Property, Labour and Theft

Lecture 1: Self-ownership
The plan for today...

1. Anne, Bob and Carla
2. Full ownership
3. Is everyone a full self owner?
4. Eye lotteries
5. Kant on self ownership
§1. Anne, Bob and Carla
The toy flute...
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!”
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.
Is P2 true...?

‘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).’

Is P1 true...?

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

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

P1a is false, P1b is true.
What if Carla made the flute out of a piece of wood she stole from Bob...?

What if Carla made the flute out of the only suitable lump of wood in the garden...?

What if Carla made the flute out of one of the many suitable lumps of the wood...?

What if Carla made the flute out of her own thighbone...?
Week 1: Self ownership

Week 2: Nozick

Week 3: The Lockean proviso

Week 4: World ownership

Week 5: Marx

Week 6: Oil and culture
§2. Full ownership
Suppose I *fully own* this tree...

I can do what I like to or with the tree...

Nobody else can do anything to or with the tree, at least not without my permission...
I can *permit* other people to do things to or with this tree...

I can *prohibit* people from doing things to or with this tree...

Nobody else can...
If the tree produces anything (e.g. fruit), I fully own that as well...

I can transfer all of these rights to other people...

...temporarily or permanently, for free or in exchange...
'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)
‘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...’

“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.’

*(Locke, *Second Treatise of Government*, §27)*
Suppose I fully own myself...

I can do what I like to or with myself...

Nobody else can do anything to or with me, at least not without my permission...

I can permit other people to do things to or with myself...
I can *prohibit* people from doing things to or with myself...

Nobody else can...

If I produce anything, I fully own that as well...

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.
Suppose I am a full self owner...

In that case I can permanently transfer all of my rights over myself to one of you...

But if I do this then I am no longer a full self owner...

...in which case not everyone is a full self owner.
The Weak Self-Ownership Thesis

Everyone is *initially* a full self owner.
But what about children...?

Can they permit people to do things to or with them...?

Can they transfer their rights over themselves to other people...?

Can they enslave each other in the playground...?
Every adult is initially a full self owner.
On this view...

...the self is a bit like a car that you’re given on your eighteenth birthday...
Again, what about children...?

P1  If everyone is a full self owner, Elizabeth and Philip are full self 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.

P4 If everyone is a full self owner, Charles is the full owner of Charles.

P5 Charles can’t be fully owned both by himself and by Elizabeth and Philip.

C2 Not everyone is a full self owner.
Perhaps Charles is also the product of…

‘…germ-line genetic information transmitted from [his] grandparents.’ (Hillel Steiner, *An Essay on Rights*, p.248)

Perhaps 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...?

P1  If everyone is a full self owner, you can torture me if I give you permission.

P2  You cannot torture me even if I give you permission.

C  I am not a full self owner.
What about slavery...?

P1 If everyone is a full self owner, I can permanently transfer all of my rights over myself to you.

P2 I cannot permanently transfer all of my rights over myself to you.

C I am not a full self owner.
One strategy for dealing with these problems...

Strip some rights out of the bundle...

Perhaps we have full control rights over ourselves, but not full transfer rights...

The problem with this strategy is that ownership no longer seems to be doing much work...
Another strategy is to distinguish aspects of morality...

Perhaps I can permit you to torture me...

...and so bring it about that you no longer violate my rights in torturing me...

...but it still might be unethical for you to do so.
§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.
P1  Everyone is a full self owner.

P2  If everyone is a full self owner, I own my eyes.

P2  If the government forcibly takes away something I own, that is theft.

C   If the government forcibly takes away my eyes, that is theft.
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.
In this case I certainly don’t own my eyes...

...but the forced removal of an eye seems no less morally problematic...

So our intuitions about the first eye lottery aren’t a good argument for self-ownership.
§5. Kant on self ownership
‘...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)
I have obligations to myself not to do certain things to or with myself.

If I fully own X, I have no obligations not to do certain things to or with X.

I do not fully own myself.
I have an obligation not to kill myself.

I have an obligation not to ‘defile myself by lust.’

I have an obligation not to ‘stupefy myself by the excessive use of food or drink’.
Next week

Nozick