

September 06, 2005

The Economics of Self-Ownership *Michael Rozeff*

Reflecting on its economic dimension can strengthen the moral case of self-ownership even further, writes Michael Rozeff. When we realize that a great many of our acts connect with other acts of ours and of other people in a web that extends out in space and backwards and forwards in time, we see that it is practically impossible for someone else to make us better off by making our decisions for us. [FULL ARTICLE](#)

Posted by Michael Rozeff at September 6, 2005 07:34 AM

Comments

Although it may seem like a quibble, there is a conceptual oddity with "self-ownership"--the owner is the self and what is owned is also the self. The usual relational situation between the owner and what is owned fails to obtain. (Perhaps the most interesting statement of this objection comes from Professor George Mavrodes in the Summer 1971 or 1972 issue *The Personalist*, a philosophy journal now defunct but edited by John Hospers then.) So, instead of self-ownership, the (Lockean?) idea of one owning one's life--an indefinite series of activities reaching from present to future--would probably work more cogently.

Posted by: Tibor R. Machan at September 6, 2005 09:51 AM

About the logic of "self-ownership" (assuming, of course, a natural law context; the meaning of the term in the context of a system of positive legal rules obviously depends on the rules of that system):

- If there is no conceptual oddity in saying 'Person A owns Person B' then there also is no such oddity in saying 'Person A owns Person A'. It is not as if X owns Y is a relation of the same type as X is longer than Y. Is it conceptually odd to say that A loves A, merely because 'usually' the lover and the beloved are different?

- If the concept of slavery is meaningful then the question 'Which person owns Person A?' also is meaningful. And then so are the conceivable answers to it: 'Every person (possibly with the exception of A) owns A', 'Some person or persons (possibly with the exception of A) own A', 'No person (possibly with the exception of A) owns A'.

To sacrifice the notion of self-ownership while retaining the notion of ownership, it seems to me, is to embrace the proposition that every person is a *res nullius* and that consequently every person (with the exception of that person himself) may 'find and keep' or 'homestead' (or whatever it is one has to do to establish ownership) him.

However, if a person cannot own himself then ownership means nothing: for if I do not own myself then who is the owner of all the other things that I supposedly own? Surely the person who owns me is the owner of those things. But, as he cannot own himself, it is his owner who owns him and his supposed property (including me and my supposed property). And so on ad infinitum.

- To own something *inter alia* is to be responsible and liable for it and for its actions and behaviour. Surely there is no oddity in saying that Person A is responsible and liable for himself and his actions and behaviour.

Similarly, the owner has a right to hold other persons responsible and liable for their actions and behaviours in so far as they touch or affect his property (in relevant ways, but let's not get into that).

Again, it is not conceptually odd to say that Person A has a right to hold other persons responsible or liable for what they do to him. Surely, these implications cover much of what we mean by ownership and self-ownership.

- I have often heard the argument that 'A owns A' implies 'A has right to transfer ownership of himself to another (through sale or donation)'. Therefore, it is said, self-ownership implies that slavery

is justified if it comes about in such a way. That is a non-sequitur: there are cases where A's owning X implies A's right to eat X, but it is a fallacy to conclude that only edible things can be owned. Is it not equally fallacious to conclude that only transferable or detachable things can be owned?

- Being able to hold and be held responsible and liable is a mark of being a person. I should not say that the same is true for being able to transfer one's person to another--I would not know what that means. This oddity cannot be made to disappear merely by substituting 'transfer of ownership of one's person' for 'transfer of one's person'. I can arrange to cease to be a person (and to transfer ownership of my body to another) but I cannot arrange to be another person's person without myself remaining in full possession of what makes me a person. (This easily translates into the argument that slavery--ownership of another person--is not justifiable in natural law, whereas there is no injustice per se in being or having a faithful servant.)

- 'Person A owns person A' is not the same as 'A owns A's life'. One may cease to be a person without ceasing to be alive (say because of severe, irreparable brain damage). If that is the case then there is no sense to saying that one owns one's life. Does a duck own its life? It would if it were a person and consequently had a personal life--but it isn't and it doesn't.

- It is a mistake to think that the relevant question about self-ownership concerns only the meaning of 'owning'. The relevant question concerns the meaning of 'owning a natural person', which involves an answer to the question 'what is, or makes one, a natural person?'

In 'A owns X', A must refer to a person (natural or artificial), but the expression does not become meaningless or even 'odd' if X too refers to a person.

- Person A owns A, A belongs to A and to no other person, A is his own man, A is a sovereign person, A is a free person--these are all different ways of expressing the same thought, which is basic to libertarian thinking.

Of course, as soon as we scrap the concept of natural persons the

whole conceptual edifice of libertarian thought crumbles. It will not do to substitute 'individual' for 'natural person'. True, men and women are individuals (atoms, essentially indivisible entities); but so are cats and dogs and many other things. Men and women have natural rights as natural persons, not as being individual-by-nature. Corporations, states and other artificial persons are not individuals, but even if they were they would not be self-owning because they are not natural persons.

- In conclusion: There is nothing wrong with, or even 'odd' about, the notion of a person owning himself. On the contrary, it seems to me that the concept of a non-self-owning natural person is meaningless.

Posted by: Frank van Dun at September 6, 2005 06:03 PM

If a person is going to make an unwise decision from which in hindsight he would prefer to have been prevented from doing or which may harm others and another person can foresee and prevent / pre-empt this, a libertarian would object?

I realise this opens a can of worms because then one try and justify all sorts of unpleasant meddling (wars etc) but one cannot deny there are many cases where the above (e.g. child rearing) raises awkward questions for a libertarian?

Posted by: Jonathan at September 7, 2005 09:59 AM

Jonathan,

What you're talking about is the interventionist do-goodery of the positive Golden Rule: Do unto others as you would have them do unto you. This injects every into everyone else's business, willingly or not, and cannot but result in mayhem, as none can consistently foresee the future as you suggest. And if they could, each would have the ability to determine the actions of the other, which is logically absurd.

As for child rearing, there is nothing awkward about it at all from a libertarian perspective. A child's life must be protected by the parent, who must restrict his liberties in order to do so and until

such time as the child is capable of taking care of himself, which is commonly understood as the age of majority: 18.

Posted by: David White at September 7, 2005 10:33 AM

David,

libertarians rule books take us to extreme outcomes. I grant that no one can foresee the future but there are plenty of real life examples where the libertarian position is nonsense or would lead to blatantly worse outcomes.

Child rearing is an obvious one. To simply override the carefully crafted natural rights/self ownership/non aggression etc libertarian rulebook and stick in a special clause that it doesn't count for kids until they are 18 (why not 16 or 19 and a half or never?) doesn't say much for the internal consistency of the libertarian position.

Posted by: Jonathan at September 7, 2005 11:03 AM

Jonathan,

Like what outcomes, for example, child rearing aside? As for that, adulthood being the age when an individual is capable of fending for himself, it is at this time when he comes into command of his rights. To deny this is to suggest that the child should be in command of his rights at birth -- or before, if you are of the pro-life persuasion -- which is patently absurd.

Posted by: David White at September 7, 2005 11:40 AM

David,

I think you make my point quite clearly in your response no? It is patently absurd to expect a child to fend for itself, therefore a parent needs to initiate aggression etc. which contravenes libertarian natural rights etc.etc. Libertarians get around this by making a handy exclusion for people having self ownership until they are adults... as soon as you have a rule book that can have little caveats added to prevent absurd outcomes the whole consistency of the model is at risk. Statists could bastardise a libertarian rulebook by tacking on their own exclusions for special cases (I am no statist by the way).

What I object to in the strict libertarian code is that in order to hold firm to their principles they deny the possibility that there are situations, not extreme ones, where initiation of aggression as you call it, would lead to better outcomes than would otherwise have prevailed. Can this lead to abuses? Absolutely, particularly well demonstrated by most state actions.

But is the solution to adhere to such a code which unsurprisingly won't get many followers and therefore will never be more than an academically interesting school of thought? Probably not.

Posted by: Jonathan at September 8, 2005 02:52 AM

Hi Jonathan:

I think I get your point:

If libertarians are against the state telling us what to do, when to go bed, what to eat, what to read, when we can watch TV, then we can hardly be consistent in advocating such parental controls over our own children, who, after all are people too. Therefore, it must follow that we libertarians are guilty of changing our own values and rules at our convenience when it seems suitable to us, rendering our claim to consistency completely false. Have I gathered the essence of your argument?

In answer I would say that the family truly is a special case. It is a situation where parents voluntarily spend their own resources for the specific benefit of their children, even to the exclusion of their own personal desires. There really is no substantial similarity between the parent/child relationship and the state/subject relationship.

On the other hand, when the ruling class becomes non-parasitic and self-funding (not funded by coercive taxation), like a parent is (in relation to the child at least), and the ruled find their paternal assistance worth the pain of submitting to this ruling class's rules, like a child would, and voluntarily and individually, agree to it, i would think that no libertarian would find fault with such an arrangement either.

In that light, I would submit that there is no libertarian inconsistency in conceding a parent's right to parent, and not conceding the ruling class's right to rule.

Posted by: Paul Edwards at September 8, 2005 12:05 PM

Paul, you understand my point well but I think it has more complicated implications for libertarians than accepting a fundamental difference between the role of the family and that of the state.

One can think of non-family instances where one may initiate aggression against another, which lead to a (probable but not definitely) better outcome.

(Stopping a drunken friend from hitting someone (I live in England) or physically bundling a married friend into a cab to stop him engaging in a later to be regretted tryst with a hooker etc., etc.) I agree with libertarians that the net effect of state intervention is negative but to refute that there are ANY instances where using force will have a positive net effect is simply incorrect. In the case of children it is so obvious that even libertarians will contrive to make an exemption by explaining that their model doesn't really apply to families and contrasting it with their real object of all their spleen, the state.

The problem for libertarians (and me) is that if one accepts that there are cases where force is acceptable because the ends achieved will be better than otherwise would have prevailed we open the door for state apologists.

I know that a libertarian response would be along the lines of 'How do you know what would have otherwise prevailed' or 'There is no way to objectively value the alternate outcomes' or a tired list of the evils of state intervention etc. and I respect these but it doesn't take away from the logic that in order to achieve a model that precludes any role for a state you end up with a rather perverse model for behaviour that in many routine instances goes against common sense.

The reason I am persisting with this is that if we are to educate people that there really is no need for a state, the model (IMHO) has to be sounder from quite obvious objections.

Posted by: Jonathan at September 9, 2005 04:35 AM

Re: Jonathan's post of 9/9 (04:35)

The cases Jonathan mentions differ from state interventions in some important respects.

First of all they involve natural persons (friends, family members) and not artificial persons (the state, its officials, corporations and their officials). Thus, they involve individual persons acting on their own responsibility; not officials who are able to divert questions of responsibility and liability to the organisation that employs them ("I was only doing my job"), and indeed dilute responsibility and liability completely, if the organisation in question is not fully owned by named individual persons.

If private natural persons use violence or force then they should know that they themselves may be held liable for what they do. In the cases cited by Jonathan the risk is minimal because there A uses force against B, who is a friend or relative, for the latter's benefit and at a time when B was out of his senses (drunk, over-excited, possibly too young or inexperienced to know what he was doing). The unstated presumption is that when B returns to his senses he will appreciate that A used force against him for his own good. If he still wants to hold A liable for assault on his liberty then he shall have to turn to a judge (mediator, arbitrator) who should acquit A if B did not suffer an unlawful harm as a result of A's action and, when sober again, did not do what A prevented him from doing.

Nevertheless, A takes a risk in that he may have misjudged the situation, but as a friend or relative he may count on B's willingness to forgive him for his well-intentioned intervention, be prepared to offer his excuses and even to pay for damages (should there be any). A competent judge certainly will take account of the fact that A, although knowingly interfering with B's physical liberty, did not intend to commit an injustice against B, and does not intend to escape from the consequences if his action is found to have been unjust. At most A risks having to pay restitution; he does not risk punishment.

This type of relationship can be extended to cover all personal interactions (not just between friends or relatives). If one finds oneself in a situation where one has to destroy another's property in

order to save the life of a third person, then one should not be held automatically as a criminal. One willingly takes the risk that the owner will sue for damages and that the person one has saved (or his friends, relatives or life-insurer) will not assume the costs of the rescue. However, there should arise no criminal liability if one is prepared to let an independent judge determine the extent to which compensation to the owner is due.

The difference with state intervention is clear. Neither the state itself nor its officials are prepared to submit their interventions to a really independent judge to have him determine whether they acted in good faith, and to pay out of their own pocket for any damages they may have caused while acting within their constitutional/legal authority.

Second, the cases cited by Jonathan involve on-the-spur decisions, the person who uses force to stop another perceiving a clear and immediate danger. This is different with legal rules and regulations, which are pre-meditated acts, that often apply across the board to all persons assigned by the state to one or another legal category, without consideration of their personal situation, condition or intentions.

Moreover, while the personal interventions in Jonathan's cases have only a temporary restraining effect (they deal with a particular incident), legal rules and regulations typically remain in force for an extended or even indefinite period of time. The intention behind them is to control not incidental irregular behaviour but the planning and prospects of a whole category of individuals.

Thus, they are an affront to justice even if it turns out that many or most people to whom they apply eventually would agree that the rules are so beneficial that they would not want to sue for damages even if they had the opportunity to do so.

In conclusion, we may accept that there are cases where force is justified/excusable because the ends achieved will be better than otherwise would have prevailed without opening the door for state apologists.

Regarding children: they have the same libertarian (natural) rights as any person. The authority of their parents (or guardians) derives in part from their liability for their children's (or wards) actions towards third parties, in part from the fact that the children live at the expense of their parents/guardians and usually on premises for which the latter are responsible and liable, if they do not actually own them.

What limits the parents' and guardians' authority is the fact that they may be held responsible and liable (by the child or others acting its behalf) for not respecting its natural rights or for exercising their authority without regard for the child's well being.

Biological parents face a special liability in that they caused the child to be born and thereby unilaterally put it (another person) and the rest of the world (other persons) in a situation that is potentially dangerous.

Do libertarian rulebooks take us to extreme outcomes?
Libertarianism, I should think, is not about rulebooks; it is not some sort of board game. It is about freedom and justice. Thus it must take account of all the complexities of life. To do that it cannot but be a philosophy of argumentation and careful judgement, not a semi-automatic application of some simple behavioural rule.

Posted by: Frank at September 18, 2005 06:23 AM