Labour, Property and Theft

Lecture 1: Self-Ownership

§1. Anne, Bob and Carla

Anne  “I should get the flute, because unlike Bob and Carla, I really love playing the flute, and I do it really well!”

Bob    “I should get the flute, because Anne and Carla already have loads of toys, whereas I have none at all!”

Carla  “I should get the flute, because I’ve just finished making it, after many weeks of hard work!”

(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, it is her property.
C1      The flute is Carla’s property.
P3      If the flute is Carla’s property, and we give it to Anne or Bob instead, that’s theft.
C2      If we give the flute to Anne or Bob instead of Carla, that’s theft.
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).’


P1a     The flute is *wholly* the product of Carla’s labour.
P1b     The flute is *partly* the product of Carla’s labour.

§2. Full Ownership

I fully own the tree only if…

i.      I can do what I like to or with the tree…
ii.     Nobody else can do anything to or with the tree, at least not without my permission…
iii.    I can *permit* other people to do things to or with this tree…
iv.     I can *prohibit* people from doing things to or with this tree…
v.      If the tree produces anything (e.g. fruit), I fully own that as well…
vi.     I can transfer all of these rights to other people…
Cf. Honoré (1961) for a classic analysis of ownership.

T2 ‘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)

T3 ‘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)

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)

I fully own myself only if

i. I can do what I like to or with myself…
ii. Nobody else can do anything to or with me, at least not without my permission…
iii. I can permit other people to do things to or with me…
iv. I can prohibit people from doing things to or with me…
v. If I produce anything, I fully own that as well…
vi. I can transfer all of these rights to other people…

§3. Is everyone a full self-owner?

The Self-Ownership Thesis  Everyone is a full self-owner.
The Weak Self-Ownership Thesis  Everyone is initially a full self-owner.
The Super-Weak Self-Ownership Thesis  Every adult is initially a full self-owner.

P1 If everyone is a full self owner, Elizabeth and Philip are full owners.
P2 If Elizabeth and Philip are full self owners, they are full owners of the product of their labour.
P3 Charles is the product of Elizabeth and Philip’s (reproductive) labour.
C1 If everyone is a full self owner, Elizabeth and Philip are full owners of Charles.
If everyone is a full self owner, Charles is the full owner of Charles.

Charles can’t be fully owned both by himself and by Elizabeth and Philip.

Not everyone is a full self owner.

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

Self-ownership just ‘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).

What about torture…?

If everyone is a full self owner, you can torture me if I give you permission.

You cannot torture me even if I give you permission.

I am not a full self owner.

What about slavery…?

If everyone is a full self owner, I can permanently transfer all of my rights over myself to you.

I cannot permanently transfer all of my rights over myself to you.

I am not a full self owner.

Strategies for dealing with these problems…

Strip some rights out of the bundle…

Distinguish aspects of morality…

§4. The eye lottery

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.

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 solution is to transplant a working artificial eye from a sighted person. Again, the government organizes an eye lottery, and sighted people whose tickets come up are forced to give up an eye for a blind person.
§5. Kant on self-ownership

T5 ‘...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 obligations to myself not to do certain things to or with myself.
P2 If I fully own X, I have no obligations not to do certain things to or with X.
C I do not fully own myself.

Bibliography