§1. Recap: the story so far

Let’s assume that Carla made the flute out of a piece of wood. Was this piece of wood her property?

It was her property if she acquired it in a voluntary exchange from Bob, whose property it was previously. But how do we know if it was Bob’s property previously?

One possibility is that the piece of wood was at some point appropriated. It used to be nobody’s property, and then it was transformed into somebody’s property.

Concerns about the labour-mixture theory…

1. It is metaphysically spooky.
2. It is based on a more general theory of appropriation by mixture that has unacceptable consequences.
3. Where do we draw the line?

The Nozickean proviso…

If Y was previously nobody’s property, and X has taken Y under his/her control, and this leaves nobody else worse off than they would have been if Y had remained nobody’s property, then Y has become X’s property.

Concerns…

1. It can be used to justify enormous inequalities of property.
2. Why not prefer the counter-factual: 'this leaves nobody else worse off than they would have been if they had taken control of Y instead'.
3. It can be used to justify appropriation that, in a sense, leaves everybody worse off.

The Lockean proviso…

If Y was previously nobody’s property, and X has taken Y under his/her control, but there are still countless Y-like objects available to be taken under the control of people, then Y has become X’s property.

Concerns…
1. Is there any use for the concept of property under conditions of super-abundance?
2. Under these conditions, we have no reason to object to appropriation. But equally we have no reason to object to confiscation.

T2 ‘You may acquire previously unowned worldly resources if and only if you leave enough so that everyone else can acquire an equally advantageous share of unowned worldly resources.’

(Michael Otsuka, Libertarianism Without Inequality, p.24)

§2. Equal initial portions

Suppose that there are $n$ persons in the world. Then every person starts out with private property rights over a $1/n$ share of all the objects in the world.

T3 ‘…our equal original property rights entitle us to equal bundles of things… We are each entitled to an equal share of (at least) raw natural resources.’

(Hillel Steiner, An Essay on Rights, p.236)

One concern about this theory is that it permits enormous inequalities of income and power.

Suppose that every person starts out with private property rights over a $1/n$ share of all the objects in the world. Naturally talented people will be able to extract far more income from their $1/n$ share than naturally untalented people. Perhaps naturally talented people will be able to extract so much more income that they can buy the $1/n$ shares of naturally untalented people in return for a weekly wage.

Ronald Dworkin thinks that that this sort of ‘starting-gate theory’ is ‘hardly a coherent political theory at all.’

T4 ‘The starting gate theory holds that justice requires equal initial resources. But it also holds that justice requires laissez-faire thereafter, presumably, with some version of the Lockean theory [of labour-mixture]. But these two principles cannot live comfortably together.’

(Ronald Dworkin, Equality of Resources, p.309)

T5 ‘Equality can have no greater force in justifying initial equal holdings… than later in justifying redistributions when wealth becomes unequal because people’s talents are different. The same point may be put the other way around. The theory of Lockean acquisition… can have no less force in governing the initial distribution than it has in justifying title through talent and effort later…’

(Ronald Dworkin, Equality of Resources, p.309)
Formally…

P1  If every person has a right to an equal share of the objects in the world *initially*, then every person has a right to an equal share of the objects in the world *subsequently*.

P2  If every person has a right to as much as they can get by their native talents and industry *subsequently*, then every person has a right to as much as they can get by their native talents and industry *initially*.

P3  It cannot be true *at the same time* that every person has a right to an equal share of the objects in the world, and that every person has a right to as much as they can get by their native talents and industry.

C  It cannot be true that every person has a right to an equal share of the objects in the world *initially*, but every person has a right to as much as they can get by their native talents and industry *subsequently*.

Other concerns about this theory arise when we ask for a clearer specification of the terms…

‘…the world…’ Does this mean Planet Earth? Does it mean the Universe? Should it be the British Isles for British people?

‘…persons…’ Does this mean persons now, or persons at all times? Does it mean persons on Planet Earth, or does it mean persons anywhere in the Universe?

§3. Joint ownership

Joint ownership is ownership not by a particular person, but by a group of persons, who make decisions about the use and management of their property collectively.

One question about joint ownership is how the will of the group is expressed.

A supposed advantage of joint ownership of objects in the world is that it is incompatible with large-scale economic inequality.

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<th>No control of the field</th>
<th>Anne controls the field, and Bob gets a cut.</th>
<th>And controls the field, and Bob gets an equal cut.</th>
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<td>Anne</td>
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The disadvantage of joint ownership of objects in the world is that it is incompatible with personal liberty.
‘What is the point of owning myself if I can do nothing without the agreement of others? Does not joint world ownership entitle a person to prohibit another’s wholly harmless use of an external resource... and is it not, therefore, inconsistent with the most minimal effective self-ownership (and independently indefensible to boot)? ... Self-ownership is not eliminated, but it is rendered useless, rather as it is useless to own a corkscrew when you are forbidden access to bottles of wine.’

(Jerry Cohen, Self-Ownership, Freedom, and Equality, p.98)

Possible responses...

Can’t we restore personal liberty by agreeing to divide up the property into equal sized chunks of private property?

Aren’t we falsely assuming that property rights are all or nothing?

§4. Common Ownership

One concern about this sort of joint ownership is that since members of the community do not have control rights or transfer rights over the property, there is no incentive for them to invest in this property to make it more efficient in terms of yielding income.

Another concern is the famous tragedy of the commons. There is an incentive for members of the community to over-use the property.

Perhaps we should say that members of the community have a right unilaterally to transfer ownership of (part of) the property to themselves as long as they satisfy ‘payment requirements’, i.e. as long as they compensate everybody else for the loss of rights they have incurred.

How might these requirements be determined? Perhaps with reference to a proviso of the sort discussed in §1...

Bibliography