

Self-Ownership

Type of Ethics: ???

Date: mainly 1600s to present

Associated With: John Locke, libertarianism, liberalism

Definition: Property rights in oneself comparable to property rights in inanimate things

Significance: Property rights in oneself protect one from being mistreated in various ways

John Locke (1690), libertarians, and others have held that agents are self-owners in the sense that they have private property rights over themselves in the same way that people can have private property rights over inanimate objects. This private ownership is typically taken to include (1) control rights over (power to grant and deny permission for) the use of their persons (e.g., what things are done to them), (2) rights to transfer the rights they have to others (by sale, rental, gift, or loan), and (3) tax immunities for the possession and exercise of these rights (so that, unlike renters, for example, they owe no payment for these rights). The property rights in question are moral rights, and need not be legally recognized. Thus, a country that allows involuntary slavery fails to recognize the (moral) self-ownership of the slaves.

Self-ownership, like private ownership in general, is a bundle of rights that can vary in strength. Full self-ownership (which is how self-ownership is usually understood) involves a maximal set of property rights over oneself comparable to the maximal set involved in the private ownership of inanimate objects. Partial forms of self-ownership leave out some of these rights. At the core of self-ownership is control self-ownership, the right to control the use of one's person (but not necessarily any right to transfer this right to others, or any tax immunity for the possession or exercise of this right). Something like control self-ownership is arguably

needed to recognize the fact there are some things (e.g., various forms of physical contact) that may not be done to a person without his/her consent, but which may be done with that consent. Endorsement of control self-ownership, however, does not require the endorsement of full self-ownership. And even if rational agents are full self-owners, there is the further question of what sort of ownership, if any, other sentient beings (animals, children, etc.) have.

Some Common Misunderstandings About Full Self-Ownership

Full self-ownership is often held to have implications that it in fact does not have. It is sometimes held to entail, for example, that one owns one's entire body. This does not follow automatically since it depends on whether the self-owning being is identical with his/her body. If the being in question is a mental being that need not occupy a body to exist (e.g., a Cartesian soul), then self-ownership alone does not guarantee ownership of the body.

Full-self ownership is sometimes thought to guarantee that the agent has a certain basic liberty of action, but this is not so. For if the rest of the world (natural resources and artifacts) is fully ("maximally") owned by others, one is not permitted to do anything without their consent (since it involves the use of their property). The protection that self-ownership affords is a basic protection against others doing certain things to one, and not a guarantee of liberty. But even this protection may be merely formal. For a plausible thesis of self-ownership must allow that some rights (e.g., those that imprisonment violates) may be lost as a result of past injustices committed by an agent. Hence, if the rest of world is owned by others, then anything one does without their consent violates their property rights, and as a result of such violations one may lose some or all of one's rights of self-ownership. This point shows that, because agents must use natural resources (occupy space, breathe air, etc.), self-ownership on its own has no substantive

implications. It is only when combined with assumptions about how the rest of the world is owned (and the consequences of violating those property rights) that substantive implications follow.

It is often supposed that full self-ownership gives one property rights in ones' products, but this is so only if the products are part of oneself (e.g., an improvement in one's ability to do mental arithmetic). For any products that involve natural resources involve materials that may belong to others, and a person who makes something from stolen materials may not own the product. Again, it all depends on how the rest of the world is owned.

The Ownership of the External World

Libertarianism is sometimes (and increasingly) understood as the thesis of full self-ownership. So understood, a distinction can be made between right-libertarianism and left-libertarianism, depending on the stance taken on how natural resources are owned. Right-libertarianism (the traditional form of libertarianism) holds that natural resources are initially unowned and typically may be appropriated without the consent of, or significant payment to, others. It holds, for example, that whoever first discovers, or first mixes his/her labor with, a natural resource owns that resource as long as certain minimal conditions hold (e.g., Locke's "enough and as good for others"). Left-libertarianism, by contrast, holds that natural resources are owned by the members of society in some egalitarian sense, so that appropriation is legitimate only with their consent, or with a significant payment to them. For example, according to joint ownership, all decisions about the use of natural resources are made by some collective decision-making procedure (Grunebaum 1987). According to an equal market share conception, agents must pay the market rent (based on demand and supply) for any rights they claim over natural resources, and these

rents are divided equally among agents (Steiner 1994). This latter view has the advantage of permitting agents to use and appropriate natural resources without the consent of others as long as an appropriate payment is made to the members of society. (Under joint ownership one is not permitted to do anything without the consent of others.) There are, of course, many other possible conceptions of the ownership of natural resources that can be combined with full self-ownership, and the plausibility of the full theory will depend crucially on the plausibility of the conception of natural resource ownership invoked. (For discussion, see, for example, Cohen 1995.)

Objections to Full Self-Ownership

Some authors object that the very notion of self-ownership is incoherent on the grounds that agents are not the kinds of things that can be owned, or on the grounds that the notion of full self-ownership is radically indeterminate. To the first point it can be replied that agents have the right to control the use of their person in various ways, and that such rights constitute a form of ownership rights. To the second point it can be replied that, although there is some indeterminacy in the notion of full ownership of anything, there is no particular indeterminacy in the notion of full self-ownership.

The following four objections can be raised to the implications of full self-ownership. One objection is that it permits voluntary enslavement. For agents have not only the right to control the use of their person, but also the right to transfer that right (by sale or gift) to others. Many authors—such as Locke (1690), Rothbard (1982), and Grunebaum (1987)—deny that the rights over oneself are so transferable (typically on the grounds that it undermines one's autonomy). Those who defend the right of self-enslavement—Steiner (1994), for example—

defend it on the grounds (roughly) that the right to exercise one's autonomy is more fundamental than the protection or promotion of one's autonomy.

A second objection to full self-ownership is that it denies that individuals have any (enforceable) obligation to perform actions that help the needy (except through voluntary commitment). Some authors who endorse a form of self-ownership—such as Locke (1690) and Grunebaum (1987)—hold that one's rights of self-control are limited by an obligation to provide aid to others when the aid is necessary for basic survival. Those who reject this obligation typically do so on the grounds that it induces a form of partial slavery.

A third substantive objection to full self-ownership is that it includes a right to make gifts of one's services and that such gifts (like gifts of money and material objects), when given from members of an older generation to members of a younger generation, can significantly disrupt the conditions of equality of opportunity. Those who defend the right of gifts of personal services emphasize how gifts are an essential part of intimate personal relationships. They also insist that if a person has the right to perform an action for his/her own benefit, then he/she also has the right to perform it for someone else's benefit.

A fourth objection to full self-ownership is that (like rights in general) it can lead to inefficient outcomes. Where there are externalities or public goods (such as police protection), each person may be better off if some of each person's rights are infringed (e.g., if each person is required to provide service each week on a police patrol). Given the problems generated by prisoners' dilemmas and other kinds of market failure, in large societies it will typically be impossible to get people's consent to perform such services. But many would argue that it is nonetheless just to coerce them into providing services (in violation of full self-ownership) as long as everyone benefits appropriately. The crucial difference here concerns the ultimate basis

for the rights of self-ownership. Those who endorse the choice theory (rights protect choices) will deny, and those who endorse the interest theory (rights protect interests) will hold, that infringements are permissible when they benefit the agents appropriately.

It should be kept in mind that, even if some of the rights of full self-ownership are rejected, a partial form of self-ownership may nonetheless be plausible.

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