

Self-ownership and exploitation*

TARRIT Fabien

Doctor in Economics

OMI-LAME

Université de Reims Champagne-Ardenne

France

Abstract: This article intends to demonstrate that the concept of self-ownership does not necessarily imply a justification of inequalities of condition and a vindication of capitalism, which is traditionally the case. We present the reasons of such an association, and then we specify that the concept of self-ownership as a tool in political philosophy can be used for condemning the capitalist exploitation.

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The issue of individual freedom as a stake went through the philosophical debate since the Greek antiquity. We deal with that issue through the concept of self-ownership. It is, which is traditionally used in defense of capitalism on the name of freedom, and it states that human beings master their own body and the products that stem from the use of their body, namely from their labour. This concept returns to Richard Overton¹, for whom “*to every individual in nature is given an individual property by nature not to be invaded or usurped by any. For every one, as he is himself, so he has a self-propriety, else could he not be himself*” (Overton, 1646, stress in the original). John Locke, who is considered now as a reference for the libertarian writers, was especially explicit on the issue. He stated, against any kind of slavery, that everybody is the only owner of his/her own person, and of the labour which stems from it. From that point of view, the birth of the concept corresponds to the fight for individual freedoms.

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. Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property. It being by him removed from the common state nature hath placed it in, it hath by this labour something annexed to it, that excludes the common right of other men: for this labour being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to, at least where there is enough, and as good, left in common for others. (Locke, 1988)

Most of the libertarian thinkers, among which we use Robert Nozick work as an illustration², systematically use such a concept as the core of their argument³. Our point deals with the debate that occurred on this issue between Gerald A. Cohen and Robert Nozick, and we

¹ Richard Overton (1625-1664) was, together with John Lilburne (1614-1657) and William Walwyn (1600-1680), a leader of the urban movement the *nivellers* (1646-1650), which demand was sovereignty for people only and equity for goods and lands.

² This is not necessarily consensual but our point is that the epistemological foundations of Nozick's approach are the libertarian ones, and his questions correspond to the issue of the paper. Cohen's preference for Nozick does not fit to all the libertarians – “*unfortunately, Cohen selects Nozick as his standard libertarian*” (Gordon, 1998) –, which corresponds to some discrepancies within libertarianism, among which the issue of the ownership of repressive functions. Nevertheless, we assume that Nozick's thought can be used, as well Kirzner's and Rothbard's, as a representation of the foundations of the libertarian thought and that, as far as this issue is concerned, the discrepancies between authors are secondary.

³ The issue of self-ownership is denied by some libertarians, including the consequentialist ones, as unclear.

discuss the possibility to separate the concept of self-ownership from its unequal conclusions. Whereas the concept is advocated by the champions of capitalism against welfare, we deal with the possibility by radicals, including Marxists, to use it as a critique against capitalism, in the aim of social transformation. Rather than a straight rejection of the concept, we question the causation between self-ownership and the inequality of condition. First, we display the central features of the concept, and then we show how it can be used as a moral justification for the inequalities of condition and for capitalism (1). Then, we discuss the extent to which self-ownership can be used as a standard for differentiating the existing paradigms in political philosophy, and we deal how it can be included in a Marxian framework in terms of exploitation (2).

1. Self-ownership and libertarianism

Self-ownership can be defined more precisely : everybody is entitled to the private ownership of his/her own person, everybody has moral rights on the products of the use of his/her body, and it is forbidden to oblige somebody to serve somebody else or to give him the product of his/her labour. The concept is traditionally used by the libertarian authors as an ideological device for advocating capitalism.

“The foundational claim of libertarianism is the thesis of self-ownership, which says that each human being is the morally rightful owner of his own person and powers” (Cohen, 1985, p. 89). Everybody is morally entitled to a full private ownership on his person and powers, namely that everybody has moral rights on the use and products of his/her body and of its abilities. The issue is to consider everyone as allowed to enjoy the benefits of his/her activity. Now we display how the link between libertarianism and self-ownership got developed. It rests upon the entitlement theory (1.1), which corresponds to a peculiar interpretation of self-ownership (1.2), and its association with a thesis on the original appropriation of natural resources, on the basis of a specific interpretation of the Lockean proviso (1.3).

1.1. The entitlement theory for advocating full market

For this theory, market exchange respects the individuals as equal, that is as an end in itself, as it is proposed by the Kantian categorical imperative⁴. Market tradings are justified on a moral ground, even if they does not lead to the best results. This claim rests on three principles:

- The **acquisition principle** claims that someone becomes the legitimate owner of an unowned resource if he brings his/her labour to it, and if he does not harm the situation of someone else.
- The **transfer principle** claims that someone becomes the legitimate owner of an unowned resource if it results from a voluntary transaction with the previous legitimate owner.
- The **rectification principle** consists in correcting the violations of the first two principles.

If the current holdings have been acquired on a fair basis, only the transfer principle decides whether the resulting distribution is fair⁵. As a result, any taxation which is intended to preserve the institutions of acquisition, transfer and rectification is illegitimate since it is not a voluntary transaction. In defending the theory of entitlement, the libertarians pretend that, since market is a process in which the persons use the powers that they own legitimately, it justifies the distribution of goods that it allows itself. If a person legitimately acquired something, he/she can use it as he/she wishes, whatever the resulting distribution is, and, even if, for any reason, this distribution is undesirable, it cannot be considered as unjust.

The Wilt Chamberlain⁶ example aims to show intuitively that no theory of planned distribution can be defended: any distribution that results from free trading between persons who own their entitlement is fair. Let a distribution of resources in a society with one million persons, in which everyone owns an entitlement R , and he/she can use it as he/she wishes. Chamberlain is a member of this society, so he owns R . Assume that each person gives to Chamberlain an amount of 0.25. In the resulting distribution, he owns $R + 250\,000$, and all the other people own $R - 0.25$. The final distribution is different, but it results from a fair initial

⁴ "Act only according to that maxim whereby you can at the same time will that it should become a universal law" [Kant, 1993, p. 30]

⁵ We do not judge what is fair according to a basic principle, but on the basis of the standards of its definition: according to what he needs, according to what he deserves merit, according to his rights. We do not support *a priori* one of these proposals and we have a relative view on justice.

⁶ Wilt Chamberlain is a basket-ball player and the other persons are ready to pay for watching him play.

distribution with fair trading. Therefore; it is fair even if it violates the mode of distribution in the initial sketch. Such an argumentation is logically consistent, yet the problem is the claim that everyone owns absolute rights on his/her entitlement. Some additional argument is necessary.

1.2. The self-ownership argument

Self-ownership is the libertarian answer to that issue. If, according to the acquisition principle, the initial distribution is fair, then everyone owns an absolute right on his/her entitlement, so that, according to the transfer principle, any distribution which results from it with free trading is fair. Yet it is far from sure, at first sight, that if a distribution is fair, it allows an absolute right on entitlement⁷. Here comes the self-ownership principle. It is based on the assumption that individuals are unique and that the persons must be treated as ends, *i.e.* they are able to choose the way they act. Since they have the ability to lead their own life through rational choice, human beings cannot be used in a way which does not respect this ability. This means that the persons cannot be used without their consent, and what violates this demand is slavery, since a slave is used as a means and not as an end.

The self-ownership argument is used by the libertarians in order to demonstrate that a system with tax welfare amounts to use persons without their consent. For the libertarians, the fiscal redistribution allows some persons to own the products resulting from the properties of other persons, that is to own those persons and then not to treat them as ends. Therefore, the libertarians advocate absolute property rights, and they take distributive outlines, as they appear in Rawls's theory, as illegitimate since they treat the persons only as ends for improving the situation of the least talented.

1.3. Self-ownership and original acquisition : a peculiar use of the Lockean proviso

For the libertarians, a person has a right on what he has been transferred to by someone else if the latter has a legitimate right on it. Then, the legitimacy of an entitlement depends on the legitimacy of the entitlement of the previous owner, which depends on that of the previous owner, and so on. The question becomes: why is the first person who acquired a given resource more legitimate than a person who forced him/her to hand it over? What makes the original acquisition of the entitlement more legitimate? If it is the case, then all the free trading resulting from it are legitimate, and the current owner is allowed to his/her entitlement.

⁷ For instance, social or legal conventions may restrict the use of their entitlements by their individuals.

In order to legitimate the original acquisition, Nozick's argument is the Lockean proviso⁸ : *“For this Labor being the unquestionable Property of the Laborer, no Man but he can have a right to what that is once joyned to, at least where there is enough, and as good left in common for others”* (Locke, 1988). Let a plot of land. An agent A takes as much land as he/she wishes, provided he/she allows the other people have enough land, and in a sufficiently good quality. Assume that A takes half of the plot. When the other agents come, each of them can take a part of it if he/she leaves enough land with a similar quality to the others. An agent B takes half of the half left by A, an agent C takes half of the half left by B, and so on. We can imagine that there will not be enough land for the agent Z. Therefore, he/she can complain to Y for not having left a sufficient amount of land, and then for illegitimacy of his/her acquisition. Y can in turn complain to X, and X to W... until A. This sketch is intended to show that the Lockean proviso cannot be satisfied since, in a situation of scarcity, it is not possible to leave enough land and in a sufficiently good quality for all.

For Nozick, a process which leads to a permanent right, that can be transferred, on a thing that was previously owned by no-one, will be disrupted if the persons cannot use it as they wish. Then, A can fully acquire the available resources that are unowned as soon as he/she allows B, who used them before, to get access to some of them, insofar as B's condition is not worsened by the appropriation of A. B may become a worker for A, with a wage such that his/her situation is not worse than before A's appropriation⁹.

Now we specified more precisely the way in which Nozick and the libertarian thinkers, on the basis of the defence of individual liberties, have appropriated the concept of self-ownership and use it, on a massive scale, as a tool for defending capitalism. We will intend to demonstrate whether such a causation is misguided, and that self-ownership may become an intellectual tool for other objectivers.

2. Self-ownership : a potential for subversion

As shown below, the self-ownership thesis is a use, among others, of John Locke's work, and it can lead to inegalitarian conclusions. Yet such a causation is not a necessary one. We defend the idea that it is not precise enough, and that it is not precise enough for being used only for one purpose, and we propose the assumption that it is not allowing, in itself, peculiar conclusions in terms of social justice. At first sight, it does not seem to be of a real interest for radical thinkers, especially for Marxist ones, and this is Cohen's point: *“The Marxist critique*

⁸ Not all libertarians use such a proviso (see Rothbard, Kirzner).

⁹ It is worthwhile mentioning that it refers only to the material conditions. In particular, Nozick does not elaborate on the relation of submission in the wage contract.

of capitalist appropriation thus requires no denial of the thesis of self-ownership" [1990, p. 28]. For that reason, we break up self-ownership with the normative use that it can allow, and we defend the necessity to associate self-ownership with a thesis on the ownership of external resources. That will lead us to present a typology of standpoints in political philosophy (2.1). Then we intend to specify how it is possible to associate the concept of self-ownership with a theory of exploitation (2.2).

2.1. Self-ownership and the acquisition of external resources

The issue of the original appropriation is discussed by Cohen, who defends the claim that the principle of self-ownership does not require inequality in the sense Nozick pretends it should. From premises which defend freedom, Nozick reaches egalitarian conclusions: for Cohen, his move for freedom to inequality is mistaken, and the self-ownership principle does not justify an unequal distribution of natural resources. Now the issue is to specify the conditions under which self-ownership generates equality or inequality. Our point is that real freedom and real equality, as opposed to formal ones, require restrictions to self-ownership. We must split up a thesis on self-ownership and a thesis on the entitlement in external resources, and we must specify the relation between them. This allows to display some postures in political philosophy according to their approach both in terms of self-ownership and of ownership of external resources. Then, we specify three paradigms on that issue. The traditional libertarians advocate both self-ownership and a private ownership on external resources (2.1.1), the egalitarians deny self-ownership and are egalitarian on external resources (2.1.2), whereas the "progressive" or "left-wing" libertarians advocate both self-ownership and an egalitarian approach on external resources (2.1.3)¹⁰.

2.1.1. A defence of self-ownership and of the private ownership of external resources

The libertarian posture is based on the premise that everybody must control his/her powers and products. No-one should be the slave of someone else, which means that no-one is owned by someone else. Therefore everyone is owned exclusively by himself/herself and then he/she is free to do whatever he/she wants if he does not harm someone else. Then, it is legitimate to appropriate unowned resources without restriction and, from a moral point of view, the right of the persons on natural resources is considered as a continuation of the rights of the persons

¹⁰ The posture which denies self-ownership and defends a private ownership on external resources is a non-sense, and we do not analyse it here.

on themselves. From an original situation in which the persons own themselves and the external world belongs to no-one, inequalities are then morally defensible. Since in its original state, the external world is owned by no-one, everyone can take unlimited quantities of natural resources for himself/herself, as soon as he/she harms no-one. Unequal quantities of natural resources can then be privately owned on a legitimate basis. Then a broad inequality of condition cannot be avoided, or it only can be avoided in infringing the rights of the persons on themselves and on external things.

In such a framework, self-ownership allows freedom: an individual is free to use his/her powers as he/she wishes, as soon as his/her action is not directed against others. He/she can be forced not to harm others, mais he/she cannot be forced to help them, even if not helping them can be considered as a moral error. For the libertarians, redistributive taxation cannot be justified on a moral ground, since it is an interference on the individual life of the persons. Not only they master themselves, but they also hold the natural right to own the resources they can accumulate in exerting their personal capacities. Therefore, the conjunction of self-ownership and of an unequal distribution of resources leads to a broad inequality of condition. Self-ownership is used here as a moral justification of material inequalities and of capitalism.

2.1.2. A denial of self-ownership and an egalitarian approach on external resources

For the egalitarians, the personal productivity and the distribution of natural resources must be regulated by egalitarian principles. Talented persons are talented by luck, which leads to an unjust situation, since luck is not the result of a choice, but of undecided circumstances. The products of the nature and the power of the persons must be distributed according to principles of equality (Dworkin), the richest persons must be taxed in order to improve the situation of the disadvantaged ones (Rawls). In this framework, the inequalities that are generated by capitalism are condemned, but the capitalism is not condemned in itself.

The egalitarian authors deny the concept of self-ownership because of the inequalities of condition to which it leads. They claim that the resort to constraint is necessary for ensuring the equality of condition, in a way that the individuals would not be allowed to an exclusive right on themselves, such it is presupposed by the concept of self-ownership. Because they advocate the causation from self-ownership to the inequality of condition, the egalitarians are forced to reject self-ownership.

2.1.3. A defence of self-ownership and an egalitarian approach on the external resources.

In order to deny the justification of inequality, it is therefore necessary to refute either self-ownership itself or the inference from self-ownership to the inegalitarian conclusion as it is defended by Nozick. Cohen selected the second option¹¹. He claims that a genuine libertarian cannot legitimate the capitalist exploitation, insofar as it restricts the freedom of the workers. If capitalism obliges most of the proletarians to have no other choice than being proletarians, it means that they are not free to be something else than proletarians.

Then, the point is not to deny self-ownership, but to reject the self-ownership of external resources. From Locke's work, this approach defends a collective ownership of the world, which means that no-one can use it except if all agree. This means that an argument which is often used for advocating capitalism can be turned against capitalism.

One way of doing good philosophy well is to assemble premises which even opponents will not want to deny, and at dint of skill at inference, to derive results which opponents will indeed want to deny but which, having granted the premisses, they will be hard pressed to deny. The trick is to go from widely accepted premises to controversial conclusions. It is of course, no trick at all to go from premisses which are themselves controversial to controversial conclusions. (Cohen, 1995, p. 112)

Now the objective is to defend an egalitarian approach on external resources together with the concept of self-ownership. Cohen acknowledges that justice requires to stand up for a natural right to self-ownership, but he denies the right to exercise unlimited powers for accumulating private ownership, considered as a theft. Therefore, universal self-ownership does not guarantee the autonomy because it creates proletarians, who are not autonomous. Real freedom requires then limitations on self-ownership, and the conjunction between self-ownership and an unequal distribution of external resources leads to an inequality of condition. Only under such conditions self-ownership represents a moral protection for the inequality of condition, insofar as any attempt to promote an equality of condition is a violation of individual rights. It is the reason why Cohen presents the Marxian principle of proportionality – to each according to his/her contribution – as a distortion of the principle of self-ownership, which would disappear with the advent of the higher stage of communism. The

¹¹ "In any case, the inference from self-ownership to the unvoidability of inequality was my target" (Cohen, 1995, p. 13).

next section aims to deepen the argument in favour of a Marxian interpretation of the concept of self-ownership.

2.2. Self-ownership as a support for the theory of exploitation

To the question « *why did Cohen devote the best part of ten years to wrestling with such an unpromising idea* » [Barry, 1996, p. 28], the latter may answer that Nozick's *Anarchy, State and Utopia* (1974) waked him up from his dogmatic sleep. Whereas the egalitarians condemn the book because of its unconvincing premises, and they reject the concept of self-ownership because of the inequalities of condition to which it leads, Cohen claims that the Marxists should take it seriously. He proposes the assumption that Nozick, through a formalist definition of self-ownership, diverts Locke's egalitarian message, which object was to reconcile self-ownership and equality. He proposes the assumption that whether the capitalists rob the workers a part of the products of their labour rests on the thesis of self-ownership; as a matter of fact, the capitalist appropriation is founded on an unjust distribution of the rights on external resources, namely an unequal distribution of productive resources. This argument, taken as a neo-Lockean one, may constitute an alternative to the lack of ownership or to the private ownership of the external world. We analyse how it rests upon a defense of a common ownership of the world (2.2.1), and it can be used, in such a theory, instead of the labour theory of value (2.2.2).

2.2.1. A necessary conjunction between self-ownership and a common ownership of the world

As opposed to Nozick, for whom things appear on earth in being owned by no-one, there is no guarantee that the original privatization is not a theft of something which should be commonly held. A private appropriation of the external resources is at variance with what the non-owners wish, so that Nozick cannot present himself as a defender of freedom. Proletarians, who only hold their labour force, are not able to control their lives to such a degree that it can be possible to evoke autonomy. Therefore, in order that everyone has a reasonable degree of autonomy, the content to be given to self-ownership must be limited. Nozick's defence of inequality is founded on the conjunction of self-ownership with an egalitarian principle on the distribution of external resources. It may be advocated, like Cohen does, that the original privatization is a theft of what should be commonly held, and the conjunction of self-ownership with a common ownership of the world would eliminate the tendency of self-ownership to generate inequalities. In other words, this is a private

ownership of internal resources and a collective ownership of external resources, so that self-ownership does not prevent the achievement of the equality of condition. Therefore, Nozick's inegalitarian conclusion can be denied without rejecting the self-ownership thesis. Progressive libertarians are then egalitarian in the initial distribution of external resources, whereas for the Marxists, the capitalist appropriation is founded on an unequal distribution of the rights on external resources. Therefore, the reason of the appropriation may be found in the unequal distribution of productive resources. Hillel Steiner (1981) proposes a conjunction between self-ownership and an equal sharing out of natural resources, which are privately held. However, because of the different capacities of the agents, of the discrepancy in their time preferences, in their differential risk aversion, such a situation would necessarily lead to inequalities of condition and to class divisions. No egalitarian rule on external resources, together with the self-ownership principle, may promote the equality of income, except in giving up autonomy. As a paradox, it might be true that self-ownership leads to a lack of autonomy, because of the discrepancy between the functions of utility of the individuals. If the conjunction of self-ownership with an equal division of resources and an equality of condition is impossible, only the common ownership may lead to an egalitarian situation. Cohen claims that the self-ownership principle does not defend an inegalitarian distribution of natural resources: the conjunction between self-ownership and a common ownership of the world would eliminate the possibility for self-ownership to lead to inequalities. He defends the point that the original privatization is a theft of what should be commonly held. Nothing is created *ex nihilo* and any private ownership is created from something which was, at a time, owned by no-one.

2.2.2. In place of the labour theory of value

The issue of exploitation has always been a central one in the discrepancy between Marxism and mainstream social science: roughly, it can be claimed, on the one hand, that the Marxists argue that the workers are exploited and, at some stage, capital loses legitimacy, and, on the other hand, that mainstream social science argue that, since private capital holds a moral legitimacy, the workers are not exploited. For Marx, exploitation shall be analysed through the double feature of the wage relation. In the sphere of circulation, equal values are exchanged – labour force is sold at its value – and in the sphere of production, the proletariat is forced to work longer than necessary for producing the amount which corresponds to the value of its labour force¹²; therefore it is forced to surplus labour, which is appropriated by

¹² Surplus value is produced during production, it is achieved during exchange.

the capitalist class in terms of surplus value. The main point here is less the charge for theft than a claim about the relative character of justice, namely that the law has no explanatory primacy over the economic structure.

Exploitation is a result of the lack of access to the productive resources, and then of the obligation for the workers to sell their labour power to the capitalists. Then the injustice of capitalism is based on the initial inequality in the distribution of external resources, and the elimination of exploitation does not require the denial of the self-ownership thesis. For Cohen, the theory of exploitation is a moral claim, and it does not require any scientific foundation – the theory of surplus value. He argues that the labour theory value is wrong since it has not been demonstrated that labour creates value (1979, 1983); therefore he denies the claim that the theory of exploitation is founded on the labour theory of value, and for that reason a moral justification is required. He shares such a stance with Michio Morishima (1973), for whom the socially necessary labour time is not consistent for calculating the value of commodities, and with John Roemer (1982), for whom the theory of exploitation is necessarily based on moral foundations. Besides, the capacities of each individual to work being unequal, a labour theory of value would allow inequalities of condition, and a conjunction between self-ownership and labour value would justify an unequal distribution. The Marxian theory of labour value would enter in contradiction with the assumed egalitarianism of Marxism.

With the population increase, natural resources became inadequate for feeding the whole population, more productive and sophisticated means of production became necessary, and the initial loss of the natural resources is the basic reason for the current exploitability of the proletariat: exploitation became possible because of the exclusive holding of the means of production by the capitalists. However the means of production are also products of labour with natural resources. Whereas the progressive libertarians are egalitarian on the natural resources, for the Marxists, the means of production are the product of the blending of natural resources with labour force, which are both responsible for the production of value. Whereas in capitalism the workers hold the ownership of their labour value, they are vulnerable to exploitation because they are deprived from the ownership of natural resources.

Conclusion

The concept of self-ownership has traditionally been denied by the radical authors, including Marxists, insofar as it has traditionally been used as an ideological argument for defending and justifying the capitalist property relations. Based upon the struggle against slavery like it is the case in Locke's works, various libertarian thinkers, including Nozick, argue their point

in defence of capitalism through the self-ownership concept: everyone owns himself/herself, he/she owns the products which result from the use of his/her body, and then assets must be privately held. The concept is denied by the egalitarians because of the inequalities resulting from it, but Cohen claims that the Marxists should take it seriously, since it may be claimed that the capitalists deprive the proletarians from the ownership of their self. Then the concept of self-ownership itself does not generate inequalities and a common ownership of the world, together with self-ownership, would better allow an equality of condition. It would then be consistent to join the thesis of self-ownership with a Marxist approach in terms of exploitation and of alienation.

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