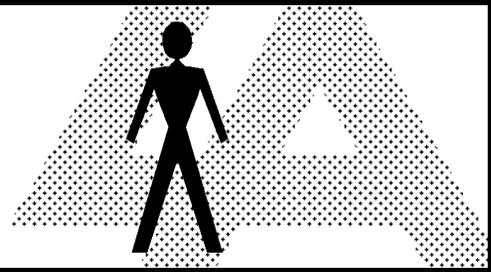


THE SELF-OWNERSHIP THESIS: A CRITIQUE

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1. Introduction

Self-Ownership is a concept which plays a leading part in the Philosophy of Property. It is central to the theories of Locke, Pufendorf, Nozick and Rawls; and Professor Grunebaum and Dr. Reeve find it acceptable. The most interesting and the most influential of these theories is Locke's, on which I shall concentrate accordingly. 'Every (unenslaved) man owns himself' is the first premise of his deontological argument to prove the conclusion 'Every (unenslaved) man owns his product' (Day, p. 208).¹

I rejected this Self-Ownership Thesis (the SOT), that A owns A, as meaningless. For 'A owns A' entails 'A has the right to use A', and 'A uses A' makes no sense; although 'A uses part of A' (e.g. his brain) does make sense. I diagnosed the cause of the belief in the SOT as a misunderstanding of the English pronouns 'myself', 'yourself' etc.; in particular, as the false belief that the adjective 'my', 'your' etc., which form part of these pronouns are 'possessive adjectives' (pp. 212-213, 216-218). It seems, however, that these criticisms have failed to convince. In this renewed discussion of the SOT I have nothing to add to the charge of meaninglessness. Rather, I offer a further account of Locke's reasons for maintaining the thesis. Like Grunebaum, I aim to remain as true to Locke as possible, yet to provide, not a definitive interpretation of Locke, but a development of the implications of this thought (p. 54).

2. Slaves and Freeman

It seems sensible to begin a discussion of the ownership of persons, not with the questionable notion of self-ownership,

but with the straightforward notion of other-ownership. This is slavery. For A is a slave if and only if A is owned by B.² The natural next question to ask is: What is the difference between a slave and a freeman? The obvious and true answer is that, whereas a slave is a person who is owned by some other person, a free man is a person who is owned by himself. Similarly they maintain that, when A enslaves himself to B, A transfers the ownership of A from A to B. Yet this too is false. When A enslaves himself to B, A causes A, who was unowned, to become owned by B.

Pufendorf asserts that 'a man who belongs to no-one is not nobody's, but his own'. That is blatantly paradoxical. Pufendorf has all the air of one defending a thesis at all costs. What powerful intellectual pressure precluded Pufendorf and Locke from allowing that a freeman is unowned? In answering this question I shall consider Locke's view of suicide as well as his view of slavery. It is already clear that the concept *unowned* is crucial. It is also crucial for the theory of Locke's most faithful follower, Nozick (Grunebaum, pp. 80-81).

3. Divine Artifacts and Human Artifices

The answer to the question is to be found in Locke's ontology.³ There exist God, Divine Artifacts and Human Artifacts. God owns Himself.⁴ All makers own what they have made, so that God also owns Divine Artifacts. There are Direct Divine Artifacts and Indirect Divine Artifacts. The unique Direct Divine Artifact is Land,⁵ which God made out of nothing.⁶ He made Indirect Divine Artifacts by mingling His Labour with Land. Among these are wild plants, wild animals and Man (Adam and his descendants). God gave Land 'and all inferior creatures' 'to men in common' (Secs. 26, 27). So A is joint-owner, or part-owner, of Land with B, C ... and others. Man's superiority over 'inferior creatures' rests on the fact that God made him in some respects like Himself. One of these respects is that Man, like his Maker, is a maker. For there are also Human Artifacts, which A, B, C ... and others made by mingling their labour with Land. These include worked Land, cultivated plants and domesticated animals, and more familiar Human Artifacts such as bread, shoes and cars. A, B, C ... and others are exclusive owners of what they have made since (as said above) all makers own what they have made.⁷ In sum, then: (1) God owns Himself; (2) Everything (except God) has been made by God or by Man; (3) All makers own what they have made; Therefore, (4) Everything is owned, or *nothing is unowned*.⁸ Here is the powerful intellectual pressure which precluded Locke and Pufendorf from allowing that a freeman is unowned.

But why does Pufendorf proceed to assert that a freeman is self-owned? For 'unowned' and 'self-owned' are contraries, not contradictories. If it is false that A is unowned, it need not be true that he is self-owned. He may be other-owned. The answer is as follows. God made Man (Adam and his descendants) joint-owner, or part-owner, of himself

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with Himself.⁹ He did this because he wanted his special creature to resemble Him in another respect as well as Makership, namely Self-Ownership. God and Man are the only *significant* self-owners.¹⁰

It follows that, if A commits suicide, he sins by destroying what is partly God's property, contrary to His express command (Sec. 6). It also follows that, if A enslaves himself to B, he sins, first, by transferring God's part-property in A to B without His permission. For, in enslaving himself to B, A makes B the exclusive owner, not the part-owner, of A. A also sins, secondly, by divesting himself of the divine attribute of Self-Ownership, contrary to God's will.

It may be objected to the proposition *nothing is unowned* that we do not have the word 'unowned', and that it is not clear why we possess a concept which has no use. The reply is that 'unowned' does have a use. It is always an ellipsis. To call a parcel of land 'unowned' means, e.g., 'unowned by A or B or C ... or others severally'. It does not mean 'unowned by A and B and C ... and others collectively (in common)'. A similar objection may be made to the expression 'common land'. If all land is common by virtue of God's gift of it to all men, the expression has no use. If all blackbirds were black, the expression 'black blackbird' would be pointless. Locke anticipates the reply to this objection. He points out that this expression too is always an ellipsis. If a parcel of land is called 'common land', or 'a common', this means, e.g., 'the common (or joint) property of the parishioners of parish X'. It does not mean 'the common (or joint) property of the parishioners of parish Y' (sec. 35).

Locke's recognition of the importance of 'joint property' is very significant. For Man's joint ownership of himself with God is central to my reconstruction of his thought. It resolves the apparent inconsistency between the first premise of his deontological argument, 'Every freeman owns himself', and the ground of his objection to suicide and self-enslavement, 'Every freeman is owned by God' (Day, p. 215).

4. Conclusion

Three of the propositions on which the SOT is grounded are: (1) Everything except God has been made by God or by Man; (2) God made Man in some respects like Himself; (3) All makers own what they have made (Sec. 3). Many have long believed, and still believe, these propositions. I submit that this fact, together with the misunderstanding of the pronouns 'myself', 'yourself' etc. referred to above (Sec. 1) sufficiently explains the enduring ascendancy of the singular idea, *the Self-Ownership of Man*.

NOTES

1. Locke also offers a teleological (consequential, utilitarian) argument in support of private ownership (Sec. 26; Grunebaum pp. 59-60). But it does not concern us here. *Pace* Grunebaum, I still think that my rendering of Locke's deontological argument is correct (Grunebaum pp. 55-57). 'Owns' means 'rightfully owns'; cf. Locke, '... I have truly no Property in that, which another can by right, take from me ...' (Sec. 138). Following Locke (Sec. 34), Grunebaum calls the rules which prescribe how ownership rights are assigned 'criteria of title'. Thus, the First Appropriation criterion of title is 'He who first appropriates X owns X', where X is a thing-variable (p. 52). Similarly the Self-Ownership criterion of title may be rendered 'He who is A owns A', where A is a person-variable.

2. In Sec. 174 Locke writes 'Slavery is incompatible with property'. Here he is using 'property' in the wide sense of 'Lives, Liberties, and Estates' (Sec. 124), not in the narrow and usual sense of Ch. V. He is right in observing that slavery is incompatible with Liberty. To that extent the name 'free-man' for a non-slave is apt. Yet the defining characteristic of a slave is that he is owned by another, not that he is coerced by another. (See Ryan, pp. 91, 100, 105.)
3. Talk of Locke's ontology naturally turns our thoughts to what he says in his *Essay* about Substance, Matter, Power and the like. It is important for an understanding of Locke's philosophy as a whole to recognise that the ontology of the *Essay* is complemented by that of his theory of Property.
4. Since Locke holds that (unenslaved) Man owns himself, he surely also holds that, *a fortiori*, God owns Himself.
5. 'Land' is equivalent to Grunebaum's 'land and resources' (e.g. oil). Cp. Locke's 'the earth itself, ... which takes in and carries with it all the rest' (Sec. 32).
6. It cannot be Locke's view that God made Land by mingling His Labour with nothing, since it is not clear why the result of such mingling should be something rather than nothing. Locke sometimes refers to God as 'Nature' (e.g. Sec. 27).
7. If A, B and C co-operate to make X jointly, each owns exclusively what he has contributed to X.
8. Evidently the idea of Property is as liable to hyperinflation as are those other key concepts of social and political thought, Liberty and Justice.
9. One must distinguish 'A partly owns A' from 'A owns part of A'. For although 'A owns part of A' entails 'A partly owns A', the converse is false. For A also partly owns A when A owns all of A jointly with B. As to 'A owns part of A', Rawls maintains that 'part of the self is owned by rules which resemble those which constitute private ownership, and part of the self is owned by rules which vest in the community the right to income from natural talents and abilities' (Grunebaum, pp. 113-114). Like Grunebaum and many others I reject the second part of this thesis. But I also reject the first part of it too.
10. To be sure, God *could* also make some 'inferior creature', say, The Horse, joint owner of itself with Himself. But to do so would defeat His purpose in setting Man above The Horse. Man's superiority over The Horse and all other wild 'inferior creatures' is also shown by the fact that he owns them (Sec. 27).

Similarly, Man *can* transfer his ownership of what he has made to what he has made. But this happens so rarely that, when it does happen, it is a curiosity. For instance, on Dearing Street in Athens, Georgia, U.S.A., there stands a (cultivated) tree which bears a plaque on which is written 'The Tree That Owns Itself'. Its owner was so fond of it that he bequeathed it to itself.

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