Lecture 1: Self-Ownership

§1. The toy flute

Three children are arguing over a toy flute. Anne says: “Unlike Bob and Carla, I love playing the flute, and I play it really well!” Bob says: “Anne and Carla already have lots of toys, but I have none at all!” Carla says: “I have just finished making the flute, after many weeks of hard work!” Who should get the flute?

(Example from Amartya Sen, The Idea of Justice)

P1 The flute is the product of Carla’s labour.
P2 If the flute is the product of Carla’s labour, then it is her property.
C1 The flute is Carla’s property.
P3 If the flute is Carla’s property, but we give the flute to Anne or Bob, then we are stealing from Carla.
P4 Egalitarianism requires us to give the flute to Bob.
C2 Egalitarianism requires us to steal from Carla.
R1 Challenge P2.

T1 “The idea of the right to the fruits of one’s labour can unite right-wing libertarians and left-wing Marxists (no matter how uncomfortable each might be in the company of the other).”

(Amartya Sen, The Idea of Justice, p.13)

R2 Challenge P4. Perhaps the inequality that results from giving it to Carla is an inequality of the sort that egalitarianism permits.

R3 Challenge P1. Carla’s labour seems to be only one of the factors of production. Perhaps the flute is Carla’s property only if each of the factors of production is her property.

What if Carla made the flute out of a piece of wood she had stolen from Bob? What if she made it out of the only piece of wood in the garden? What if she made the flute out of some of the abundant wood in the garden? What if she made it out of her own thighbone?
§2. Self-Ownership

Anne fully owns the tree only if

(a) Anne can do what she likes to or with the tree.
(b) Other people cannot do anything to or with the tree unless Anne permits them.
(c) Anne (and only Anne) can permit people to do things to or with the tree.
(d) Anne (and only Anne) can prohibit people from doing things to or with the tree.
(e) If the tree produces anything, e.g. fruit, then Anne owns this as well.
(f) Anne can transfer any of these rights to other people, either temporarily or permanently, either in exchange for other rights or in exchange for nothing.
(g) Anne is due compensation from other people who violate these rights.

But there are limits on what Anne can do to or with the tree. There are also limits to what she can permit people to do to or with the tree.

Cf. Honoré (1961) for a classic analysis of ownership.

T2 ‘According to the thesis of self-ownership, each 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…’

(G.A. Cohen, Self-Ownership, Freedom and Equality, p.68)

T3 ‘The core idea of full self-ownership is that agents own themselves in just the same way that they can fully own inanimate objects.’

(Peter Vallentyne, Left-Libertarianism: A Primer, p.2)

T4 ‘Though the Earth, and all inferior Creatures be common to all Men, yet every Man has a Property in his own Person. This no Body has any right to but himself. The Labour of his Body, and the Work of his Hands, we may say, are properly his.’

(John Locke, Second Treatise of Government, p.287-288)

Bob is a full self-owner only if

(a) Bob can do what he likes to or with himself.
(b) Other people cannot do anything to or with Bob unless he permits them.
(c) Bob (and only Bob) can permit people to do things to or with himself.
(d) Bob (and only Bob) can prohibit people from doing things to or with himself.
(e) If Bob produces anything, then Bob owns this as well.
(f) Bob can transfer any of these rights to other people, either temporarily or permanently, either in exchange for other rights or in exchange for nothing.
(g) Bob is due compensation from other people who violate these rights.

If Bob is a full self-owner, then people cannot injure or kill Bob without his permission (a), but people can injure or kill Bob with his permission (b).

If Bob is a full self-owner, then people cannot prohibit Bob from smoking cigarettes or taking heroin, or from killing himself (c).

If Bob is a full self-owner, then he owns the product of his labour (d).

If Bob is a full self-owner, then Bob can prostitute himself, and he can enslave himself (f).

Suppose I give you a cold. Suppose I remind you that Donald Trump is about to be inaugurated. Have I violated your rights of self-ownership?

Self-ownership only tells us about the rights and obligations that Bob (and other people have). It doesn’t tell us about the other moral reasons Bob (and other people) have.

P1 If Bob is a full self-owner then I can torture him if he permits me.
P2 But I cannot torture Bob if he permits me.
C So Bob is not a full self-owner.

What does it mean to say that I can torture Bob? Does it mean that I don’t violate anyone’s rights in torturing Bob? Does it mean that I have no moral reason not to torture Bob?

§3. Is everyone a full self-owner?

SO1 Everyone is a full self-owner.

On Monday, Bob is a full self-owner. So he has control rights and transfer rights over himself. Bob permanently transfers the control rights and transfer rights he has over himself to Carla. So on Tuesday, Bob does not have control rights or transfer rights over himself. So on Tuesday, Bob is not a full self-owner.

SO2 Everyone is originally a full self-owner.

Are three year-old children full self-owners? If not, when do human beings become full self-owners?

SO3 Every grown-up is originally a full self-owner.

On the subject of children…
P1 Anne is the product of the bodies and (reproductive) labour of Mr. and Mrs. Smith.

P2 If Mr. and Mrs. Smith are full self-owners, then they have control rights and transfer rights over the product of their bodies and labour.

C1 Mr. and Mrs. Smith have control rights and transfer rights over Anne.

P3 If Mr. and Mrs. Smith have control rights and transfer rights over Anne, then Anne does not have control rights and transfer rights over herself.

P4 If Anne is a full self-owner, then she has control rights and transfer rights over herself.

C2 Anne is not a full self-owner.

R1 P1 is false. Anne is also the product of ‘germ-line genetic information transmitted from [her] grandparents’ (Hillel Steiner, An Essay on Rights, p.248).

R2 Self-ownership ‘confers the fullest right a person (logically) can have over herself provided that each other person has just such a right’ (G.A. Cohen, Self-Ownership, Freedom, and Equality, p.213).

§4. Self-ownership and deontological ethics

T5 ‘Individuals have rights, and there are things no person or group may do to them (without violating their rights).’

(Robert Nozick, Anarchy, State and Utopia, p.ix)

T6 ‘…the owner… can… dispose of [the owned object] as he pleases… But from this it follows that an object of this sort can be only a corporeal thing (to which one has no obligation). So someone can be his own master… but cannot be the owner of himself… (cannot dispose of himself as he pleases)… since he is accountable to the humanity in his own person.’

(Immanuel Kant, Metaphysics of Morals, p.421)

P1 I have duties to myself.

P2 I own x only if I have no duty to anyone to do or not to things with x.

C I do not own myself.

P2 is a consequence of the concept of ownership. In support of P1, Kant thinks that I have a duty to myself not to kill myself, or to ‘defile myself by lust’, or to ‘stupefy myself by the excessive use of food or drink’.
§5. Eye lotteries

Scenario 1

It is possible to give sight to a blind person by transplanting an eye from a sighted person. The government organizes an eye lottery. Sighted people whose tickets come up are forced to give up an eye for a blind person.

Scenario 2

Everyone is born with empty eye-sockets, but the government supplies artificial eyes for all newborn babies. Every now and then, these artificial eyes stop working, and the only way to restore sight to a person whose artificial eyes have stopped working is to transplant a working artificial eye from a sighted person.

The government organizes an eye lottery. Sighted people whose tickets come up are forced to give up an eye for a blind person.

Scenario 3

Everybody is born with empty eye-sockets, but working eyes randomly fall from the heavens into some people's eye sockets. This happens to most, but not all people.

The government organizes an eye lottery. Sighted people whose tickets come up are forced to give up an eye for a blind person.

(Examples from G.A. Cohen, *Self-Ownership, Freedom and Equality*)

Bibliography