

“Critical Notice of G.A. Cohen’s *Self-Ownership, Freedom, and Equality*”, *Canadian Journal of Philosophy* 28 (1998): 609-626.

Peter Vallentyne

SELF-OWNERSHIP FOR EGALITARIANS

G.A. Cohen’s book brings together and elaborates on articles that he has written on self-ownership, on Marx’s theory of exploitation, and on the future of socialism. Although seven of the eleven chapters have been previously published (1977-1992), this is not merely a collection of articles. There is a superb introduction that gives an overview of how the chapters fit together and of their historical relation to each other. Most chapters have a new introduction and often a postscript or addendum that connect them with other chapters. And the four new chapters (on justice and market transactions, exploitation in Marx, the concept of self-ownership, and the plausibility of the thesis of self-ownership) are important contributions that round out and bring closure to many of the central issues. As always with Cohen, the writing is crystal clear, and full of compelling examples, deep insights, and powerful arguments.

Cohen has long been recognized as one of the most important exponents of analytic Marxism. His innovative, rigorous, and exciting interpretations of Marx’s theories of history and of exploitation have had a major impact on Marxist scholarship. Starting in the mid-1970s he has increasingly turned his attention to normative political philosophy. As Cohen describes it, he was awakened from his “dogmatic socialist slumbers” by Nozick’s famous Wilt Chamberlain example in which people starting from a position of equality (or other favored patterned distribution) freely choose to pay to watch Wilt Chamberlain play, and the net result is inequality (or other unfavored pattern). During the subsequent twenty years, political philosophy has

benefited from his thinking about the nature and plausibility of the thesis of self-ownership, and about the scope and demands of equality.

In what follows I will focus solely on the material dealing with self-ownership, but first I shall mention some of the interesting material on Marxism and socialism that I will be ignoring. First, at various points Cohen discusses how something like a principle of self-ownership is latent in the standard Marxist condemnation of capitalist exploitation (e.g., the capitalist steals labor time from the laborer). It is precisely because of this that Cohen has taken self-ownership so seriously. Second, Cohen discusses the labor theories of value of Marx and Locke and their connection to Marx's theory of exploitation. Third, Cohen discusses how contemporary social, economic, and political circumstances make political change much more complex than is used to be for Marxists and socialists. In the early days of Marxism, workers (in the sense of "employees") as a group made up a majority of the population, and were roughly coextensive with the group of needy people and with the group of exploited people. But things are more complex today, because of the existence of many more stockholding workers, well-paid workers (e.g., managers), and needy non-workers (e.g. poor unpaid homemakers and semi-permanent unemployed people). Finally, Cohen criticizes Marx's "technological fix" for the problem of justice (roughly: that technological advances will inevitably produce abundance and thereby eliminate the circumstances of justice), and defends a moderate "social fix" according to which under conditions of moderate scarcity people over time can become disposed to comply with the demands of justice.

I shall focus solely on the issue of self-ownership—both because it is the dominant topic of the book, and because it is the topic that I am most qualified to comment on. I shall start by rehearsing and endorsing Cohen's analysis of the thesis of self-ownership. Then I shall identify

and motivate an egalitarian view that endorses self-ownership, and which is not refuted by Cohen's criticisms.

1. The Concept of Full Self-Ownership

Cohen gives three more or less equivalent characterizations of universal full self-ownership:

[E]ach person enjoys over herself and her powers full and exclusive rights of control and use, and therefore owes no service or product to anyone else that she has not contracted to supply. (p. 12)

[E]ach person possesses over himself, as a matter of moral right, all those rights that a slaveholder has over a complete chattel slave as a matter of legal right, and he is entitled, morally speaking, to dispose over himself in the way that such a slaveholder is entitled, legally speaking, to dispose over his slave. (p. 68)

[E]ach person has an extensive set of moral rights (which the law of his land may or may not recognize) over the use and fruits of his body and capacities, comparable in content to the right enjoyed by one who has unrestricted private ownership of a piece of physical property. (p. 117)

The core idea is that agents own themselves in just the same way that they can have maximal private ownership in a thing. This maximal private ownership is typically taken to include the right to fully manage (to use, and to allow or prohibit others from using), the right to the full income; the right to transfer fully any of these rights through market exchange, *inter vivos* gift, or bequest; and the right to recover damages if someone violates any of these rights. Redistributive taxation (e.g., of income or wealth) is incompatible with these rights of maximal private ownership.

Throughout, we will understand the claim of full self-ownership to be implicitly conditional upon the agent's not having committed any previous wrongs (which may lead to partial or full loss of self-ownership) and upon the agent's not having contractually given up some of his/her self-ownership. No one defends universal unconditional full self-ownership.

We should also note that claims of self-ownership can be understood in an ethical sense and in a political sense. Ethical self-ownership concerns the moral rights correlative to the moral duties of others. Political self-ownership concerns the legitimately enforceable moral rights correlative to the legitimately enforceable moral duties of others. The political conception is stronger than the ethical conception in that it asserts that one's rights of self-ownership are legitimately enforceable, and it is weaker in that it does not rule out having various non-enforceable non-contractual duties to others. My discussion will focus on the political reading, and for brevity references to rights/obligations should be understood throughout as references to the legitimately enforceable obligations. Likewise references to morality should be understood as references to the legitimately enforceable part of morality (justice).

Finally, to keep things simple, we'll assume that all beings with moral standing are fully psychologically autonomous (fully capable of self-governance), and that they pop into existence in this state (as opposed to developing it gradually). The existence of non-human animals, children, non-autonomous adults, and the like introduces a number of extremely important complications that cannot be addressed here.

2. Some Bad Rationales for Full Self-Ownership

In Ch. 9 (new) Cohen argues that several considerations which are often taken to support the thesis of full self-ownership do not in fact support it. As he acknowledges, these are only

criticisms of supporting arguments, and not criticisms of the thesis itself. Still, the supporting arguments are important, and their failure casts some doubt on the thesis itself.¹

One argument in favor of full self-ownership (crudely put) is this: (1) If we are not full self-owners, then we are at least partial slaves. (2) We are not partial or full slaves. So, (3) we are full self-owners. Cohen insightfully points out that the first premiss is false. For the missing rights of full self-ownership may not be held by anyone in the appropriate manner to constitute partial ownership of another. For example, one may have a duty to help another (and thus have incomplete self-ownership), without the other having a right to that help, the right to waive the help, or other ownership rights over the other. Of course the issue is complex, and depends on whether all duties are based on rights held by someone, and on what sorts of rights constitute partial ownership, but Cohen is clearly right that lack of full self-ownership does not entail partial slavery.

As Cohen makes clear, most defenders of full (or even partial) self-ownership will reply that even if there is no partial slavery, the relevant issue is whether one is appropriately subject to one's own will. So a second line of defense of full self-ownership is to appeal to the importance of autonomy (understood roughly as the effective ability to control one's life as determined by the morally permissible range of choices). But, as Cohen argues, self-ownership does not always support autonomy. First, for those who are poorly endowed, universal full self-ownership may leave them less effective autonomy than some scheme of universal partial self-ownership (e.g., where everyone has a duty to provide the needy with the means of subsistence). Second, even if everyone is equally endowed, universal full self-ownership may provide less autonomy for each than an alternative scheme (e.g., public goods may be under-supplied and thereby fail to increase everyone's autonomy). Finally, and most importantly, self-ownership is a purely formal notion,

and does not ensure that one has any effective autonomy involving physical actions. If the rest of the world is owned by others, no physical action is permitted without someone else's approval (since anything one does would involve using someone else's property). In such a situation one has no effective autonomy involving physical actions.

So, self-ownership does not ensure (effective) autonomy. It is concerned instead with ensuring that there are certain formal constraints on what others may do to one without one's consent, rather than with ensuring that one has the means to do things.

A third line of defense of full self-ownership is the following: (1) Forced transfer of body parts (e.g., removing someone's eye to transfer to a blind person) is unjust under current technological conditions. (2) Full self-ownership holds that it is unjust. (3) No theory that rejects full self-ownership can adequately account for the injustice. So, (4) full self-ownership is true.

Cohen questions the third premiss. He asks us to consider a case where (starting at some point) everyone is born without eyes, and there is a well-established, state-funded practice of perinatal implantation of perfect state-owned artificial eyes. Sometimes the eyes of adults cease to function (e.g. because of accidents), and when both eyes cease to function they are supplied with an eye from another adult with two good eyes, who is selected by lottery. (Adult implants work only if the eye has been in constant use from birth by some adult.) The mandatory transfer of the eye is not a violation of the "donor's" self-ownership, because the eyes are owned by the state and only loaned to the users, with it being understood that they may have to give up an eye if their name is drawn in the lottery.

If the mandatory transfer in this hypothetical case is as morally problematic as a real life mandatory transfer, Cohen suggests, it is because of the gross interference in the "donor's" life.

And since this gross interference is also present in the real life cases, there is no need to posit full self-ownership to explain why such transfers are unjust. The third premiss is false.

As Cohen acknowledges, defenders of full self-ownership will be likely be unpersuaded. For they will likely deny the moral equivalence of the two cases. In both cases there is significant disruption in the “donor’s” life. But in the hypothetical case, defenders of self-ownership will claim, this is unfortunate but not unjust (it was part of the terms of the loan agreement), whereas in the typical real life case it is both unfortunate and unjust (it involves coercively taking something that rightly belongs to a person). Still, Cohen’s discussion insightfully highlights how one can condemn forced transfer of body parts without invoking self-ownership.²

So far we have considered some criticisms of some arguments in favor of full self-ownership. Of course, the unsoundness of several arguments for full self-ownership does not refute the thesis. Let us now turn to some criticisms of the thesis itself.

3. Cohen Against Full Self-Ownership

Full self-ownership says nothing about the ownership of the non-agent part of the world: natural resources (unproduced resources) and artifacts (produced resources). Cohen very insightfully explores the implications of combining full self-ownership with various views about the ownership of the rest of the world. He concludes that the thesis of full self-ownership must be rejected primarily because it is incompatible with adequate protection of autonomy combined with adequate promotion of equality of condition.³

Libertarianism is the view that agents are full self-owners. The most common form is right-libertarianism, which combines full self-ownership with the view that the rest of the world is initially unowned, or held in common, and that portions come to be privately owned as agents

mix their labor with, or first occupy, or perform some other type of activity on, portions of the unowned world, perhaps conditional on some sort of minimal compensation conditions (e.g., that no one be made worse off). Cohen rightly criticizes this view for failing to adequately promote equality of condition and for failing to adequately protect effective autonomy (since a self-owner who owns nothing else has little effective autonomy).

Left-libertarianism endorses full self-ownership, but holds that natural resources (understood as including the natural resource component of artifacts) are owned in some egalitarian sense. It might seem that egalitarians can endorse full self-ownership by endorsing left-libertarianism. Cohen argues, however, that each of the main versions left-libertarianism is either insufficiently egalitarian or gives insufficient protection to autonomy.

According to one version of left-libertarianism, natural resources are jointly owned in the sense that all decisions about use, etc. are to be made through a collective decision-making process. One form of this view holds that all decisions are to be made by unanimous agreement. Although this view would presumably guarantee rough equality of condition (since everyone must agree to any arrangement), Cohen rightly rejects it on the grounds that no one would have any effective autonomy. For although it holds that each person is a full self-owner, no one has the right to do anything (e.g., stand in a given spot, eat an apple, or even breathe) without authorization from every other person. This is because every action requires the use of some natural resources (e.g., to occupy a spatial location), and so no one is permitted to do anything without approval from others.

Although Cohen (rightly) rejects the joint ownership of natural resources because it fails to ensure a minimal amount of autonomy for each person, he notes that right-libertarians cannot reject it on these grounds. For right-libertarianism does not guarantee that people have any

effective autonomy. It just insists on the formal autonomy guaranteed by self-ownership (which the above version of left-libertarianism also insists on). It sees no problem, for example, with a situation in which one person (or group of people) through luck or hard work comes to own all non-agent resources, so that all others require her permission to do anything.

Of course, collective decision-making need not require unanimity. It might only require a majority. But this version of joint ownership of natural resources would neither guarantee equality of condition (since a majority could decide to exclude others from benefits), nor leave agents any effective autonomy (since they would still require authorization from others for every action). So this is not a plausible way of combining full self-ownership with social ownership of natural resources either.

A second version of left-libertarianism holds that natural resources are equally owned by all in the sense that everyone is entitled to an equally valuable share of the natural resources. This avoids the above problem of collective authority over the natural resources, and thus over individual choices, because it divides up natural resources into equally valuable private shares. The most natural way of evaluating different shares of natural resources is in terms of their competitive value determined by supply and demand under relevant market conditions (e.g., their price at an auction). Each person would owe a tax equal to the value of any natural resources that he/she has appropriated, and the social fund so generated would then be divided equally among the members of society. If there is only one generation of agents, then agents could be charged the purchase price of the natural resources that they have appropriated. If there are many generations, then a more natural approach is to charge agents periodic rent for the natural resource that they have appropriated.⁴

Cohen rightly rejects this second approach primarily because it does nothing to compensate for inequalities in brute luck (e.g., in initial personal endowments or later events). Because each person gets an equal share of the social fund, and full-self-ownership prohibits coercive redistributive taxation, nothing is done to help alleviate the burdens of bad brute luck.

On the basis of his examination of these two approaches Cohen concludes that no combination of full self-ownership and egalitarian ownership of natural resources adequately ensures both the protection of autonomy and the promotion of equality. Although I agree with this conclusion, further argument is needed before it is reasonable to draw this conclusion. For there are other, more plausible, conceptions of egalitarian ownership of natural resources with which full self-ownership can be combined. Below, I shall identify some such conceptions. First, however, I will discuss why egalitarians should endorse some form of self-ownership.

4. The Need for Some Form of Self-Ownership

Some form of self-ownership is, I claim, a plausible constraint on the demands of equality. Unconstrained teleological egalitarianism holds that equality should be maximally, or at least adequately, promoted. Under some circumstances, it therefore judges it just (and perhaps required by justice) to torture, kill, or involuntarily enslave innocent people. It will do so whenever such treatment is the most effective means to the end of equality (e.g., if it will make certain resources available for the purposes of equalization). But it is unjust to torture, kill, or involuntarily enslave innocent people. The ends do not always justify the means. Hence unconstrained teleological egalitarianism is mistaken. Obviously, the issue is complex and controversial, and I am here simply outlining—rather than developing—an argument.

Egalitarianism must recognize some constraints on the admissible means of promoting equality. The most plausible grounds for these constraints are, I think, generated by some form of self-ownership and some account of ownership of natural resources. In particular, some form of self-ownership is necessary to adequately recognize that there are some things that others may not do to an agent without his/her consent (e.g., various forms of physical contact), and that those very things are permissible if the agent gives his/her consent and the owners of other involved resources give their consent. Again, this is highly controversial. A constraint against torture need not be accompanied by a right to waive the constraint, as self-ownership holds. But only waivable constraints, I would argue, adequately recognize the formal rights of control that agents have over the use of their persons.

The assumption that some form of self-ownership imposes constraints on equality promotion need not be the assumption that full self-ownership imposes such constraints. Full self-ownership gives agents various control rights over the use of their persons. But it also gives them rights to transfer those rights to others, and tax immunities for the possession and exercise of these rights. One can endorse a partial form of self-ownership (e.g., control rights) without endorsing full self-ownership (with full tax immunities).⁵ Indeed, the unrestricted right to transfer tax immune wealth by gift must, I believe, be rejected by egalitarians—at least for cases of wealth being transferred to a person of a younger generation. For without some such restriction, wealth dynasties will be generated, and no plausible form of egalitarianism can accept those.⁶ For simplicity, however, I shall ignore this concern below, and focus on how full self-ownership can be combined with a plausible conception of the ownership of natural resources. If full self-ownership is so combinable, then so are weaker forms.

5. The Ownership of Natural Resources Revisited

As Cohen recognizes, the significance and plausibility of self-ownership can be assessed only in the context of plausible assumptions about the ownership of natural resources. For full self-ownership has no substantive implications on its own. It all depends on its interplay with the ownership of natural resources. The rights of full self-ownership are conditional upon not having voluntarily given them up and upon not having committed previous wrongs. And this means that whatever rights full self-ownership “initially” bestows, they may—depending on the terms of ownership of natural resources—be immediately lost because of the use of natural resources that belong in part to others, or because of the terms governing the legitimate appropriation of unappropriated resources. If, for example, all natural resources are owned by others (e.g., privately by some individual or jointly by society), then agents may own none of their products made from natural resources (they may involve theft and trespass), and they may owe others services or products as compensation for violation of their property rights. So, self-ownership can only be fully assessed as part of a package that includes a plausible view about the ownership of natural resources.

As Cohen’s discussion of joint ownership of natural resources shows, a plausible conception of the ownership of natural resources should allow unappropriated resources to be used by agents without the permission of others and without any loss of the rights of self-ownership. More specifically, it should be common-use-based in the sense that (roughly) agents are permitted to use an unappropriated natural resource as long as they violate no one’s self-ownership, no one else is currently using it, and perhaps subject to certain other conditions.⁷

A plausible conception of the ownership of natural resources should also be unilateralist in the sense of allowing appropriation of unappropriated natural resources without the consent of

others—as long as certain conditions (to be discussed below) are met. For it is most implausible to hold that the consent of others is required when communication with others is impossible or extremely difficult or expensive (as it almost always is). And even when communication is relatively easy and costless, it's unclear why one needs the consent of others as long as one makes an appropriate payment for the natural resources appropriated.

We have already considered three common-use-based, unilateralist conceptions of natural resource ownership (in conjunction with full self-ownership). Radical right libertarians—such as Rothbard (1978, 1982) and Kirzner (1978)—hold that there are no compensation conditions on the appropriation of unappropriated resources. Agents are free to take ownership of whatever unappropriated natural resources they find (or mix their labor with). Obviously, this is a non-starter from an egalitarian viewpoint. Lockean right libertarians (such as Nozick 1974) hold that the only condition is a Lockean proviso, which requires roughly that no individual be made worse off (in some appropriate sense) by the appropriation. It seems quite plausible that satisfaction of some form of a Lockean proviso is a necessary condition for just unilateral appropriation. But Lockean libertarians are mistaken in holding that it is sufficient for just appropriation. For private property rights over natural resources typically bring the owners benefits (even after making payments to ensure that no one is made worse off). Consequently, people are willing to pay for these rights, and the rights have—relative to the initial condition of self-ownership, common use, and the obligation to compensate anyone made worse off by appropriation—a competitive value (market clearing price).⁸ Given the valuable nature of rights over natural resources, there is no reason why an appropriator should pay less than this competitive value. This view, in conjunction with full self-ownership was developed and defended by Henry George (1879, 1892) and others, and is known as Georgist libertarianism.⁹

Given the existence of multiple generations, the most plausible version of this approach is to require that rights over natural resources be rented at the competitive rent value. For if the natural resources were purchased at their competitive value, and these funds were allocated among the existing members of society, members of future generations would be deprived of the value of the natural resources.

Equal share left-libertarianism (e.g., Steiner's theory), considered above, is a version of Georgist libertarianism. It holds that the competitive rents should be divided equally among all members of society. Cohen rightly criticized this view for not being adequately egalitarian. Because it divides the social fund equally, no special compensation is provided to those who suffer unchosen disadvantage. The commitment to equal division, however, is not a necessary commitment of Georgist libertarianism (which only requires full self-ownership and the payment of competitive rent for appropriation). A more plausible view, I think, is an equality-promoting Georgist conception, according to which the social fund from rents is spent to promote equality of unchosen advantage. It focuses spending on the disadvantaged rather than dividing the fund equally. It is thus significantly more egalitarian in terms of equality of effective opportunity for a good life.¹⁰

This conception is compatible with full self-ownership. A main attraction of this combination is, I think, that it restricts the demands of equality to the spending of the social fund. The size of the social fund is determined by the competitive value of natural resource appropriated—and not by the amount needed to eliminate unchosen disadvantage. This view treats natural resources as resources to promote equality, but it gives clear recognition to the normative separateness of persons, and places clear—and arguably plausible—limits on our duties to others.

Cohen and most egalitarians, however, would reject equality-promoting Georgism on the grounds that the taxes (rents) that it requires agents to pay are based solely on the competitive value of the natural resources that they own. As a result, agents with more advantageous unchosen personal endowments (e.g. productive talents) pay the same taxes as those with less advantageous unchosen personal endowments who own equally valuable natural resources. Most egalitarians will agree with the spending policy of equality-promoting Georgism, but they will reject the Georgist taxation policy that limits taxes to the competitive value of natural resources appropriated. Most egalitarians will want those with greater unchosen advantage to pay higher taxes. Doing this will further promote equality—both by the leveling down effect of imposing the taxes and by the leveling up effect from spending them.

Most such egalitarians may grant that the payment of competitive rent is a necessary condition for just appropriation, but they will deny that it is a sufficient condition. A natural way of modifying the Georgist position to take into account the above consideration is to hold that, in addition to paying the competitive rent, appropriators must pay a tax equal to up to 100% of the net benefits (net of the competitive rent) that they reap from the appropriation. Of course, in practice it is not viable to tax agents 100% of the benefits they reap from the appropriation of natural resources. The required information about benefits is impossible to obtain and even enough information for rough approximations would be very costly to obtain. Furthermore, full benefit taxation leaves no incentive to make productive use of natural resources (since it leaves no net benefit to the agent). For these reasons, the full benefit taxation approach should be understood as setting a maximum tax that can be charged. The actual tax charged will be whatever maximizes net tax revenues (after deducting administrative expenses).

Consider then the equality-promoting, full benefit taxation conception of natural resource ownership. This is like the equality-promoting Georgist view considered above except that, in addition to paying competitive rent, appropriators must pay taxes (up to 100%) on the benefits they reap from appropriation. This approach has the effect of treating all benefits of applying personal talents to appropriated natural resources as a social asset. It is, however, compatible with full self-ownership. First, as we have seen, any assumption about the ownership of natural resources is compatible with full self-ownership. Second and more importantly, this view of the ownership of natural resources is compatible with a relatively secure self-ownership. For, like the Georgist conception, it imposes the obligation to pay the benefit taxation only on those who appropriate natural resources. Agents are free to use unappropriated natural resources under the terms of common use without acquiring any obligation to pay rent or benefit taxes. It is thus possible for agents to avoid having to pay the tax.¹¹

Equality-promoting, full benefit taxation libertarianism should be attractive to many egalitarians. It is not, however, a form of pure egalitarianism. For its endorsement of full self-ownership does some real work in limiting the admissible ways in which equality may be promoted. Agents may not be killed, tortured, or assaulted without their consent. Nor may they be coerced into providing involuntary services for others (e.g., mandatory labor for the state). Nor do agents owe any taxes merely because they exist or because they use natural resources. Nor are taxes imposed that effectively require agents to work in their most productive capacity (e.g., the “tax slavery” that results if each person owes a tax equal to the value of his/her maximally valuable annual product). If, however, agents appropriate natural resources, then they must pay the competitive rent plus taxes equal to up to the full value of the net benefit from appropriation (net of competitive rent).

Of course, more demanding (less constrained) conceptions of the ownership of natural resources are possible. Purist egalitarians could hold that anyone who uses natural resources thereby incurs the obligation to do whatever is necessary to maximally promote equality. Although such an approach is formally compatible with (initial) full self-ownership, it gives no real role to self-ownership, since agents must use some natural resources (e.g., to stand on or to breathe), and hence immediately lose their self-ownership. More weakly, one could hold that the obligation to promote equality maximally is incurred by anyone who appropriates (as opposed to uses) natural resources. This leaves some real role for self-ownership, since in principle agents could decide not to appropriate. But it has the result that appropriators may be subject, under certain conditions, to involuntary service (e.g., when their skills are needed by society), forced transfer of body parts (e.g., from an advantaged person to a disadvantaged person), or even torture (e.g., when it provides important information that reduces the suffering of the disadvantaged). Because these implications seem implausible, nothing more demanding than equality-promoting full benefit taxation (or something like it) seems promising for egalitarians.¹²

More generally, something in the general area between equality-promoting Georgism and equality-promoting full benefit taxation seems promising for egalitarians. Each is compatible with full self-ownership and is more plausible than joint-ownership and than equal-share Georgism. They each avoid the problem of requiring the consent of others to use natural resources by holding that common use is permitted and involves no waiving of any rights of self-ownership. They also hold that appropriation of natural resources without the consent of others is legitimate as long as appropriators pay the relevant rent and taxes. Georgism requires agents to pay competitive rent, and thus typically allows agents to benefit from appropriation, with agents

with greater productive capacities typically reaping greater benefits. Full benefit taxation, on the other hand, taxes away up to the full benefit of appropriation.

If equality of unchosen advantage is the only concern of justice, then both equality-promoting Georgism and equality-promoting full benefit taxation are flawed (because inadequately egalitarian). Most of Cohen's writing (e.g., Cohen 1989) make it seem that Cohen is committed to a pure form of egalitarianism, and if he is, then he will reject both these views. But in places (e.g., his rejection of joint ownership of natural resources, and his endorsement of the idea of an egalitarian bill of rights) he seems to favor some sort of constrained version of egalitarianism. For those favoring this latter approach, both equality-promoting Georgism and equality promoting full benefit taxation are, in conjunction with self-ownership, promising views. The key difference between the two concerns whether agents are entitled to the net benefits of their labor (net of competitive rent). Equality-promoting Georgism says they are, and equality-promoting full benefit taxation say that they aren't. I shall not attempt here to resolve this issue. My main claim is simply that something in this general area is a promising conception of the ownership of natural resources for non-purist egalitarians.

This is not to say, however, that egalitarians should endorse full self-ownership. So far I have simply assumed full self-ownership and explored some conceptions of the ownership of natural resources. As suggested in the previous section, I believe that full self-ownership is too strong in that it gives agents the right to transfer tax immune wealth by gift (and bequest) to members of later generations. Such a right can give rise to wealth dynasties, and that is unacceptable from an egalitarian perspective. Egalitarians need, I suggest, to endorse a form of self-ownership, but it need not—and should not—include that right to make untaxed gifts. But that's a topic for another occasion.¹³

6. Conclusion

Cohen's discussion of self-ownership is extremely insightful and important. I have not here addressed all the criticisms that he raises against full self-ownership. I have focused on his claim that full self-ownership cannot be combined with a conception of ownership of natural resources to produce a plausible egalitarian theory, and suggested that this is not obviously so. For, although joint ownership of natural resources leaves individuals no freedom to do anything without the consent of others, and equal share ownership does too little to compensate for unchosen disadvantage, there are plausible accounts of the ownership of natural resources that avoid the problem of requiring the consent of others to do anything while taking the promotion of equality more seriously. In particular, accounts that permit unilateral use and appropriation of natural resources, but which impose tax liabilities on those who appropriate equal to either the competitive value of the rights claimed or to the full net benefit they realize from appropriation, seem promising. Although I have not given anything even approximating a full defense of such accounts, enough has been said, I hope, to show that more investigation into the ownership of natural resources is needed before egalitarians reject all forms of self-ownership. Needless to say, without Cohen's ground-breaking work on the topic, the importance of this investigation for egalitarianism would not have been adequately recognized.¹⁴

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Notes

¹ I skip over Cohen's discussion of defenses of self-ownership that appeal to the claims (1) that people are ends, or (2) that people should not be sacrificed without their consent for the benefit of others.

² Cohen assumes, as is standard, that self-ownership, as applied to moral agents, includes ownership of one's entire body, but this does not follow from the thesis of self-ownership alone. It depends on facts about personal identity. If, for example, agents are purely mental beings that can, but need not, voluntarily occupy and leave bodies, then bodies (in their initial state) are simply (external) natural resources, just like tracts of land. And even assuming that agents are necessarily embodied, it does not follow automatically that the agents are identical with their entire bodies (as opposed to their central nervous system, say). Self-ownership for moral agents leads to ownership of all of their body parts only if they are identical with their entire bodies. If correct, this point supplements Cohen's criticism of the above argument for full self-ownership.

³ In the new Ch. 2 Cohen indirectly (and not explicitly) raises a criticism of the thesis of full self-ownership that I shall not consider. He there criticizes the principle that whatever arises from a just situation by just steps is itself just, where the justice of steps (or transactions) is conceived of procedurally (e.g., fully voluntarily) and not in terms of the ultimate outcomes. He thereby implicitly questions whether the justice of situations can be captured solely in terms of property rights. Explaining how this is relevant, and why I think the criticism fails (roughly: because his concerns are capturable within a property rights framework), would take me too far astray.

⁴ The best known contemporary advocate of the equal division of the natural resource rent is Steiner. Equal division is also advocated by Van Parijs (1995a), although it is qualified so that the social fund is divided equally only after compensation has been made for unchosen disadvantage. Grunebaum (1987) holds the natural resources are jointly owned, but holds that typically the most sensible decision is to rent out natural resources. If so rented, the rents are divided equally on his view. Dworkin (1981) develops an equal division approach, but only on the assumption that there is no differential brute luck. See also the discussion in Kolm (1985, 1986, 1996) and Roemer (1996)

⁵ The control part of self-ownership is, roughly speaking (ignoring some differences), endorsed by Christman, A Theory of Property, and (under the name “full act freedom”) Kolm, Modern Theories of Justice. They both reject full self-ownership.

⁶ For arguments against the right to make tax-immune gifts or bequests to members of later generations, see: Ackerman (1980), Haslett (1988), Munzer (1990), Nozick (1989), Rignano (1924), Sreenivasan (1995), Steiner (1995), Van Parijs (1995a), and Varian (1975).

⁷ Two fairly plausible conditions on common use are: (1) no one should be made worse off in a (specified) relevant way compared with non-use (e.g., as when a scarce resource is damaged or destroyed); and (2) when more people want to use a given resource at a given time than can use it, each user must pay a fee equal to the competitive value of the use. These conditions are discussed below with respect to appropriation, but they could also be applied to use.

⁸ There are many extremely important issues that I am here glossing over. The competitive values of rights over resources are relative to a set of market conditions, and specifying and defending a particular set of conditions is crucial. Furthermore, even for a determinate set of

initial conditions there can be more than one possible market equilibrium, and hence more than one possible set of competitive prices for resources.

⁹ Other early exponents of some form of self-ownership combined with some form of social ownership of natural resources include: Colins (1835), Dove (1850, 1854), Huet (1835), Ogilvie (1781), Paine (1795), Spence (1793), Spencer (1851), and Walras (1936). For insightful discussion of some of these early views, see Cunliffe (1987, 1988, 1990a, 1990b).

¹⁰ The idea that the rent from natural resources should be first used to equalize advantage (as opposed to being equally divided) is endorsed Van Parijs (1995a), Sartorius (1984), and Brown, (1977).

¹¹ In Ch. 9 (new) Cohen criticizes the claim by Gauthier (1986) that self-ownership does not include the right to any income in excess of the minimum income necessary to induce one to supply a service or product. A similar criticism is made by Van Parijs (1995a). As I note in the text, however, although full ownership of a service or product entitles the owner to the surplus income, this entitlement may be lost if one uses or appropriates resources that belong in part to others. Hence, taxation of surplus income is compatible with initial full self-ownership.

¹² The following are some loosely related approaches to self-ownership and the ownership of natural resources: Christman (1994) defends control self-ownership, but denies that agents (even non-appropriators) have any right to the income they generate. White (1998) accepts control self-ownership, but argues that agents owe taxes on their income at a rate (varying depending their talents) that equalizes post-tax potential income. Otsuka (1998) argues that agents are free to appropriate only as much resources as is compatible with equality of opportunity for welfare (and thus more talented agents are permitted to appropriate less). Brody (1983) argues that the benefits

of appropriation may be taxed to ensure that everyone gets a mutually self-interested fair share of the benefits. Gibbard (1976) explores full self-ownership in conjunction with joint ownership of natural resources. This is like the joint ownership model considered by Cohen except that the non-agreement point is common use rather than non-use. This is a much more plausible model of joint ownership of natural resources, but it is still implausible because it requires the actual consent of others for just appropriation (it fails to be unilateralist). He also considers a hypothetical agreement model.

¹³ For further discussion of the notion of self-ownership, the ownership of natural resources, and the ownership of artifacts, see (in addition to the articles already cited): Becker (1977), Fressola (1981), Ingram (1994), Kymlicka (1990), Mack (1983, 1990), Mavrodes (1974), Narveson (1988), Thomson (1990), and Waldron (1988).

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