Property, Labour and Theft

Lecture 4:
Left libertarianism
The plan for today...

1. What is left-libertarianism?

2. Equal portions

3. Joint ownership

4. Common ownership
§1. What is left-libertarianism?
The story so far...

Giving the toy flute to Anne or Bob is theft if it is Carla’s property...

If we accept the self-ownership thesis then we think Carla owns her own labour...
So Carla owns the toy flute if she owned the other factors of production...

If we accept the self-ownership thesis and she made the toy flute out of her own thigh-bone then we will think she owns the toy flute...

What if she made it out of a piece of wood...?
Maybe she was given the piece of wood by/got it in a free exchange with somebody else...

In that case we need to know who owned the piece of wood *initially*...

If we assume that pieces of wood start off unowned, then we need to know if this person *legitimately appropriated* the piece of wood...

...which will have involved satisfying a proviso...
‘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)
‘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...’

(Second Treatise, Chapter 5, L287-288)
Left-libertarianism is the Locke-inspired view that...

...each of us fully owns him or herself...

...but the world is owned by all of us in some sort of egalitarian fashion...
‘Left libertarianism holds that there is a very significant difference in the moral status of agents... and natural resources...

About the former they maintain that full self-ownership is the most appropriate reflection of the status...

...and about the latter they independently maintain that egalitarian ownership is the most defensible stance.’

(Peter Vallentyne et al, *Why Left-Libertarianism Is Not Incoherent, Indeterminate, or Irrelevant*, p.209)
§2. Equal portions
‘...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)
Suppose that there are \( n \) persons in the world...

Then each person starts off with private property rights over a \( \frac{1}{n} \)th portion of the total raw natural resources in the world...

What does this entail...?
What are the raw natural resources...

Land, water, air, coal, gas, gold, uranium...

Do we have private property rights over a 1/nth portion of the land, a 1/nth portion of the coal, a 1/nth portion of the gold...

Does it matter that some of the land is arable and some of it isn’t...?
The idea is that the world’s raw natural resources should be divided up into \( n \) equally valuable portions...

...and that each person starts off with private property rights over exactly one of these portions...

But how do we decide that a particular pair of bundles is equally valuable...?
Perhaps two portions of the world’s raw natural resources count as equally valuable if and only if everybody would be indifferent between them...

...But then why assume everybody will have the same indifference curves over bundles...?
What does the world mean...?

Planet Earth...?

The Universe...?

Which persons count...?

What if the number of persons changes...?
Call people who have a very good at increasing the value of their initial portion ‘the talented’...

What if the talented are able to increase the value of their initial portion sufficiently that they are able to buy out the portions of the untalented in return for a weekly wage...
P1  If Steiner’s theory of justice is true then
    the talented can to turn the
untalented into their wage
labourers without introducing any
injustice.

P2  The talented cannot turn the untalented
    into their wage labourers without
introducing any injustice.

C    Steiner’s theory of justice is false.
‘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)
‘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)
The incoherence objection...

P1 If justice requires an equal distribution of resources \textit{at first}, it also requires an equal distribution of resources \textit{at every subsequent point in time}.

P2 If justice requires \textit{laissez-faire} at every subsequent point in time, it also requires \textit{laissez-faire} at first.
The incoherence objection...

P3 There can be no point in time at which justice requires both laissez-faire and an equal distribution of resources.

C Justice cannot require an equal distribution of resources at first, and laissez faire at every subsequent moment in time.
Why accept P1 and P2...?

Why does justice not permit that resources are *at first* distributed according to beauty...?

Because this is a morally irrelevant factor...

But it is still a morally irrelevant factor at every subsequent time...!
§3. Joint ownership
Joint ownership is ownership not by a particular person...

...but by a group of people...

...who make decisions about the use and management of their property collectively...
We might agree to pool our resources and use them to buy a coffee machine...

...and thereby come to own this coffee machine as a group.

Under communism, there is joint ownership of the means of production...
How are decisions about the use of the owned thing made...

By unanimous voting...

By majority voting...

By majority voting after deliberation...
If the world’s raw natural resources are jointly owned by everyone...

...and if joint decisions require something close to unanimity...

...then there is pressure against economic inequality...

...because only decisions that benefit everybody will be voted through...
'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)? (G.A. Cohen, *Self-Ownership, Freedom, and Equality*, p.98)
‘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)
P1  If the world’s raw natural resources are jointly owned by everybody, then I have a moral right to take a gulp of the water from the stream only if everybody else agrees.

P2  I have a moral right to take a gulp of water from the stream regardless of whether everybody else agrees.

C  The world’s raw natural resources are not jointly owned by everybody.
The basic case for left-libertarianism is that it protects both liberty and equality...

But if equal ownership of the world’s natural resources is cashed out as joint ownership...

...then it is not at all clear that left-libertarianism can protect liberty after all...

So the case for left-libertarianism is undermined...
P1  If we are full self-owners, then justice permits huge inequalities.

P2  Justice doesn’t permit huge inequalities.

C   Justice doesn’t require that we are full self-owners.

Left-libertarians want to resist P1...
P1 The world is either owned in some egalitarian fashion or it isn’t.

P2 If we are full self-owners and the world isn’t owned in some egalitarian fashion, then justice permits huge inequalities.

P3 If we are full self-owners but the world is owned in some egalitarian fashion, then justice severely restricts personal liberty.
C1 If we are full self-owners then either justice permits huge inequalities or it severely restricts personal liberty.

P3 Justice doesn’t permit huge inequalities.

P4 Justice doesn’t severely restrict personal liberty.

C2 We are not full self-owners.
We could protect liberty by collectively deciding to carve up the world’s raw natural resources into $n$ equally valuable bundles and then give one to each person as his or her private property...

But then we are back with the problems of the equal portions view...
We’ve been making a false assumption...

...namely that property rights are all or nothing...

Perhaps the use rights and income rights over the world’s raw natural resources belong to people individually...

But the control rights and transfer rights belong to people jointly...
§4. Common ownership
Some pieces of land are still in common ownership...

E.g. Midsummer Common and Port Meadow...
Midsummer Common belongs to the people of Cambridge...

Each member of the community has a right to use Midsummer Common (as long as their use of it doesn’t conflict with anybody else’s)...

Each member of the community has a right to the income that they derive from their use of Midsummer Common...
Only the community as a whole has the right to sell any part of Midsummer Common, say, to one of its members, or an outsider developer...

Only the community as a whole has the right to prohibit or subsequently permit someone to use Midsummer Common...

Perhaps the world’s raw natural resources are in common ownership...
One concern about this sort of 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...
If I use modern farming techniques to improve one patch of Midsummer Common so that the cows that graze on it produce more milk...

...I cannot exclude others from using this patch of Midsummer Common tomorrow.
The tragedy of the commons...

Each member of the community gains the income from his/her use of the property...

...but the costs of any damage that is done to the property as a result of this use are borne by the community as a whole.

Hence there is an incentive for members of the community to over-use the property.
Perhaps members of the community should have a right *unilaterally* to transfer ownership of part of the world’s natural resources to themselves...

...as long as they *compensate* everybody else...

How is the compensation to be determined...?

Perhaps with reference to a proviso...?
Next week...

Marx