be violated by burying a toxin that will be released in 100 years)? Does the proviso give them a right to some share of the value of natural resources?<sup>51</sup> The moral status of future people has important implications for a variety of issues in distributive justice (e.g., obligations of environmental protection/conservation).

## 5.3 International Justice

We have assumed above a single nation-state. However, there are important questions of international distributive justice that arise once we relax this assumption. Libertarians uniformly agree that national boundaries make no

---

see (Kramer et al., 1998). For discussion of whether children have a form of self-ownership, see (Andersson, 2007) and Vallentyne (2003).

<sup>49</sup> For discussion of who has the duty to provide children with their fair share of wealth, see (Rakowski, 1991, p. Chapter 7), (Casal and Williams, 2004), (Vallentyne, 2002b), (Steiner and Vallentyne, 2009), and (Olsaretti, 2009a).

<sup>50</sup> For a discussion, see, for example, (Vallentyne, 2003b)

<sup>51</sup> For a discussion, see (Fabre, 2009), (Mazor, 2010), and (Steiner and Vallentyne, 2009)

difference with respect to self-ownership. But do individuals in a particular nation-state have special moral claims to the natural resources within their borders?<sup>52</sup>

Who has property rights to natural resources that span national borders?

#### **5.4 Non-Divisible Natural Resources**

Another important area for future research concerns property rights in natural resources that cannot be straightforwardly divided into individually appropriatable portions. Consider, for example, rights to the atmosphere. Although we could try to grant individuals the power to appropriate specific portions of the atmosphere, the molecules will move around and thus the portions will not be stable. How, then, should rights to the atmosphere be assigned on the libertarian view?

#### **5.5 Rectificatory Justice**

The final pressing area for future research is rectificatory justice (the rights that individuals have as a result of previous rights violation). Given the centrality of historical transactions in legitimating the current distribution of property rights in libertarianism, questions of rectificatory justice have enormous importance for the libertarian account of distributive justice. Is there a right to punitive damages, or is rectification limited to victim restoration/compensation?<sup>53</sup> Is the duty to compensate based on strict liability or is it sensitive to agent-responsibility for the

---

<sup>52</sup> For an argument that natural resources are commonly owned, see (Risse, 2012, p. Chapter 6). For general discussion, see (Steiner, 1999) and (Tideman and Vallentyne, 2001)

<sup>53</sup> See (Barnett, 1977, 1998) for a defense of the claim that there is a right only to victim restoration.

harm imposed (e.g., how foreseeable it was)? Is there a moral statute of limitations on the rights of rectification (after which a right ceases to be valid)? If so what? If not, how should one proceed, given that we have very little knowledge of what rectification requires for the massive and systematic injustice of the distant past?<sup>54</sup>

## 6. Conclusion

Our goal in this chapter has been to explore the libertarian account of distributive justice, including internal disagreements, external criticisms, and areas for future research. We began with a discussion of self-ownership and considered criticisms relating to indeterminacy, small incursions (or risks of incursions) and enforceable duties of assistance. We then turned to natural resource property rights and considered the debate over whether natural resources are initially owned and, if not, the conditions under which they may be appropriated. Finally, we discussed the libertarian account of just economic activity, surveyed a variety of criticisms of this account, and concluded by raising important topics for future research.

As we recognized throughout this chapter, libertarianism is subject to many criticisms. Moreover, there are many gaps and unresolved issues. However, no theory is beyond reproach, and we believe that libertarianism has much to offer philosophers interested in questions relating to the just distribution of economic benefits and burdens.

---

<sup>54</sup> Nozick (1974, p. 231) indicates an openness to a one-time Rawlsian redistribution of wealth to rectify massive past injustices. Narveson (2009), on the other hand, argues that, in the absence of specific compelling evidence, one should act as if the status quo is just.

## References

- Anderson, E. 1990. "The ethical limitations of the market." *Economics and Philosophy*, 6 (2), pp. 179-205.
- Andersson, A.-K. 2007. "Libertarianism and potential agents: a libertarian view of the moral rights of fetuses and children," PhD Thesis, Stockholm University.
- Arneson, R. J. 2006. "Luck egalitarianism interpreted and defended." *Philosophical Topics*, 32 (1), pp. 1-20.
- Arneson, R. J. 2010. "Self-Ownership and world ownership: against left-libertarianism." *Social Philosophy and Policy*, 27 (1), pp. 168-194.
- Barnes, G. 2012. "Why is coercion unjust?: Olsaretti vs. the libertarian." *Analysis*, 72 (3), pp. 457-465.
- Barnett, R. 1977. "Victim's rights: restitution or vengeance." *Ethics*, 87, pp. 279-301.
- Barnett, R. 1998. *The structure of liberty : justice and the rule of law*, Oxford: Clarendon Press.
- Casal, P. & Williams, A. 2004. Equality of resources and procreative justice. In: Burley, J. (ed.) *Dworkin and his critics*. Oxford: Blackwell.
- Cohen, G. A. 1995. *Self-ownership, freedom, and equality*, New York: Cambridge University Press.
- Dworkin, R. 1981. "What is equality? Part 2: equality of resources." *Philosophy and Public Affairs*, 10 (4), pp. 283-345.
- Epstein, R. 1998. *Principles for a free society*, Reading, MA: Perseus Books.
- Fabre, C. 2009. Preconception rights. In: Wijze, S. D., Kramer, M. & Carter, I. (eds.) *Hillel Steiner and the anatomy of justice: themes and challenges*. New York: Routledge.
- Freeman, S. 2001. "Illiberal libertarians: why libertarianism is not a liberal view." *Philosophy & Public Affairs*, 30 (2), pp. 105-151.
- Fried, B. 2004. "Left-libertarianism: a review essay." *Philosophy & Public Affairs*, 32 (1), pp. 66-92.
- Grunebaum, J. 2000. Autonomous ownership. In: Vallentyne, P. & Steiner, H. (eds.) *Left-libertarianism and its critics : the contemporary debate*. New York: Palgrave.
- Hohfeld, W. 1919. *Fundamental legal conceptions*, New Haven: Yale University Press.
- Kramer, M. H., Simmonds, N. E. & Steiner, H. 1998. *A debate over rights: philosophical enquiries*, Oxford: Clarendon Press.
- Kymlicka, W. 2001. *Contemporary political philosophy : an introduction*, New York: Oxford University Press.
- Lippert-Rasmussen, K. 2008. "Against self-ownership: there are no fact-insensitive ownership rights over one's body." *Philosophy & Public Affairs*, 36 (1), pp. 86-118.
- Mack, E. 1986. The ethics of taxation: rights versus public goods. In: Lee, D. R. (ed.) *Taxation and the deficit economy*. San Francisco, CA: Pacific Research Institute for Public Policy.
- Mack, E. 1990. "Self-ownership and the right of property." *The Monist*, 73 (4), pp. 519-543.

- Mack, E. 2011. Nozickian arguments for the more than minimal state. In: Bader, R. M. & Meadowcroft, J. (eds.) *The cambridge companion to nozick's anarchy, state, and utopia*. Cambridge: Cambridge University Press.
- Mazor, J. 2009. "A liberal theory of natural resource property rights," PhD Thesis, Harvard University. Available at <http://www.ethics.harvard.edu/images/resources/pdfs/mazor%20natural%20resources%20dissertation.pdf>.
- Mazor, J. 2010. "Liberal justice, future people, and natural resource conservation." *Philosophy & Public Affairs*, 38 (4), pp. 380-408.
- Miller, D. 1999. *Principles of social justice*, Cambridge: Harvard Univ Press.
- Munzer, S. R. 1990. *A theory of property*, Cambridge,: Cambridge University Press.
- Nagel, T. 2005. "The Problem of Global Justice." *Philosophy & Public Affairs*, 33 (2), pp. 113-147.
- Narveson, J. 1998. "Libertarianism vs. Marxism: reflections on G.A. Cohen's self-ownership, freedom, and equality." *The Journal of Ethics*, 2 (1), pp. 1-26.
- Narveson, J. 2009. "Present payments, past wrongs: correcting loose talk about nozick and rectification." *Libertarian Papers*, 1, pp. 1-18.
- Narveson, J. & Sterba, J. P. 2010. *Are liberty and equality compatible?*, New York: Cambridge University Press.
- Nozick, R. 1974. *Anarchy, state, and utopia*, New York: Basic Books.
- Olsaretti, S. 2009a. Choice, circumstance, and the cost of children. In: Wijze, S. D., Kramer, M. & Carter, I. (eds.) *Hillel Steiner and the anatomy of justice: themes and challenges*. New York: Routledge.
- Olsaretti, S. 2009b. *Liberty, desert and the market*, Cambridge: Cambridge University Press.
- Olsaretti, S. 2013. "Coercion and libertarianism: a reply to Gordon Barnes." *Analysis*, 73 (2), pp. 295-299.
- Otsuka, M. 2003. *Libertarianism without inequality*, Oxford: Clarendon Press.
- Quong, J. 2011. "Left-libertarianism: rawlsian not luck egalitarian." *Journal of Political Philosophy*, 19 (1), pp. 64-89.
- Rakowski, E. 1991. *Equal justice*, Oxford Oxford University Press.
- Risse, M. 2012. *On global justice*, Princeton: Princeton University Press.
- Roark, E. 2012. "Applying Locke's proviso to unappropriated natural resources." *Political Studies*, 60 (3), pp. 687-702.
- Rothbard, M. 2000. Entrepreneurship, entitlement, and economic Justice. In: Vallentyne, P. & Steiner, H. (eds.) *Left-libertarianism and its critics : the contemporary debate*. New York: Palgrave.
- Sandel, M. 2012. *What money can't buy: the moral limits of markets*, New York: Penguin.
- Satz, D. 2010. *Why some things should not be for sale: the moral limits of markets*, Oxford University Press.
- Sobel, D. 2012. "Backing away from libertarian self-ownership." *Ethics*, 123 (1), pp. 32-60.
- Steiner, H. 1984. "A liberal theory of exploitation." *Ethics*, 94 (2), pp. 225-241.
- Steiner, H. 1994. *An essay on rights*, Cambridge, MA: Blackwell.

- Steiner, H. 1999. Just taxation and international redistribution. In: Shapiro, I. & Brilmayer, L. (eds.) *Global justice*. New York: New York University Press.
- Steiner, H. & Vallentyne, P. 2009. Libertarian theories of intergenerational justice. In: Gosseries, A. & Meyer, L. (eds.) *Justice between generations*. Oxford: Oxford University Press.
- Stiglitz, J. E. 2000. *Economics of the public sector*, New York: W. W. Norton.
- Thomson, J. J. 1992. *The realm of rights*, Harvard University Press.
- Tideman, N. & Vallentyne, P. 2001. Left-libertarianism and global justice. In: Leiser, B. M. & Campbell, T. D. (eds.) *Human rights in philosophy and practice*. Hants, UK: Ashgate Publishing.
- Unger, P. 1996. *Living high and letting die*, New York: Oxford University Press.
- Vallentyne, P. 2002a. "Brute luck, option luck, and equality of initial opportunities." *Ethics*, 112 (3), pp. 529-557.
- Vallentyne, P. 2002b. Equality and duties of procreators. In: Archard, D. & Macleod, C. (eds.) *Children and political theory*. Oxford: Oxford University Press.
- Vallentyne, P. 2003a. Justice in general. In: Vallentyne, P. (ed.) *Equality and justice*. New York: Routledge.
- Vallentyne, P. 2003b. "Rights and duties of childbearing." *William and Mary Bill of Rights Journal*, 11, pp. 991-1010.
- Vallentyne, P. 2006. "Left libertarianism and private discrimination." *San Diego L. Rev.*, 43, pp. 981-992.
- Vallentyne, P. 2007. On original appropriation. In: Murray, M. (ed.) *Liberty, games and contracts: jan narveson and the defence of libertarianism*. Aldershot: Ashgate Press.
- Vallentyne, P. 2011. "Equal negative liberty and welfare rights." *International Journal of Applied Philosophy*, (25), pp. 237-41.
- Vallentyne, P. 2012. Taxation, redistribution, and property rights. In: Marmor, A. (ed.) *Routledge companion to philosophy of law*. New York: Routledge.
- Vallentyne, P., Steiner, H. & Otsuka, M. 2005. "Why left-libertarianism is not incoherent, indeterminate, or irrelevant: a reply to fried." *Philosophy & Public Affairs*, 33, pp. 201-15.
- Wall, S. 2009. "Self-ownership and paternalism." *Journal of Political Philosophy*, 17 (4), pp. 399-417.
- Wertheimer, A. 1996. *Exploitation*, Princeton: Princeton University Press.