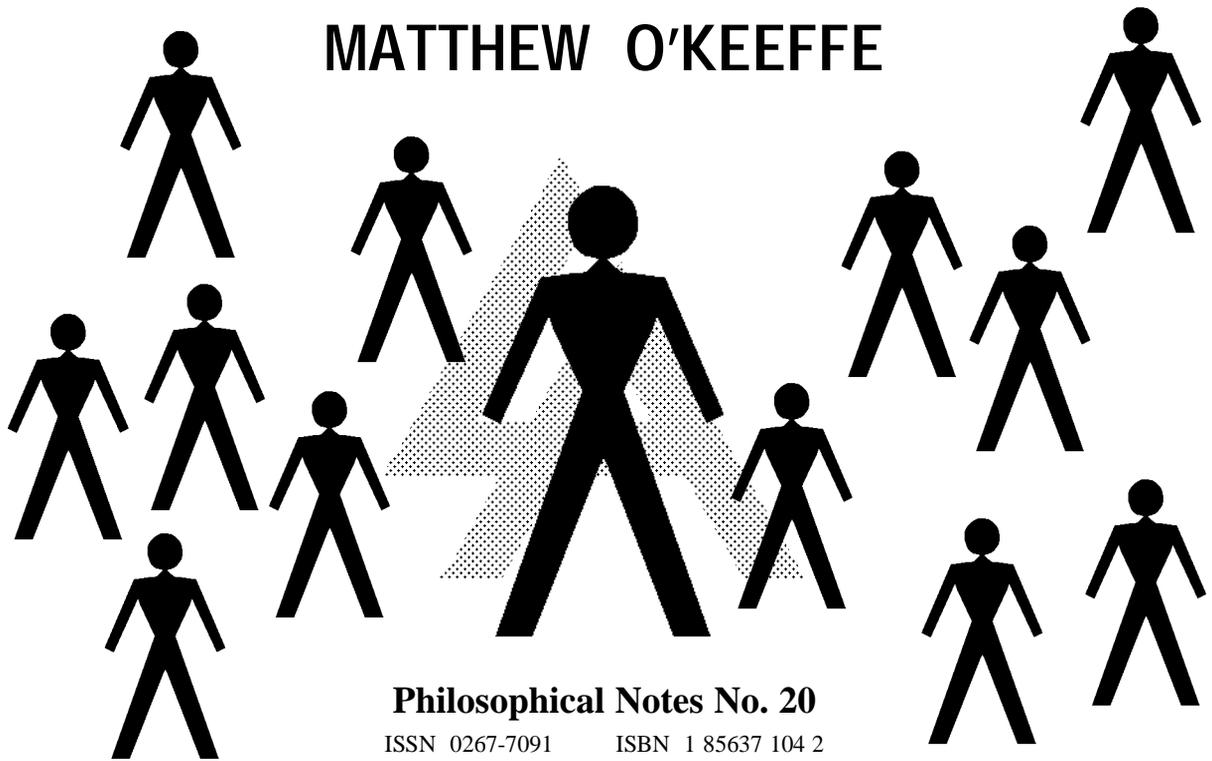




# WORLD OWNERSHIP IS NOT COMPATIBLE WITH SELF-OWNERSHIP:

## A DEFENCE OF ROBERT NOZICK AGAINST G. A. COHEN

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## INTRODUCTION

In a recent series of powerful articles,<sup>1</sup> G. A. Cohen argues against the connections drawn by Robert Nozick<sup>2</sup> between the classical liberal notion of self-ownership and the entitlement theory of private property, and against the inequalities of material condition which Nozick's combination generates. Cohen attempts to establish the case for equality of condition by combining private ownership of our internal resources (self-ownership) with public ownership of external, worldly resources (world ownership). It will be argued here that he does not succeed in divorcing self-ownership from private property, let alone in forging a new union between self-ownership and joint world ownership.

The argument will proceed in several stages, beginning with an account of Nozick's views. In Cohen's favour, it will be conceded that his is a promising line of attack against Nozick, and that he rightly abandons less promising approaches. It will subsequently be maintained, however, that the Nozickians can withstand the assault. Their entitlement theory is neither inconsistent nor arbitrary. Cohen cannot claim fair victory, moreover, since he will not meet his opponents on neutral ground; collective ownership of the world is simply assumed, rather than argued for. Against this unargued assumption, initial "no-ownership" will be argued for here, the burden lying with those who support the concept of ownership to show when and how things can come to be owned. Whether we favour individual or collective ownership, we should proceed from the more reasonable assumption, supported both by theoretical and factual considerations, that the world is, initially, not owned at all. Once the priority of no-ownership is established, moreover, Cohen is hoist with his own petard. Indeed, whatever difficulties he finds in Nozick's theory of acquisition will seem small in comparison with his own difficulties. While the entitlement theorist needs a theory as to how individuals appropriate individual bits and pieces of the world, Cohen needs a rather grander theory, explaining how the human race, collectively, appropriates the world in its entirety; he needs a theory of species ownership, as we might call it.<sup>3</sup> Even if we grant Cohen the plausibility of such a theory, however, the joint ownership of external resources which it posits will not necessarily generate the world of his choice. He rebuts neither the minor objection, that joint world ownership will generate a world without equality of condition, nor the major objection, that self-ownership and world ownership are not, in the final analysis, compatible.

## I SELF-OWNERSHIP, PRIVATE OWNERSHIP, AND INEQUALITY

Cohen recognises that the Nozickian conception of freedom is founded on the idea that each person is the rightful owner of himself - founded on the self-ownership principle, in other words. This principle was the very basis upon which the abolitionists attacked the institution of slavery, for example. The slaveholders were considered man-stealers, and their "rights" over the chattel slaves considered invalid, precisely because they violated the slaves' self-ownership.

According to the self-ownership thesis, I am the owner of myself, and, therefore, of my right arm, for instance. My arm may be counted as an internal resource. My freedom to swing my arm, of course, ends at your nose; you are entitled, because of your self-ownership, to resist my right hook. But while others may prevent my arm from hitting them, no one is entitled, without my consent, to press that arm into his own service. My failure to help someone might very well be morally wrong, but even in this case Nozick denies that anyone is justified in forcing my hand.

Nozick thinks that people are self-owners - sovereign owners of their internal resources, as we put it. He also thinks that they can become, with equal right, sovereign owners of the external resources that they can gather to themselves. If a woman owns her own body, then she owns her own labour, and the fruits of that labour. Private property arises as a result of the proper exercise of her self-owned personal powers.

The union of self-ownership and private ownership readily leads, according to Cohen, to inequality of condition, on any view of what constitutes equality of condition. And when properly generated, such inequality of condition is morally protected by Nozick's account. Removing someone's legitimately acquired private property may not be as outrageous as removing his arm, but the difference is one of degree rather than kind. Cohen's project, we may recall, is to divorce self-ownership from private ownership.

## II SELF-OWNERSHIP, WORLD OWNERSHIP, AND EQUALITY

How, then, to attack Nozick's combination of self-ownership, private ownership, and inequality? Two objections which Cohen does not press are, we might say, the indignant and the fundamentalist. The indignant line of response interprets Nozick's opposition to the compulsion of the welfare state as opposition to mutual aid itself. Cohen

blunts this objection by comparing Nozick with the novelist, Ayn Rand. He recognises that unlike the novelist, the philosopher does not discourage altruism.

“Nozick recognises that an unhelping person may qualify as unpleasant or even, under certain conditions, as immoral”, Cohen writes. “The self-ownership thesis says that people should be free to live their lives as they choose, but it does not say that how they choose to live them is beyond criticism.”<sup>4</sup>

Nor does Cohen invoke equality as an underived fundamental principle in his response to Nozick. The line of response of fundamentalist egalitarians such as Dworkin, and arguably Rawls, rejects private ownership of either internal or external resources. Self-ownership is rejected because of the inequality of material condition which it generates. According to the fundamentalist egalitarian, force may be applied against the naturally well-endowed, not only in the negative cause of preventing them from harming others, but also in the positive cause of ensuring that they help the less well-endowed. Equality of condition may thereby be secured coercively.

The fundamentalist response suffers from two related, polemical, disadvantages. The response is in the first place powerless against the Nozickians, since it proves what they have been saying all along: that the ends justify the means for the egalitarian - neither self-ownership, nor any other constraint, will cause him to hesitate in his struggle for an equal world. The other disadvantage of rejecting the self-ownership principle outright is that the principle has appeal in its own right - at least as much, if not more, than any principle of equality.

Cohen suggests that egalitarians who reject Nozick fundamentally lose confidence in their own position. Asked to consider who has the right to decide what should happen to, say, their own eyes, they are in a quandary. Unqualified denial of the self-ownership thesis (in the name of equality or, indeed, anything else) would deprive them of special discretion over their own persons. Their good eyes, after all, are nothing but the winnings of the genetic lottery. And yet “They do not immediately agree that, were eye transplants easy to achieve, it would then be acceptable for the state to scribe potential eye donors into a lottery whose losers must yield an eye to beneficiaries who would otherwise be not one-eyed but blind.”<sup>5</sup>

Cohen claims not that the usual objections to inequality of condition are without force, but that such force depends on the particular weakness of the case for private ownership of external resources. “Hence one may plausibly say of external things, or at any rate of external things in their initial state, of raw land and natural resources (out of which all unraw external things are, be it noted, made), that no person has, at least to begin with, a greater right in them than any other does;” he argues, “whereas the same thought is less compelling when it is applied to human parts and powers.”<sup>6</sup> He tries to show that affirmation of the principle of self-ownership does not warrant the inegalitarian holdings with which it is associated by Nozick; he offers instead an alternative combination of self-ownership, world ownership and equality. Thus it is to the Nozickian theory of appropriation that he proceeds to direct his fire.

### III COHEN AND NOZICK ON APPROPRIATION

The question Cohen asks is why the original privatisation of property was not a theft of what rightly should be held in common (and we may note, for future reference, that such a question is intelligible only if one works from the collectivist’s assumption - the assumption that property is originally collectively owned, rather than unowned). The problem of initial appropriation would not arise if a certain famous argument which Nozick uses against redistribution of wealth were literally true - that “Things come into the world already attached to people having entitlements over them.”<sup>7</sup> As Cohen demonstrates, this is false. “For since people create nothing *ex nihilo*, all external private property either is, or was made of, something that was once no one’s private property, either in fact or morally (or was made of something that was made of something that was once not private property, or was made of something that was made of something that was made of something that was once not private property, and so on).”<sup>8</sup> In itself Cohen’s point is valid, but as a weapon against Nozick it proves to be a double-edged sword, a consideration to which we will twice return.

A more penetrating further question asks with what right anything comes to be anyone’s private property in the first place. Nozick’s answer to this question is that one may acquire a permanent bequeathable property right in a previously unowned thing as long as the position of others, no longer at liberty to use the thing, is not thereby worsened. This is the Lockean proviso, a necessary condition for permissible initial appropriation.

Cohen has two complaints in connection with the proviso: that the Nozickians are inconsistent, and arbitrary. He develops his argument by way of a model of a world with two people, whom he calls Grabber and Johnny-Come-Lately. Initially nothing is privately owned, and each lives on milk, which he gets by trapping and milking wild moose. But Grabber, the more enterprising of the two, seizes all the land, and designs a new division of labour to his advantage. He scrupulously obeys the Lockean proviso by offering Johnny a salary consisting of the same amount of milk per year as he was able to gain on his own. Of course there are alternatives: in the first place, Johnny might well have proved just as good an organiser as Grabber, and he too might have seized all the land, had he not thought it too grasping; in the second place, Johnny might well have proved a superior organiser to Grabber, and he might have designed a division of labour under which both parties would have fared better; and in the third place, the two might even have agreed to a division of labour without either of them privately appropriating the land. Such a form of socialism would, at the very least, be productively superior to the initial situation of no-ownership. It is yet another alternative which we cannot arbitrarily ignore when we are considering the legitimacy of Grabber’s appropriation. In the light of these three alternatives, is not the appropriation unfair?

In fact it can be demonstrated that Cohen’s model is a spurious one, and that even within it appropriation remains legitimate. (Worse still for Cohen’s argument, the Nozickian framework can be - and has been - modified such that it dispenses with the Lockean proviso altogether. So even if Cohen’s particular argument against the proviso were sound, it would not necessarily undermine entitlement the-

ory as such.) And even if Nozickian appropriation could be shown to be inconsistent or arbitrary, Cohen would still need to show us an alternative; his failure to do this is dealt with in Section V. We need to see a theory of collective appropriation, and to see how well this alternative theory stands the test of consistency, and what reasons can be offered in its defence, before we abandon Nozick in favour of Cohen.

Cohen's particular two-person world is itself inherently flawed. It rests on the assumption that Johnny, the second person, has not acquired any part of his world. How can the world be grabbed like this from under his feet? It is assumed that Johnny has managed to eke out some sort of existence as a hunter-gatherer-milker, rather than simply perishing. He must, then, in the course of his "sustenance-drawing activity", have worked the land, by hunting over it, by himself, and over an extended period; as David Gordon points out, surely this is a paradigm case of appropriation by any reasonable rule, and whether or not Johnny makes any explicit claim to his land.<sup>9</sup> The failings of Cohen's model thus illustrate an interesting point about rights:

"To exercise a right generally requires no explicit claim that one possesses the right, or even an awareness that one has it", notes Gordon. "If someone practises a religion that others in his neighbourhood do not like, he need not say 'I hereby claim my right to freedom of religion' in order to be free from the interference of nonbelievers."<sup>10</sup>

Cohen's model, then, does not legitimately take him where he wants to go. It is restricted to exploring the differing ways in which Grabber and Johnny carve up their world - it cannot be a question of either seizing the whole world. Neither one of them can be threatened with expulsion, that is.

Even if we permit Cohen's flawed model, we can still question the conclusions drawn from it. Nozick can still be defended against the charges of inconsistency and arbitrariness. Cohen calls an action paternalist "if it is performed for the sake of another's benefit but against his will",<sup>11</sup> and he labels objectively paternalist "a policy that taxes someone against his will and that in fact benefits him."<sup>12</sup> Nozick's alleged inconsistency lies in the fact that he disallows objectively paternalist use of people's private property, while he allows objectively paternalist treatment of people in other ways; he would oppose, for instance, any scheme of socialised medicine, while he would allow Grabber to appropriate against Johnny's will when Johnny benefits as a result, or, rather, as long as Johnny does not lose.

Cohen recognises that in so far as freedom is understood as the absence of rights violations, Nozickians can claim consistency; Grabber, unlike the taxman, violates no one's rights. But Cohen sees it as clear beyond doubt that "an appropriation of private property can contradict an individual's will just as much as levying a tax on him can",<sup>13</sup> and Nozick cannot therefore claim to be a consistent defender of freedom. The problem for Cohen is that he fails in this instance to distinguish an individual's will from an individual's freedom. An affront to one is not necessarily an affront to the other. Johnny may begrudge his rival the land which he accumulates - he may even wish that the man were dead - but it does not follow that any *freedom* is lost if these wishes are frustrated. Johnny's preferences and

Johnny's liberties are two different things. Worse still for Cohen's argument, he clearly recognises the relevant truth elsewhere. We may recall his earlier explanation of the Nozickian position, and his defence of it against the indignant objection, as we labelled it:

"... taxation is a monstrous violation of the rich person's rights", explains Cohen. "But Nozick might nevertheless tell the rich person that it would be a jolly good thing if he contributed voluntarily to medical charity, and he might even say that a rich person who contributes nothing to charity is not at all nice."<sup>14</sup>

Nozick's position, Cohen explains here to the indignant critic, is a perfectly consistent one. Nozick might wish that the unpleasant rich person spend his money on medical charity; but Nozick's freedom is not thereby contravened if the rich man spends his money on something else (and continues to contribute nothing at all to charity). In the same way, the fact that some people might prefer that a particular piece of the world be used in one way, rather than another, does not show that their freedom is contravened by its appropriation:

"That people would like the world to be in condition C1 rather than C2 shows us nothing as yet," observes Jan Narveson, "the question is whether they would like it to be the case that its being put in condition C1 was done by forcing some people to contribute to C1 rather than something else. Does someone who buys up a piece of property and uses it for something that individual A would prefer it not to be used for *thereby* contravene A's *freedom*? I don't see it."<sup>15</sup>

Cohen also complains, as we have seen, that the Nozickians arbitrarily narrow the class of alternatives with which we are to compare what happens when an appropriation occurs; they arbitrarily ignore the three hypothetical situations which he outlines. "And since, moreover, a defensibly strong Lockean proviso on the formation and retention of economic systems will rule that no one should be worse off in the given economic system, than he would have been under some unignorable alternative," he argues further, "it almost certainly follows that not only capitalism but every economic system will fail to satisfy a defensibly strong Lockean proviso."<sup>16</sup>

It follows from this either that one must abandon the Lockean way of testing the legitimacy of economic systems, or that the Lockean proviso must be considerably weaker, and its range of comparison correspondingly narrower, than Cohen imagines. Cohen recommends the abandonment of Locke, without considering how his proviso might be saved. If, after all, the proviso is to serve as a proviso *to* something - in this case a principle of initial appropriation - it must surely act as a constraint, rather than as a blanket prohibition. It is, for this reason, surely unarbitrary to exclude the hypothetical situation, since (as Cohen himself points out) there will always be some who would have been better off under an alternative dispensation; if we broaden our range of comparison to include every hypothetical situation, the proviso will always forbid appropriation.

Moreover, as Richard Arneson urges, the self-ownership doctrine insists that I be left free to do whatever I choose, provided I do not harm non-consenting others; such a doctrine must deny that your private appropriation harms me simply because I would have been better off if your appropriation had never occurred, and if some alternative dispen-

sation of the land had been instituted instead: “From a self-ownership perspective, this comparison is not appropriate, because it involves a transfer of benefit to the non-appropriator and self-ownership denies that anybody owes anybody such benefits.”<sup>17</sup>

Call the situation in which the world is not owned by anyone the initial situation,<sup>18</sup> and call the situation following appropriation the actual situation. The Lockean proviso, *qua* proviso, and from a self-ownership perspective, demands that our range of comparison be narrowed so that the initial situation is the only alternative with which the actual situation should be compared.

Cohen’s suggested alternative to Nozick’s principle of justice in appropriation is Rawls’s difference principle, which, in its strict meaning, “is satisfied by a given economic system only if those who are worst off under it are not more badly off than the worst off would be under any alternative to it.”<sup>19</sup> If Cohen’s theory were welfarist, or Rawlsian, rather than egalitarian and socialist, the reasons might be clearer for his embrace of the difference principle at this stage. In the event, the charge of arbitrariness would seem to backfire on him. Why, as Jan Narveson puts it, should we load the dice in favour of the worst off?

“It might be” - Richard Arneson suggests - “that the worst off under *laissez-faire* would be better off under the operation of Rawlsian principles of justice regulating a property-owning democracy and better off also under various democratic socialist constitutions. So what? If we are wondering whether your action harms me the fact that an alternative action which you might have performed would have lavished great benefit on me is not germane to the issue.”<sup>20</sup>

#### IV APPROPRIATION WITHOUT THE PROVISIO

We may note, as a final aside concerning appropriation, that even if Cohen’s model were legitimate as a launching-pad, and even if his attack by way of the Lockean proviso were on target, this would not score as decisive a blow against entitlement theory as he believes. Abandoning Locke’s test of economic systems, he explores the alternatives of utilitarian, and, as we have seen, Rawlsian tests. He entirely ignores, however, a third alternative - one developed by writers on Nozick such as Israel Kirzner, Eric Mack, Fred Miller, and Murray Rothbard.<sup>21</sup> Kirzner argues that an initial free-for-all, unhampered by any proviso, provides the best setting for resources to fall into the hands of the most productive. Mack and Miller suggest that if we cannot through our labour appropriate a given area of untouched land, because to do so would make others worse off, then those others have rights on that land and it is not altogether unowned. If we accept the premise that the world’s initial normative state is, on the contrary, one of being entirely unowned, then the Lockean proviso should accordingly be set aside. Rothbard justifies acquisition through appeal to self-ownership and labour mixture, whereby man owns his own person, his own labour, and, by extension, all the property he can mix his labour with; he need pay no attention to the effect of his acquisition on others. These writers all develop theories of acquisition which dispense with the Lockean proviso, and so Cohen’s attack fails to engage them.

Should one dismiss Lockean theories without the proviso as too harsh? Gordon makes the point that many generally-accepted exercises of rights make others worse off: “Someone whom you dislike may move into your neighbourhood; someone may publish opinions you find upsetting; even more directly on point, someone may drive you out of your job by virtue of his better qualifications.”<sup>22</sup> Harsh or not, Cohen cannot ignore such theories; indeed, the “first come, first served” theories become the more pertinent in the light of his conviction that one must abandon the Lockean proviso. Cohen cannot claim to have defeated the entitlement theorists, then, for the additional reason - which we discover by way of digression - that he simply does not face them all.

#### V NO-OWNERSHIP VERSUS WORLD OWNERSHIP

Cohen argues forcefully (but unsuccessfully, it now appears) that the Nozickians are inconsistent and arbitrary. Much of his further criticism, however, rests not so much on argument, as on unargued assumption. It becomes clear, when his assumptions are examined, that Cohen is reluctant to meet his opponents on neutral ground. His view is that even when appropriation meets conditions far stronger than Nozick’s, its legitimacy is still contestable:

“For to suppose otherwise is to take for granted that the land is not, from the start, collectively owned by Grabber and Johnny, so that the proper way to decide its fate would be by the socialist device of consensual agreement, instead of unilaterally”, he claims. “Why should we not regard the land, before Grabber’s appropriation, as collectively owned rather than, as Nozick takes for granted, owned by no one?”<sup>23</sup>

Yet it is Cohen who takes things for granted here. The answer to his question is that to regard the land, before Grabber’s appropriation, as collectively owned, is to make an unwarranted presumption in favour of collective ownership; this is the collectivist assumption. Those who argue for no-ownership, and regard the land as *initially* unowned, make no presumption either way. It may be that the unowned land subsequently comes to be owned by a collective; on the other hand, the land may well come to be owned by individuals. Those who regard the land as initially unowned can argue about who *subsequently* comes to own it; those who take collective ownership for granted dismiss the argument between individual and collective ownership from the start. Let us now paraphrase Cohen: why should we not regard the land, before Grabber’s appropriation, as entirely unowned rather than, as Cohen takes for granted, collectively owned? We must question whether a mere assumption (that the world’s initial normative state is one of being collectively owned) can have any place in a fair criticism of Nozick, let alone in a fair comparison of Nozickian rules of distributive justice with competing collectivist rules. Gordon, too, questions the appropriateness of Cohen’s arguments:

“If one places a rule of distribution under scrutiny, one cannot legitimately assume that if the rule fails to justify itself, some other rule will automatically be in effect”, he suggests. “All rules of distribution stand in the dock awaiting trial.”<sup>24</sup>

Ironically, Cohen himself advances theoretical considerations which point to no-ownership rather than joint world ownership. We may recall his *ex nihilo* argument of Section III,<sup>25</sup> where he argues that all private property is made of something that was once no one's property. He attributes "the essential point" of this argument to Hillel Steiner. In Steiner's words, "It is a necessary truth that no object can be made from nothing, and hence that all titles to manufactured or freely transferred objects must derive from titles to natural and *previously unowned* objects."<sup>26</sup> It would seem, as Gordon suggests, that Cohen himself is assuming here that external resources, in their initial state, are to be regarded as "previously unowned". By citing Steiner, Cohen himself is assuming, in other words, that the world's initial normative state is one of not being owned by anyone.

A factual consideration also supports no-ownership. It was suggested at the outset that Cohen's theory is one of species ownership, and this suggestion is illuminating in several ways, all of which raise thorny problems for the collectivist. For if we accept the account of history offered by science, rather than by creationist theology, then the world's raw land and natural resources existed long before the world's human inhabitants. This factual consideration - that the human species is a relative newcomer to the planet - presents Cohen with a dilemma: either he must claim that humans *have always* owned the world, or he must offer us a theory of how the world came *at some particular point* to be collectively owned.

On the face of it, it seems hard to imagine that the raw land and natural resources of which Cohen speaks were collectively owned before the collective owners - the human race - had even evolved! But the alternative is also tricky. For what the alternative view requires is a corollary theory of collective appropriation; if Cohen rejects the view that humans have always owned the world, he must look to a theory of how humans came at some point to collectively own the world.

The shadow of such a theory, but nothing more, is hinted at in the earlier treatment of Grabber's appropriation in Section III. Cohen supposes, we may recall, that Grabber and Johnny might have agreed to a division of labour without either of them privately appropriating the land: "But then, so I would argue, they would, in effect, have appropriated it collectively. They would have instituted a form of socialism."<sup>27</sup> The prospects of collective appropriation, as Cohen describes it here, are at their greatest in a world like that of Grabber and Johnny, where the collective consists of only two people - a world where only two people need come to the necessary socialist consensus. Once the collective is widened so as to approximate the real world, or, more to the point, the human race, it is hard to see how collective appropriation can ever get of the ground. (As we will see in the next section, collectivism seems to make demands which run into insuperable practical and logical difficulties.)

Considering how important appropriation is for his theory, and bearing in mind his powers of exposition, Cohen devotes remarkably little space to the topic of collective appropriation. "We should note that it is not only persons favouring private property who need a theory of how property rights legitimately originate", Nozick points out. "Those believing in collective property, for example those

believing that a group of persons living in an area jointly own the territory, or its mineral resources, also must provide a theory of how such property rights arise."<sup>28</sup> We should also note that as soon as Cohen goes any further in the task of providing a theory of collective appropriation, all the problems which he himself raised for appropriation return to haunt him with a vengeance.

And if appropriation is to take place on a collective level, rather than on an individual level, problems of a different order arise - for Cohen needs a model of collective agency. How can the collective be defined as an actor? How precisely can it appropriate?<sup>29</sup> These questions echo the complaint that the difficulties in Nozick's entitlement theory are writ large in any theory of joint world ownership; while the entitlement theorist needs a theory as to how individuals appropriate individual bits and pieces of the world, Cohen needs a rather grander theory, explaining how the human race, collectively, appropriates the world in its entirety.

What is striking throughout is that Cohen seems, in effect, to be assuming the kind of conception of common ownership that in Locke's theory is derived from an explicitly theological starting-point. The world is given by God to mankind in common, according to Locke, and this provides the setting out of which individual appropriation takes place. Cohen seems to want to have the same starting-point, but to do away with God; he also wants, unlike Locke, to disallow individual appropriation. But, as we will see in the next section, he then walks into the very trap which Locke's theory seeks to escape - the problem of how the external world can be used in any way at all, if it is indeed collectively owned, without the permission of everyone else.

Two conclusions are suggested at this stage. One is that, contrary to the collectivist assumption, the world's initial normative state is one of not being owned by anyone. The other conclusion is that theories of appropriation, problematic as they are, are needed by individualist and collectivist alike. It is a curious mistake to see appropriation as a peculiarly libertarian problem, since no account of distributive justice can escape the problem of appropriation. Until Cohen can provide a theory of collective appropriation, the idea of joint world ownership remains sadly lacking. Until such a theory is provided, joint world ownership cannot be assumed. Much less can it occupy a kind of default position, left by the supposed failure of Nozick's theory.

## VI COHEN ON WORLD OWNERSHIP: TWO OBJECTIONS

Rejecting "the blithe assumption that 'virgin' things are quite unowned and therefore up for grabs",<sup>30</sup> Cohen attempts to combine the collectivist assumption with self-ownership. As we have seen, it is the collectivist assumption which should be rejected - we have yet to be offered a satisfactory foundation for collective world ownership. We will put such problems to one side, however, and assume that the world's initial normative state is one of being collectively owned. We will assume this, for the sake of argument, and with a view to following Cohen in shedding some light on the distributive effect of self-ownership in a jointly owned world.

Cohen again imagines a world with two people, whom he calls Able and Infirm, after their respective natural endow-

ments. The world is jointly owned; its inhabitants are self-owners. To put it another way, internal resources are privately owned, while external resources are publicly owned. Able, of course, is the only one who is able to produce anything, and the price of no production is death for both parties. Each is rational and self-interested, and our question concerns the scheme of production and distribution which they will bargain for. What reward will self-owned ability command in a world without private property?

What matters is their bargaining. The crucial point here is that Able's talent will not affect how much she gets. Infirm controls one necessary condition of production (relaxing his veto over the use of the land) and Able controls two (relaxing her veto and employing her talent), but this gives Able no bargaining advantage - she can do nothing without the complete agreement of Infirm. "If a good costs 101 dollars and you have 100 of the needed dollars and I only one of them", suggests Cohen, "then, if we are both rational and self-interested, you will not get a greater share of the good if we buy it jointly just because you supply so much more of what is required to obtain it."<sup>31</sup> This last suggestion seems rather counter-intuitive, and as a game-theoretical proof it seems altogether lacking. (Cohen is suggesting that Able's and Infirm's situation will yield an egalitarian outcome; Gordon suggests, with greater plausibility, that the situation is indeterminate. All we can say is that Infirm will insist on *some* compensation for his agreement; how this insistence is reflected in the final outcome is an open question. Cohen himself admits to some uncertainty about the outcome.) But Cohen thinks that his point is generalisable; where there is joint ownership of external resources, talent as such yields no extra reward, and generates no inequality, even under self-ownership. Cohen's thesis is that without denying self-ownership, and without affirming equality of condition as an underived fundamental principle, one may move towards such equality by insisting on joint ownership of the external world. The thesis may be rebutted on two counts, both of which Cohen actually considers but the force of which he does not, perhaps, fully appreciate.

The minor objection to Cohen's thesis invokes the menace of Schellingian threats.<sup>32</sup> This objection questions the claim that self-ownership has no unequalizing effect in a jointly owned world. In fact disparities of natural talent, under self-ownership, act in much the same way as disparities of external resources, under private ownership, in perpetuating inequality. The Schellingian imagines two sets of farmers. Farmers on the first island own all the land jointly. Farmers on the second island own most of the land jointly, but each own a further tract of land privately. The objection to Cohen's thesis is that a farmer on the second island can threaten to destroy his private plot. Privately well-endowed farmers can then assert leverage over less fortunate farmers. Analogously, Able has the power to let her private productive talent decay; she may threaten Mr Infirm with the destruction of her ability. If such Schellingian threats are credible, then those with greater power to produce can get more in a jointly owned world.

One reason Cohen gives for regarding Schelling's objection as minor is that the objection achieves purchase only in "the rather peculiar case" in which Able can indeed diminish her own productive talent. But in fact, Schelling's objection achieves wide purchase, beyond the narrow case of

the person who lets her talent decay - which might seem self-destructive, and therefore peculiar, as Cohen observes. The able person might simply put her talent to less socially productive use; the skilled author might well just write amusing letters to her friends. Cohen also ignores the case of the able person who chooses not to improve her talent. Talent, after all, if it is to be socially useful, has often to be developed in ways which are not all that pleasant; the architect might need to take a course in computer design, something of which she is not especially fond, but which she would be happy enough to do, if the incentives were right. If she is not to benefit privately from the course in computer design, there is no reason why she should cultivate her talent in productive ways. Neither of these two cases are peculiar, and Cohen can have no reason for ignoring Schelling's objection when it is recast in terms of the author or the architect.<sup>33</sup> Both bring to bear Schellingian threats of a less peculiar, but more subtle, kind.

Whether Schellingian threats are credible or not, there remain non-threatening ways in which the naturally well-endowed can get more in a jointly owned world. To see this, we may borrow an example of John Christman's,<sup>34</sup> which builds on Cohen's earlier example of the eye lottery. Like Cohen, Christman imagines a minority of blind people for whom eye transplants would be simple and effective. But instead of a lottery, Christman imagines a marketplace; the sighted people might bargain with the blind, selling one of their functioning eyes at a huge profit, thereby creating a class of very rich, one-eyed people. Moving from Christman's marketplace to Cohen's jointly owned world, let us now imagine that Infirm is blind; Able can then bargain with Infirm, trading one of her functioning eyes in return for his agreement to what Able deems a favourable distribution. The point is that if people are to be allowed to sell their eyes, blood, and so on, then the egalitarian impulse will be frustrated; contrary to Cohen's thesis, there seems to be no way forward to equality of condition without challenging private ownership of internal resources. (Cohen's thesis also rests on a very sharp distinction between internal and external resources. The example of bodily parts suggests that such a distinction cannot always be so easily drawn.)

In the case of Able and Infirm (and, indeed, in all the other cases mentioned above) the only way to secure equality of condition would be to collectivise internal, as well as external, resources - to do away with self-ownership, in other words. A comprehensive collectivism of this sort would put Able in the position of a farmer on the first imaginary island; she would have nothing of her own which she could threaten to destroy, since *everything* - land, talents, and all - would be held collectively.

It is interesting (though unnecessary to defeat Cohen's thesis) to notice that even such a comprehensive collectivism might not succeed in eliminating inequality. The collectivist constitution makes use of "the socialist device of consensual agreement". But what if Able and Infirm will not come to a consensual agreement? Cohen supposes throughout that it is not open to Able to wait, until Infirm dies, in order to become the sole owner of everything. He explicitly assumes that Able would herself die, no later than Infirm, in the absence of production. But why make such a peculiar assumption? In what does Able's ability and Infirm's infirmity consist, if not the fact that the one can out-

last the other in the absence of production? Cohen posits that the only difference between the two is one of “productive power”, but we can go further. We can posit that Able is the type who can fast for weeks at a time, while Infirm, by contrast, is the type who requires constant medication. (We can posit this, as Narveson notes in a different context, because in the actual world there are such individuals.) It may then be an immediate option for Able to wait, until Infirm dies, in order to become the sole owner of everything. Inequality between the physically strong and physically weak might persist, even under a comprehensive collectivism.

Cohen considers Schelling’s objection relatively minor, even if sound. No anti-egalitarian would wish to dismiss the Able/Infirm argument on so adventitious a basis, he claims. The anti-egalitarian would want, instead, to press a more fundamental objection, to which we will come. But Cohen’s treatment of the “minor” objection is curious in two respects. He admits that the objection may well be sound. Why, if the Able/Infirm argument is such a weak reed for equality, does Cohen cling to it? Anti-egalitarians have certainly identified its weakness, and they do not all regard their objection as resting on an adventitious basis. This is the very core of the novel *Atlas Shrugged* by Ayn Rand,<sup>35</sup> a writer of whom Cohen shows some knowledge. Her story concerns the refusal of the world’s talented to continue to produce in the face of an egalitarian onslaught; the giants of industry and finance - literally, the people who hold up the world - shrug, and destroy or abandon their own works in protest. Contrary to Cohen’s claim, then, anti-egalitarians have dismissed his argument precisely on a Schellingian basis.

The “major” objection to Cohen’s thesis, however, is that joint world ownership is simply not compatible with self-ownership. Cohen now considers this seemingly fatal objection: “What is the point of my owning myself if I may do nothing without the agreement of others? Do not Able and Infirm jointly own not only the world but also, in effect, each other?”<sup>36</sup> It is Cohen, not Nozick, who raises these questions.

Cohen’s answer to these questions is that joint world ownership does indeed render self-ownership “merely formal”, but this is not an objection which defenders of capitalism are entitled to press. Indeed, “*that objection would, for immediate polemical purposes, be laid to rest if it could be shown that the self-ownership defended by Nozick is itself merely formal.*”<sup>37</sup> In his attempt to show this, Cohen cites Chapter 3 of *Anarchy, State and Utopia*. Nozick here pleads that each person be free to live his own life, a request which he supposes to be granted in the rights constituting self-ownership. But Nozick also thinks that the most abject proletarian - call him Z - who has no private property, and must sell his labour power or die, nevertheless enjoys the rights in question. “And if that is so,” continues Cohen, “then Nozick could not complain that Able’s self-ownership is merely formal, since, whether or not it is indeed merely formal, it is not less consequential than the proletarian’s. If Able and the proletarian lack substantive self-ownership, that is because neither can do anything without the agreement of Infirm and the capitalist, respectively.”<sup>38</sup>

But the parallel drawn by Cohen between the predicament of Able and the predicament of Z is an unsatisfactory

defence. As will become clear, the two-person model masks the grave differences between the position of people in Cohen’s world and that of people in Nozick’s world. Even if we allow this model, we must ask of Able and Z (as we asked of Grabber and Johnny) how they find themselves in such peculiar circumstances. And even accepting the circumstances which Cohen presents us, we may dispute whether “formal” self-ownership really obtains in both cases. We may ask whether there is something in one case which is entirely lacking in the other. We may admit, in the final analysis, that a (necessarily) small part of Nozick’s world is open to the charge of formalism, while levelling a far more serious charge at Cohen’s world, namely that it lacks self-ownership, formal or substantive, altogether. In the next section we will ask where the logic of Cohen’s argument leads him, given his concession that self-ownership is less than substantive in his world.

One difference in the situations of Able and Z is illuminated if their respective two-person worlds are modified so as to bring them in line with more plausible real world scenarios. Cohen claims that everything about these small worlds can be applied to bigger ones. The opposite seems to be true. While Able and Infirm *might* reach “consensual agreement” on the fate of their two-person world, it is hardly conceivable that the billions in the real world could ever reach consensus concerning the fate of the whole planet. Indeed, as Narveson demonstrates, as we move closer to the real world, Z has more and more *potential* (and competing) capitalists to choose between in the sale of his labour, while Able has more and more *actual* fellows whose consent she must obtain to do anything; in the real world, the dispossessed proletarian is in a far better position than the socialist worker.

A few words are in order here about Cohen’s use of the two-person world. It seems fair to test principles of distributive justice with the use of hard cases, but if this is to be Cohen’s method, he should compare like with like. He should compare Nozick’s hard case (the position of Z in a world where there is only one employer) with his own hard case (the position of Able in a world teeming with people). He should also recognise that in between the hard and the easy lie the normal cases; Z is, by definition, the odd one out, the most abject of abject proletarians - his particular case is not representative of the normal worker in capitalist society. So Cohen is wrong to conclude that the freedom offered by capitalist society in general is nothing more than formal self-ownership. The normal worker in capitalist society is unlikely to face the bleak choice between work or starvation. Indeed, we may speculate that he will face the less bleak (but more problematic) choice between meaningful work and higher income. But more on all of this in the next section.<sup>39</sup>

In Nozick’s capitalist world, Z needs only the agreement of *somebody* to do things; he need find no more than *one* capitalist to whom he can sell his labour. In Cohen’s socialist world, by contrast, Able needs the approval of *all* of her comrades to do *anything*. Her comrades, we should bear in mind, are busy getting each other’s approval to do things; Able has to spend a lot of her time in very long queues. Narveson argues that by the time Able gets all the approvals she needs to do things she will have starved to death, and his argument has important consequences for our comparison of Able and Z. For the prospects of Able’s

mere survival now appear increasingly bleak in a world of any size. Even a miserable life under capitalism is surely preferable to no life at all under socialism.

Narveson's argument points to the certain practical difficulty involved in everyone getting everyone's consent to do everything. How we define "everyone" raises a further thorny problem - the scope of the collective to which Cohen assigns ownership. A theory of species ownership cannot avoid certain historical questions. Should the claims of our future descendants be considered for some uses of the external world? More: should we do nothing which has not been approved by our ancestors in principle? These are questions we cannot arbitrarily ignore when we are considering the legitimacy of collective world ownership; one wonders quite how Cohen would consider the position of his great-grandchildren, or great-grandparents, in the collective scheme of things. He might evade these sorts of questions altogether, if he were designing a collectivist constitution, by limiting its scope to his contemporaries - but such a limitation would seem arbitrary from the point of view of humans as a whole. Do we then assume, for the sake of consistency, that we should seek consent from all of our fellows, some of whom inhabit different centuries, before we make any use of the external world? If so, how? If not, why not? It appears that the difficulties with decision-making under collective world ownership may not just be practical, but logical.

If we do allow Cohen the maximally favourable circumstances of the two-person world, further investigation is still required before we conclude that Able and Z are truly in the same fix; it will not do to examine their predicaments merely in profile, as it were. How is it that in the one case Able and Infirm come to jointly own all their world, while in the other case Z comes to own nothing? Most people will consider these questions of some relevance. In Nozick's words, "They think it relevant in assessing the justice of a situation to consider not only the distribution it embodies, but also how that distribution came about."<sup>40</sup> Further investigation may reveal perfectly good reasons for why Able has come to depend upon Infirm's approval for everything she does, and for why Z has only one capitalist to go to. On the other hand, if we can find good reasons in one case, but none in the other, an asymmetry will have arisen. We must, therefore, investigate the accounts of how Able, Infirm, Z, and the capitalist find themselves in their predicaments.

In fact we are told nothing of Able's and Infirm's history. Z and the capitalist, however, are two characters in a famous thought experiment of Nozick's. He imagines a fifty-two-person world consisting of two groups of 26 men and 26 women all anxious to be married, and he imagines further that within each group there is agreement on the ranking of the 26 members of the other group in terms of desirability as partners. They are ranked alphabetically as A to Z and A' to Z' respectively. When the groups come to pair off, A and A' immediately choose to get married. B would have preferred to marry A', and B' to marry A, but these options are no longer available. And so B and B', mildly disappointed, voluntarily choose to get married. This process continues until the unlovely Z and Z', left with each other, voluntarily choose to get married. The fact that the alternative - to remain single - is much worse, and the fact that the other more desirable partners chose to

act so as to limit their options, does not make their marriage any less voluntary. The process whereby their choices were narrowed was a legitimate one.

Z may have as little luck in his career as he has in his social life. The analogy is thus extended to market exchanges between workers and owners of capital. Z may then be faced with an analogous choice between working or starving, but his predicament, though miserable, is not one of unfreedom. Cohen uproots Z and the capitalist from Nozick's fifty-two-person world to the smaller two-person world, but presumably the point remains the same; the process of exchange whereby Z came to own no property at all, so that he must now contract with one particular capitalist or face a much worse alternative, was a legitimate one. In Nozick's words "A person's choice among differing degrees of unpalatable alternatives is not rendered non-voluntary by the fact that others voluntarily chose and acted within their rights in a way that did not provide him with a more palatable alternative."<sup>41</sup>

Z's self-ownership may indeed be "merely formal", but Nozick gives us some reason to believe that the terms upon which Z meets the capitalist, though harsh, have legitimate foundation. As Nozick makes clear, people in his world have acted within their rights. (He also makes clear that Z is necessarily the odd one out: A, B, C, and the vast majority of his fellows will have more palatable alternatives.) Cohen, by contrast, has yet to give us any foundation whatsoever for the collectivist constitution under which Able and Infirm live. As we saw in the last section, this is one of his greatest omissions.

We have seen that Cohen's careless or mischievous use of the two-person world conceals the enormous advantage which Z has over Able in the real world. Even in the two-person world, Z has the small though significant consolation that he has not been the victim of foul play; Able, by contrast, has nothing to show that the collectivist regime under which she suffers is a legitimate one. But even if we put these great differences aside, the claim that Able and Z are in the same boat will still not stand. We may grant that Z's position, exceptional though legitimate, is one of "merely formal" self-ownership. Cohen holds, we have seen, that the collectivist constitution renders Able's self-ownership similarly formal. We may go further, however, by making use of his *ex nihilo* argument.<sup>42</sup> For, to paraphrase Cohen, since man is not created *ex nihilo*, all human beings evolved from species that were once not human beings, or evolved from species that evolved from species that were once not human beings. Ultimately, humans evolved from inanimate matter, the very stuff which Cohen consigns to collective ownership. If, to take an example of his, my shirt is not mine, because it is made from things which I did not make, it is not clear how my body can be mine either, for I certainly did not make that. Since I did not make the stuff out of which I am fashioned, and since (according to Cohen) that stuff is originally collectively owned, it is not clear how I can be understood as a self-owner, rather than, in some sense, one among countless joint owners of my body. The reasoning which Cohen applies to "raw land and natural resources" may well be applied to "human parts and powers", so that Able and Infirm jointly own not only the world but also, in fact, each other. The collectivist constitution renders self-ownership not merely formal, as Cohen says, but entirely non-existent.<sup>43</sup>

Cohen's thesis, we may recall, is that without denying self-ownership, and without affirming equality of condition as an underived fundamental principle, one may move towards such equality by instituting a socialist economic constitution of joint world ownership. In the case of the "minor" objection to the thesis, Cohen's rationale for world ownership (as a force for equality) recommends the abandonment of self-ownership. In the case of the "major" objection to the thesis, the assumption on which Cohen bases world ownership, that the world's initial normative state is one of being collectively owned, directly swallows up self-ownership. In both cases, the indicated conclusion is that internal resources must be collectivised alongside external resources. Cohen is forced into rejecting not only private ownership, but self-ownership to boot. His thesis fails, and he is forced into the fundamentalist rejection of Nozick which he wished at the outset to avoid.

## VII COHEN'S CONCLUSIONS: FURTHER OBJECTIONS

Cohen feels the force of Narveson's argument, if not the more damning *ex nihilo* argument. Narveson's objection was that under a socialist economic constitution (of joint world ownership) Able must get consent from *each and every* other person *each and every* time she makes any use of the external world - essentially 100 percent of her actions. To use Cohen's own words, "people can do (virtually?) nothing without using parts of the external world. If, then, they require the leave of the community to use it, then, effectively, they do not own themselves, since they can do nothing without communal authorization."<sup>44</sup> Cohen's feeble and mistaken response to this objection was that things are no better under capitalism. But the question remains for Cohen: what is the point of my owning myself if I may do nothing without the agreement of others? Cohen is thus forced to criticise his conception of self-ownership, and indeed he brings to an end his flirtation with the idea. Self-ownership and world ownership can be combined, or so he claims at length, but he finally adopts the view that this is not an attractive combination. He draws three conclusions: the Able/Infirm argument shows that strict socialist equality is compatible with the "freedom" of capitalist society, since that freedom is nothing more than formal self-ownership; it remains to be seen whether equality can be combined with real freedom; and real freedom is not self-ownership, but autonomy, "the circumstance of genuine control over one's own life".<sup>45</sup> And for autonomy to prevail, there have to be restrictions on self-ownership - "The very thing that makes the self-ownership thesis attractive should actually make us reject self-ownership."<sup>46</sup>

Against Cohen's conclusions, we can now demonstrate that strict socialist equality is not compatible with even formal self-ownership. Moreover, we have seen that formal self-ownership will be the exception, rather than the rule, in normal capitalist society. And capitalism can incidentally be claimed to augment the autonomy of workers, by offering them the choice between meaningful work and higher income; this is one of its many attractions.<sup>47</sup>

Cohen pursues his delayed and tangential exploration of autonomy elsewhere. Drawing on Michael Walzer's work, he suggests that "entitlement theorists tend to neglect the value people may place on the kind of power relations in which

they stand to others, a neglect that is extraordinary in supposed libertarians professedly committed to human autonomy and the overriding importance of being in charge of one's own life."<sup>48</sup> But what Cohen's suggestion manifestly overlooks is that for classical liberals, like Nozick, state interference with voluntary exchanges between individuals is the paradigm case of coercive power;<sup>49</sup> a strong reason for preferring a capitalist society, of the sort he envisages, to a socialist society, of the sort Cohen envisages, is that the capitalist society minimises the intrusive political power of man over man. As Nozick famously puts it, "The socialist society would have to forbid capitalist acts between consenting adults."<sup>50</sup> It is strange, in any case, that Cohen cites Walzer in his support, since the latter shares the classical liberal fear of state power above all other forms of power relations. "Politics is always the most direct path to dominance," writes Walzer, "and political power (rather than the means of production) is probably the most important, and certainly the most dangerous, good in human history."<sup>51</sup> This suspicion of political power, in fact, forms the very basis for Walzer's rejection of "simple" egalitarian societies.

It is beyond the scope of this paper to address the question of power (or autonomy). But such questions also lie beyond the scope of Cohen's papers. Suffice it to say that the project of emboldening the claims of the individual against the state, through self-ownership and private property, may be motivated precisely by concern with the adverse power relations in which people stand to others. Distrust of power may not be what attracts us to self-ownership - as we have seen, the self-ownership principle has plenty of appeal in its own right - but it should enamour us all the more to the principle.

## VIII CONCLUDING REMARKS

Cohen is to be commended for his ideas about self-ownership, and encouraged to return to them. His problem is that self-ownership and world ownership are not compatible. His failure is a philosophical one, but practical considerations also beckon our discussion. For while a purely "formal" self-ownership might be unattractive if that were all we had, we are in the happy situation that as we move from the philosopher's model to the real world, more and more palatable choices are open to us. G. A. Cohen's attack forces his opponents to sharpen their views, but in the end it raises more questions for the collectivist agenda than it does for Robert Nozick.

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## NOTES

1. G. A. Cohen, 'Self-Ownership, World Ownership and Equality', in Frank S. Lucash (ed.), *Justice and Equality Here and Now*, Cornell University Press, Ithaca, N.Y., 1986, pp. 108-135; 'Self-Ownership, World Ownership and Equality: Part II', in Ellen Frankel Paul, Fred D. Miller Jr., Jeffrey Paul, and John Ahrens (eds.), *Marxism and Liberalism*, Blackwell, Oxford, 1986, pp. 77-96; and 'Are Freedom and Equality Compatible?', in Jon Elster and Karl Ove Moene (eds.), *Alternatives to Capitalism*, Cambridge University Press, Cambridge, 1989, pp. 114-126. The last of these articles presents, in brief and unqualified form, the major contentions of 'Self-Ownership: I' and 'Self-Ownership: II'.
2. Robert Nozick, *Anarchy, State and Utopia*, Basic Books, New York, 1974.
3. I owe this suggestion to conversations with John Gray.
4. Cohen, 'Self-Ownership: II', p. 77.
5. Cohen, 'Are Freedom and Equality Compatible?', p. 116.
6. *Ibid.*
7. Nozick, *Anarchy, State and Utopia*, p. 160. In this context Nozick clearly means the "things" which are proposed as the candidates for redistribution - which must already be owned, therefore, otherwise there would be no question of redistribution. He is not, in other words, addressing the question of initial ownership here; nowhere does he argue that "Things originally come into the world already attached to people having entitlements over them."
8. Cohen, 'Are Freedom and Equality Compatible?', p. 117.
9. David Gordon, *Resurrecting Marx: The Analytical Marxists on Freedom, Exploitation and Justice*, Transaction Books, New Brunswick, 1990, p. 92. See, more generally, 'Analytical Marxism Versus Libertarian Rights', the fourth chapter of Gordon's excellent book, which covers a lot of the same ground as the present paper.
10. *Ibid.*, p. 93.
11. Cohen, 'Self-Ownership: I', p. 134.
12. *Ibid.*, p. 135.
13. *Ibid.*
14. Cohen, 'Are Freedom and Equality Compatible?', p. 114.
15. Jan Narveson, *The Libertarian Idea*, Temple University Press, Philadelphia, 1988, pp. 70-71.
16. Cohen, 'Self-Ownership: I', p. 133.
17. Richard J. Arneson, 'Lockean Self-Ownership: Towards a Demolition', *Political Studies*, XXXIX, 1991, p. 45; see also the presentation of the self-ownership doctrine in Section I above.
18. For a defence of this account of the initial situation (a defence of "no-ownership"), see Section V.
19. Cohen, 'Self-Ownership: I', p. 133.
20. Arneson, 'Lockean Self-Ownership', p. 45.
21. Israel M. Kirzner, 'Entrepreneurship, Entitlement, and Economic Justice', in Jeffrey Paul (ed.), *Reading Nozick*, Blackwell, Oxford, 1982, pp. 383-411; Eric Mack, 'Distributive Justice and the Tensions of Lockeanism', *Social Philosophy & Policy*, Vol. I, Autumn 1983, no. 1, pp. 132-150; Fred D. Miller Jr., 'The Natural Right to Private Property', in Tibor Machan (ed.), *The Libertarian Reader*, Rowan and Littlefield, Totowa, 1982, pp. 275-287; and Murray N. Rothbard, *The Ethics of Liberty*, Humanities Press, Atlantic Highlands, 1982.
22. Gordon, *Resurrecting Marx*, p. 91.
23. Cohen, 'Are Freedom and Equality Compatible?', pp. 120-121.
24. Gordon, *Resurrecting Marx*, p. 95.
25. See Cohen's introduction of the ex nihilo argument at footnote 8.
26. Hillel Steiner, 'Justice and Entitlement', in Jeffrey Paul (ed.), p. 381, italics mine.
27. Cohen, 'Self-Ownership: I', p. 129.
28. Nozick, *Anarchy, State and Utopia*, p. 178.
29. I thank Steve Davies for focussing my thoughts on these problems.
30. Cohen, 'Are Freedom and Equality Compatible?', p. 121.
31. *Ibid.*, p. 123.
32. Thomas Schelling, *The Strategy of Conflict*, Oxford University Press, New York, 1960.
33. I thank Jeremy Shearmur for these useful examples.
34. John Christman, 'Self-Ownership, Equality, and the Structure of Property Rights', *Political Theory*, Vol. 19, No. 1, 1991, p. 40.
35. Ayn Rand, *Atlas Shrugged*, Random House, New York, 1957.
36. Cohen, 'Are Freedom and Equality Compatible?', pp. 123-124.
37. *Ibid.*, p. 124.
38. *Ibid.*, p. 124-125.
39. See my reply to Cohen's conclusions at footnote 47.
40. Nozick, *Anarchy, State and Utopia*, p. 154.
41. *Ibid.*, pp. 263-264.
42. See footnotes 8 and 25.
43. I am indebted to my friend Tom Bell for this development of the ex nihilo argument.
44. Cohen, 'Self-Ownership: I', pp. 113-114.
45. Cohen, 'Are Freedom and Equality Compatible?', p. 125.
46. *Ibid.*, pp. 125-126.
47. David Conway, *A Farewell to Marx*, Pelican Books, London, 1987, p. 48; Nozick, *Anarchy, State and Utopia*, pp. 246-250; see also the discussion of Cohen's methodology at footnote 39.
48. Cohen, 'Self-Ownership: I', p. 127.
49. Norman Barry, *An Introduction to Modern Political Theory*, Macmillan, London, 1989, p. 85.
50. Nozick, *Anarchy, State and Utopia*, p. 163.
51. Michael Walzer, *Spheres of Justice*, Basic Books, New York, 1983, p. 15.