Georgia State University
ScholarWorks @ Georgia State University

Philosophy Theses | Department of Philosophy

5-13-2011

Self-Ownership, Freedom and Eudaimonia

Keith D. Fox
Georgia State University

Follow this and additional works at: http://scholarworks.gsu.edu/philosophy_theses

Recommended Citation
Fox, Keith D., "Self-Ownership, Freedom and Eudaimonia." Thesis, Georgia State University, 2011.
http://scholarworks.gsu.edu/philosophy_theses/78

This Thesis is brought to you for free and open access by the Department of Philosophy at ScholarWorks @ Georgia State University. It has been accepted for inclusion in Philosophy Theses by an authorized administrator of ScholarWorks @ Georgia State University. For more information, please contact scholarworks@gsu.edu.

"SELF-OWNERSHIP, FREEDOM AND EUDAIMONIA"

by

KEITH D. FOX

Under the direction of Andrew Jason Cohen

ABSTRACT

In this thesis I will explore the relationship between Nozick's self-ownership principle and freedom. I will defend G.A. Cohen's critique of self-ownership and try to show how his argument that self-ownership is hostile to genuine freedom presents a problem for Nozick. I think it is clear that Nozick's self-ownership does little to protect a meaningful sort of freedom; and a meaningful sort of freedom is exactly what Nozick aims to protect. This is true because eudaimonistic moral beliefs ought to undergird Nozick's self-ownership thesis, and self-ownership can therefore be assessed in light of whether it actually promotes human flourishing in the relevant ways. This undergirding eudaimonism

becomes clear when we see that self-ownership is intended to protect the ability of each individual to pursue and act upon her own conception of the good.

INDEX WORDS: Self-ownership, Freedom, Autonomy, Harm, Eudaimonia, Nozick

“SELF-OWNERSHIP, FREEDOM AND EUDAIMONIA”

by

KEITH D. FOX

A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of

Master of Arts

In the College of Arts and Sciences

Georgia State University

2010

Copyright by
Keith D. Fox
2010

"SELF-OWNERSHIP, FREEDOM AND EUDAIMONIA"

by

KEITH D. FOX

Committee Chair: Andrew Jason Cohen

Committee: Andrew I. Cohen

Peter Lindsay

Electronic Version Approved:

Office of Graduate Studies

College of Arts and Sciences

Georgia State University

May 2011

TABLE OF CONTENTS

1.	INTRODUCTION	1
2.	SELF-OWNERSHIP AND FREEDOM	2
3.	IS SELF-OWNERSHIP HOSTILE TO AUTONOMY?	5
4.	FREEDOM AND OBJECTIONS TO COHEN'S ARGUMENT	9
5.	SELF-OWNERSHIP AND EUDAIMONIA	17
6.	MEANINGFUL FREEDOM	28
7.	CONCLUSION	35
8.	WORKS CITED	36

Introduction

The self-ownership thesis is thought to be a freedom-preserving principle. Self-ownership appears to provide each person a moral space in which she can enjoy the freedom to lead her life however she sees fit. However, some philosophers question whether the freedom self-ownership secures is meaningful. In this thesis, I will consider G.A. Cohen's argument that the self-ownership thesis is in fact *hostile* to autonomy and freedom. Cohen argues that the self-seeking self-ownership allows will generate "propertyless proletarians" who do not enjoy any meaningful sense of autonomy over the course of their lives. Robert Nozick – on whose *Anarchy, State, and Utopia* I will focus my discussion primarily because Cohen does – defends the self-ownership thesis against this line of argument by claiming that self-ownership gives a person all the freedom she can want without sacrificing her basic rights over her body. I will first show how Cohen's argument can be reformulated as a critique of negative liberty; the idea is that the *negative* freedom that self-ownership secures is insufficient to protect genuine[1] freedom.

However, Nozick says that self-ownership rights are *basic.* This means that even if the negative freedom self-ownership protects isn't meaningful, Cohen's argument doesn't show that a libertarian like Nozick should agree that self-ownership rights ought to be curbed in favor of freedom. You can't tax my income to help the worst off because I have a right to do with my body – and my income – as I please, and that right is inviolable. Cohen's argument will succeed in this regard only if he can first show that the libertarian conceives of the right to freedom, understood in a way more robust than simple negative liberty. If the libertarian takes that to be at least as basic as self-ownership rights and the negative

[1] I will use "genuine," "true," "robust," and "meaningful" interchangeably when applied to freedom.

liberty it allows, then when Cohen shows that such robustly understood freedom is threatened by self-ownership, he will have made his case against Nozick. I will thus suggest a way to interpret the self-ownership thesis such that freedom is not merely a function of self-ownership. I will try to show that the animating principle behind the intuition that I own myself and the fruits of my labor is a *eudaimonistic* belief in the importance of human flourishing. Furthermore, I will show that this underlying normative belief aims to protect a meaningful (robust) sort of freedom, and that this clashes with Nozick's claim that self-ownership rights are basic. Cohen's argument is saved, I believe, by exposing these normative commitments and showing that both Nozick and Cohen value freedom for similar reasons.

Self-ownership and freedom

G.A. Cohen distinguishes between the *concept* and the *thesis* of self-ownership. The concept of self-ownership specifies a reflexive relation between what is owned and the owner such that a person owns himself and his powers (*Self-ownership, Freedom, and Equality*, 69). John Locke endorses the self-ownership concept: "Every Man has a Property in his own Person [so that] no Body has any Right to but himself" (*Two Treatises*, II, sec. 27). Cohen thinks the concept of self-ownership is coherent. The libertarian *thesis* of self-ownership, on the other hand, claims that each person enjoys full and exclusive *moral* rights of control and use over himself and his powers, and that he therefore owes no service to anyone outside of a contract (Cohen, 67-69). The thesis derives its explanatory power from the idea of *property*. Libertarians believe individuals have self-ownership

rights in the same way they have property rights in things. As Nozick puts it, a property right in *X* is the right to determine what shall be done with *X* (*Anarchy, State, and Utopia*, 171). When this understanding of property is applied to one's own person, it seems to follow that one has the right to determine what shall be done with one's person, as well as the further right to reap the benefits of one's labor. To illustrate the self-ownership thesis, G.A. Cohen compares it to slave-ownership: in the same way a slave owner is entitled to dispose of a slave as he pleases, a self-owner is entitled to dispose of himself however he pleases (Cohen, 68).

Nozick thinks that self-ownership gives us freedom because it entails "side-constraints" on how we treat others that respect the ability of people, as self-owners, to lead their own lives (Nozick, 34). Since nobody else can rightfully claim property in one's product or body, libertarian side-constraints against force respect each person's freedom to pursue her own goals. The right to do with your person, like the right to do with any other property, is constrained by the same rights others have, which are intended to preserve the inviolability of human beings (Nozick, 171). A person cannot place his knife just wherever he pleases. For example, I cannot place my knife in another person's chest. A certain kind of consequentialist might argue that this action is prohibited on the grounds that it does not maximize "social utility." A libertarian rejects this kind of thinking.

Nozick argues that the reason placing my knife in another's chest is prohibited is because doing so fails to respect the *inviolability* and separateness of the person and therefore violates the right she has to do with her body as she wishes, and lead her own life

as she pleases (34).[2] Self-ownership rights correlate with others' duties *not* to interfere with what a person owns. Since the rights of each person ought to be respected, the respect for those rights sets constraints on my actions. Nozick therefore argues for side-constraints on one's actions so that they do not violate another's rights to lead her life according to her plans. Side-constraints on actions, unlike end-state maximizing views (such as certain brands of socialism), are not open to utilitarian considerations. They are not override-able for *any* reason, no matter how appealing. The *nonaggression principle* indicates what these side-constraints are. It simply prohibits physical or paternalistic aggression against another person, so that one may neither physically harm another, nor threaten force in order to benefit the person being threatened (33). The nonaggression principle is based on the belief that individuals are distinct, inviolable, self-owners.

What is the principle that justifies these side-constraints? For Nozick, applying side-constraints on how we treat people is justified precisely because people possess certain characteristics that are valuable enough to require protection (Nozick, 48). Nozick identifies three such valuable features of a person: The ability to "formulate long-term plans for [one's] life;" the ability to determine for oneself a picture of "what an appropriate life is for [oneself] and others;" and the ability to regulate and guide one's life accordingly (49). These characteristics, Nozick claims, are morally important because the capacity to shape one's life according to some overall plan is integral to the pursuit of *meaning* in one's life (50). Side-constraints against interference therefore work to protect this meaning-giving ability, and it is this principle that justifies side-constraints against interference. Of course, for each person to have such a meaning-giving capacity, she ought to be

[2] For more libertarian reasons to reject end-state arguments that support using others for maximizing social utility, or "the greater good," see Nozick, pp. 32-3.

autonomous with respect to the formulation of her life's plans. (I will return to this justification for side-constraints later in this thesis. For now, it serves to support the view that self-ownership, for Nozick, preserves autonomy.)

Libertarianism connects self-ownership to human autonomy and freedom because the moral right against either physical or paternalistic aggression derived from the right to full and exclusive property in one's person as a self-owner allows a person the ability to lead her life as she sees fit. The moral fact of self-ownership thus grants a person autonomous control over her life. In this way, libertarianism is defended as a liberty-preserving political theory, and self-ownership is defended as a liberty-preserving principle.

Is self-ownership hostile to autonomy?

The claim that self-ownership is a freedom-promoting principle is not uncontested. Many egalitarians and other liberals find the claim problematic. The source of the trouble is that libertarians believe the side constraints laid out above are *sufficient* for respecting the inviolability of an individual. Egalitarians do not think they are sufficient. As they argue, the libertarian system ties self-ownership rights to rights in external resources and this seems to lead to conflicts between self-ownership and freedom.

Nozick thinks that a person who properly uses his powers as a self-owner can legitimately come to own, in addition to himself, an indefinite unequal distribution of external resources (Cohen, 69). Additionally, each person has both "control rights" over his person and "income rights" over the results of his labor (Nozick, 171). I will call this

understanding of self-ownership that contains both control and income rights *full self-ownership*. Applying the nonaggression principle to this wide sphere that includes both control over one's body and control over the products of one's labor, full self-ownership entails that a person not only has the right to do with his person as he pleases; he also has the right to reap all of the rewards of his work (*i.e.*, the income from assets). Thus, no one may interfere with a person's body, private property or income. Nozick famously writes, "Taxation of earnings from labor is on par with forced labor" (169). Redistributive taxation, he argues, undermines a person's self-ownership rights and gives another partial ownership rights in the taxpayer. Self-ownership rights, therefore, protect any inequality of condition; removing property or earned income from a person is just as much a violation of his basic self-ownership rights as removing his left arm.

Nozick believes that self-ownership rights protect an inequality of condition while preserving the inviolability of the individual, but it appears to egalitarians that the libertarian side constraints self-ownership demands are insufficient to protect *genuine* human autonomy. Egalitarians think Nozick's position undermines autonomy because it allows for some persons who, by the fruits of their labor, come to own most of all of the capital or resources in an area (because resources are scarce), which will have the effect of effectively *forcing* the others who own little or no capital or resources to either sell their labor power or die. Such a choice does not accord with any *meaningful* sense of autonomy, they say. The gross inequality of condition that self-ownership promotes will generate some people who are worse off and less free than others. They conclude that libertarian constraints are not sufficient for preserving human autonomy. Thus, egalitarians think that

the self-ownership principle not only fails to preserve autonomy in all cases, but that it actually tends to undermine it.

I think self-ownership can rightly be attacked along these lines. Specifically, I find that G.A. Cohen's argument on pages 236-8 in *Freedom, Self-ownership, and Equality* is a convincing one. There, Cohen argues that self-ownership is hostile to autonomy because "the self-seeking authorized by self-ownership generates propertyless proletarians whose life prospects are too confined for them to enjoy the control of a substantial kind over their lives that answers the idea of autonomy" (237). His argument stipulates that a person is *autonomous* only if he "has a variety of acceptable options available to him to choose from, and his life became as it is through his choice of some of these options" (238). The reason self-ownership is appealing, says Cohen, is that it promises us *this* understanding of autonomy; furthermore, libertarians like Robert Nozick intend self-ownership to secure such a substantive kind of freedom, where a person has autonomous control over the course of his life (Nozick, 30-3 48-51, 171). However, since the self-ownership thesis requires that each person have the exclusive right to privately own and exchange the fruits of his talents on an open market, and since people are born with varying degrees of talents, self-ownership will in fact lead to some individuals becoming abject proletarians who enjoy all of the *legal* rights guaranteed by self-ownership but are forced to either sell their labor power to those who own a large share of the available resources, or die (Cohen, 100). Because self-ownership is hostile to autonomy, Cohen arrives at the conclusion that self-ownership should be restricted in favor of genuine human freedom and autonomy.

Before I continue, I should note an objection Michael Otsuka raises to the very conflict between freedom and self-ownership. Considering the conflict between self-

ownership rights and an egalitarian principle of equality of opportunity, Otsuka says that an egalitarian principle does not necessarily conflict with the libertarian right to self-ownership because nothing Nozick says about self-ownership implies that rights over worldly resources are as "robust" as rights over our bodies and labor power. According to Otsuka, this explains why Nozick's argument against redistributive taxation is weak: it presupposes a premise that grants a self-owner as robust a right over external resources as her right over herself. However, Nozick's argument is in fact "premised upon a right against being used as a means by being forced…to sacrifice life, limb, or labor. It is not premised upon a right against harmful incursions upon one's body *simpliciter*" (Otsuka, *Libertarianism Without Inequality*, 14). It also, Otsuka says, explains why G.A. Cohen is incorrect in thinking that full self-ownership rights necessarily conflict with any egalitarian principle covering external resources. One may retain full self-ownership rights without claiming equally robust rights over external resources that would limit their availability to others and undermine their equality of opportunity.

By Otsuka's lights, then, there is no inherent conflict between the self-ownership thesis and the meaningful freedom Cohen wants. For, self-ownership rights only grant a person robust rights over her body and labor power; rights over worldly resources that could restrict the freedom of others are not necessarily included. If there is a conflict between self-ownership and freedom, it rests on the same mistaken premise as Nozick's argument against redistributive taxation – that a self-owner has a right over external resources as robust as her right over herself.

Otsuka's objection immediately diffuses the conflict fueling Cohen's argument. Why continue talking about Cohen's argument then? Generally speaking, I find Otsuka's

resolution attractive as a means for retaining what's appealing about self-ownership without excluding a means for achieving equality (or freedom). However, I think Nozick actually defends a version of self-ownership that grants equally robust rights over external resources as over our bodies and labor power (Nozick, 171). In Otsuka's terms, he is happy to affirm a stringent right to income. Whether or not, he is justified in thinking that income rights follow from control rights is another question.[3] I want to see how Nozick's *full* self-ownership fares against Cohen's argument.

Freedom and Objections to Cohen's Argument

For Cohen, autonomy is a condition of genuine freedom. The possession of autonomy meaningfully contributes to a person's freedom only if it grants him control over his preferences and desires. This control is not captured by a lack of restraint: not only must a person be unrestrained to act as he does – his action must genuinely be *up to him*. Cohen seems to be echoing an argument made by Joseph Raz. Raz argues that if leading an autonomous life is an ultimate value, "then having a sufficient range of acceptable options is of intrinsic value, for it is constitutive of an autonomous life that it is lived in circumstances where acceptable alternatives are present" (Raz, *The Morality of Freedom*, 205). A person who spends his life fighting starvation and disease cannot be said to be autonomous because he lacks the opportunity to accomplish anything besides staying alive.

[3] I borrow the distinction between "control rights" and "income rights" from John Christman. Control rights include the rights to possess, use, manage, alienate and transfer property; income rights apply to a wider sphere that also includes the rights to income from assets (*Self-ownership, Equality, and the Structure of Property Rights*, 29).

The ideal of personal autonomy, according to Raz, "requires not merely the presence of options but of acceptable ones" (205).

Now, the kind of freedom self-ownership promotes is *negative*. In order to respect your self-ownership rights, the non-aggression principle functions to impose a duty on others *against* interfering in your moral sphere. Negative freedom is just the absence of external obstacles or constraints. Freedom is defined in terms of a lack of interference from others. Charles Taylor calls negative theories of freedom *opportunity* concepts – whether or not we exercise our options, being free simply depends on what we *can* do given the options available to us (Taylor, "What's Wrong With Negative Liberty," 213).

Cohen's argument ties what I call meaningful autonomy to a *positive* conception of freedom.[4] In contrast to negative theories, positive theories define freedom in terms of exercising control over one's life. Free agents must be self-governing. Positive theories of freedom are *exercise* concepts. Under a positive conception, freedom is tied up with individual self-governance such that a person is free only if she has autonomously determined the shape of her life (Taylor, 213). The defining feature of positive theories, according to Taylor, is that they "discriminate between motivations" in a way that negative theories do not (217). What this means is that positive theories do not ignore the various internal and external motivations responsible for acting. Because being free in a positive sense requires that a person exercise the control over her life, a positive theory of freedom, unlike a negative theory, cannot only consider *external* obstacles to free action. There are

[4] Isaiah Berlin distinguishes between these two concepts of freedom in "Two Concepts of Liberty," 1969, but as A.J. Cohen notes, Benjamen Constant made the distinction earlier, talking about the liberty of the ancients and the liberty of the moderns. I will not enter the debate about the usefulness of the distinction in this paper. For my purposes, the reader should assume that the distinction is useful.

internal as well as external obstacles that can prevent action and fetter a person. For example, say I am addicted to cigarettes but wish to quit. I may walk wherever I please this afternoon, but my decision to walk to the nearest store selling cigarettes is internally constrained by my addiction, at least to some degree, in spite of there being no external obstacles forcing my path. In order for me to realize my goal to quit smoking I need to be in a position to refuse my internal desire for nicotine. Thus, I am free only if I am motivated by the right reasons (217).

The positive/negative freedom distinction helps to clarify Cohen's position. We can recast his argument as a critique of negative liberty, which asserts that a positive conception ought to be adopted because it accords with the self-government and autonomy that we value about being free. As the case of the propertyless proletarian shows, freedom is *meaningful* only when a person has the conditions available to him to exercise control over his life's plan. Cohen thus argues that presenting freedom merely as an opportunity concept, as the self-ownership principle does, is insufficient for self-governance. For, some people remain un-free in the meaningful, positive sense even without the external obstacles that the non-aggression principle prevents. The non-aggression principle can't secure the conditions genuine freedom requires. Cohen concludes that the self-ownership principle is not liberty promoting.

Now, as Taylor points out, a critique of negative freedom need only show that pure opportunity concepts are insufficient for true freedom. The critique does not commit one to a belief about the form of society or government under which true freedom obtains (217). Cohen's critique does not tie freedom to any particular form of society, so his

argument cannot be attacked based on features about the society required to uphold true freedom.

Additionally, we do not need to follow Marx, Rousseau and others who tie positive concepts of freedom to collective, political participation. John Christman advocates a kind of positive freedom that applies to *individuals*. The only requirement we need to add to a negative conception in order to get individual positive freedom is that a person possesses the capacity for self-government and is guided to act by reasons that are her own (Christman, *Liberalism and Positive Freedom*, 345). Ignoring collective notions of the positive concept helps us focus on ways that the negative concept supported by the self-ownership principle is unable to secure individual freedom.

Cohen's argument implies that for the propertyless proletariat, some actions are not really up to him, or freely chosen. For an action to be freely chosen is for it to be the result of the kind of autonomous control Cohen describes, as I've discussed above. An action is un-free if the actions of others place limits on one's available opportunities.[5] My choosing to work at the chicken factory, for instance, is not a freely made choice if that is the only local work available, I would rather make creative art than break chickens' necks all day, and my options have somehow been limited by the actions of others so that my most rationally attractive choice is working at the chicken factory. Nozick anticipates this line of attack. In response to it, he argues that whether I perform an action non-voluntarily due to

[5] Nozick thinks that whether a person's actions are voluntary "depends on what it is that limits his alternatives. If facts of nature do so, the actions are voluntary" (262). I am inclined to agree with this, so I only consider the possibility of another's actions rendering some action non-voluntary. First, it is difficult to imagine an argument showing how acts of nature negatively affect autonomy; second, it's clear that Cohen's argument focuses its energies on "the self-seeking" that full self-ownership authorizes. Broadening the scope of his argument to include acts of nature would only complicate things.

a limitation that has been placed on my available opportunities by the actions of others "depends upon whether these others had the right to act as they did" (Nozick, 262). This is his historical theory of entitlement. If the others had a right to act as they did – that is, if they did not infringe on my self-ownership rights and nothing they did arose from an unjust distribution – then whatever resulting decision I am limited to may still be deemed free from coercion, even if I would prefer to do something else.

As an example, Nozick asks us to consider the case of worker *Z*, who is like Cohen's propertyless proletarian. *Z* faces the choice of working for those who own all of the capital in the area or starving: "[The] actions of all other persons do not add up to providing *Z* with some other option" (263). Yet, even though Cohen may see the situation as one in which *Z* is forced to choose non-voluntarily to work instead of starving, Nozick defends such effects of self-ownership according to their historical basis. If the other individuals *A* through *Y* acted within their rights, then no matter how limited *Z*'s options may be, or undesirable his remaining options, his resulting choice is free and uncoerced because no injustice was done in the process leading up to his decision. Nozick states, "A person's choice among differing degrees of unpalatable alternatives is not rendered nonvoluntary by the fact that others voluntarily chose and acted within their rights in a way that did no provide him with a more palatable alternative" (264).

Nozick's reply depends on the importance we place upon *historical* considerations in determining the degree of autonomy a person has. If *Z*'s freedom depends entirely on what has happened to make it so that *Z*'s options are limited, and all that has happened to put *Z* in his unfortunate position is the result of a just distribution, the historical view purports that *Z*'s rights have not been violated and *Z* may be said to enjoy all the freedom

he is rightfully bound to enjoy (Nozick, 152). However, such historical considerations do not carry weight for an egalitarian like Cohen. If genuine autonomy places requirements on decisions such that acceptable or palatable alternatives are available to a person regardless of the historical process leading up to his decision, no account of the distribution responsible for his situation supports the claim that *Z* is autonomous, or that *Z* acts freely. How are we to decide between Nozick's historical account and the egalitarian's conception of genuine autonomy?

I am inclined to agree with Cohen that autonomy is only meaningful for a person if it provides him with an acceptable range of alternatives to choose between. However, if we claim that Cohen's sense of autonomy ought to outweigh Nozick's historical entitlement theory of justice, it may be objected that we aren't dealing with Nozick on his own terms.

For Nozick, *Z*'s rights *as a self-owner* have not been violated; no aggression has been committed against him. We have no reason to believe that Nozick intends to secure for *Z* autonomous control even close to what would be needed on Cohen's understanding of autonomy. Perhaps the non-aggression principle is only meant to secure each person the *opportunity* to exercise control over his decisions, and this legal *negative* right is the most libertarians believe a just government can enforce without encroaching on others' rights as self-owners. On this rights-based view of autonomy, where self-ownership rights serve to protect opportunity, a person is autonomous to the extent that his rights have not been violated.

George Brenkert objects to Cohen along these lines. In his review of Cohen's *Self-ownership*, Brenkert says Cohen weakens his argument by failing to address the same kind of autonomy that Nozick aims to preserve. In Brenkert's estimation, Nozick understands

the relationship between autonomy and self-ownership rights differently than Cohen does. In Nozick's system, we have the self-ownership rights (and side-constraints) we do by virtue of our ability to shape and control our lives, whereas Cohen, Brenkert thinks, is operating with an understanding of autonomy where we have the rights we do *in order* to have this ability (Brenkert, *Self-ownership, Freedom, and Autonomy*, 42). So Nozick's autonomy is captured by the rights of self-control every person has while Cohen conceives of autonomy independently of these rights, in terms of an acceptable range of choices. Thus, self-ownership threatens autonomy for Cohen but not for Nozick, because for Nozick, there is no independent measure – *i.e.*, an acceptable range of choices – we can use to appraise how autonomous a person is. For Nozick, a person is autonomous just because she has the *ability*, or opportunity, to shape her life as she sees fit; how successful she is in *exercising* that ability is beside the point so long as the right side-constraints are in place to protect her opportunity.

One reason Brenkert seems to think Cohen is talking past Nozick is that self-ownership rights appear to be *basic* in Nozick's system. Cohen's argument rests on the belief that the right to autonomy is *ethically prior* to the right to non-aggression that self-ownership entails. For Cohen, autonomy grounds the self-ownership principle so that there is an independent measure we can use to appraise how autonomous a person is outside of the self-control rights self-ownership affords. So Brenkert is saying that while Cohen shows that autonomy is integral to self-ownership, he does not show that Nozick *grounds* the latter in the former. That is, he does not first demonstrate that Nozick does not consider self-ownership to be basic, or *axiomatic*.

A principle is axiomatic if no deeper reasons can or need to be given for its acceptance. If Nozick believes self-ownership is axiomatic, he thinks that no deeper considerations than that an individual's self-ownership rights can limit the actions of others and protect an individual's freedom (Nozick, 57). Since for Nozick autonomy is captured by self-ownership, which is axiomatic, but for Cohen autonomy is independently conceived, Brenkert concludes that Cohen's argument fails to convince because Cohen fails to show that self-ownership, understood as a basic right, undermines autonomy.

Now, Brenkert's objection only holds water if self-ownership is indeed basic. If libertarians like Nozick value self-ownership for deeper reasons – reasons based in the importance of human autonomy, for instance – Cohen's argument stands up. So long as we agree with him that genuine autonomy requires a range of acceptable options available to choose from, we can conclude that since Nozick's system does not protect genuine autonomy, it should be rejected.

However, Cohen in fact believes that for Nozick self-ownership is basic and freedom is derivative: "The primary commitment of his philosophy is not to liberty but to the thesis of self-ownership" (Cohen, 68). Libertarianism, he says, does not aim at freedom generally but at a certain kind of freedom "whose shape is delineated" by self-ownership. This seems to present a problem for Cohen's argument. If self-ownership is basic, the case of the propertyless proletarian – similarly, the case of *Z* – may show that self-ownership undermines genuine freedom. But it does not provide any reason for a libertarian to conceive of or prefer a sense of freedom above that which self-ownership secures. Self-ownership gives us all the freedom we can *rightfully* expect to have as self-owners.

Therefore, Cohen's critique of negative freedom won't get off the ground unless it can first be shown that Nozick thinks the right to freedom is at least as basic as the right to self-ownership. We saw earlier that for Nozick freedom is derivative of self-ownership. However I think Cohen's argument succeeds because the self-ownership principle is justified such that meaningful autonomy is held as a basic human right. Nozick's justification for capitalist inequality and the non-aggression principle, I will suggest, is based on deeper normative considerations than the basic right to self-ownership. Self-ownership is not an axiom: it is defended based on *eudaimonistic* reasons for securing freedom.

Self-ownership and Eudaimonia

One way to see the normative underpinnings of self-ownership is by observing how Nozick defends the moral form of libertarian side constraints against utilitarian views. The argument supporting libertarian rights focuses, he says, on the fact that each individual has his own life to lead (Nozick, 34). Libertarian constraints truly respect the separateness of persons, thereby allowing each individual to lead his own life and pursue his own ends so that "no one may be sacrificed for others" (33). Nozick is following Kant here. Kant's second formulation of the categorical imperative states that we ought to treat the humanity in others and ourselves as an end in itself and not merely as a means (Kant, *Groundwork*, 30-1). Nozick thinks libertarian constraints reflect the Kantian imperative (Nozick, 30). Thus, end-state maximizing views that maintain certain positive rights in things can't

respect the separateness of persons because they sacrifice individual interests for others' benefit.

What exactly constitutes being "sacrificed" for another? The justification of libertarian side-constraints ties into discussions of *harm*. What's the basis for thinking that taxation harms an individual taxpayer but capitalist appropriations do not harm worker *Z*? How Nozick understands harm evaluations should explain what normative beliefs, in any, the self-ownership thesis in based upon.

In his paper "The Prescriptive Impotence of Self-Ownership," Evan Fox-Decent argues that Nozick appeals to deeper normative resources to justify self-ownership. The non-aggression principle (the "do not harm principle") embedded in self-ownership, he thinks, is justified not on the basis of any basic right to property in oneself that correlates to a duty on others against interference. Rather, it depends on welfare considerations which themselves depend on normative considerations.

Nozick's self-ownership is committed to what Fox-Decent calls the "common-sense" notion of harm. The common-sense notion says that someone is harmed only if he is made worse off than he otherwise would have been. This goes for direct physical aggression as well as appropriations of private property. Nozick bases his discussion of private property and harm on Locke's proviso on the appropriation of unowned resources. Locke's proviso requires that "enough and as good" be left in common for others (*Two Treatises of Government*, sect. 27). Nozick follows Locke in thinking that a proviso on appropriation is required to ensure that private property acquisitions, like physical actions, do not harm others. However, Nozick perhaps differs from Locke, as he believes that that moral side constraints set by the rights of others dictate that any appropriation is legitimate if, and

only if, the situation of those who have now lost the liberty to use the thing is not worsened (Nozick, 178). Nozick understands a person's situation being "worsened" in a weaker sense than some authors attribute to Locke.[6] It's unclear what the "enough and as good" clause requires. As Nozick points out, someone may be made worse off in two ways: first, by losing the opportunity to benefit from the resource, and second, by no longer being able to use the resource. Nozick thinks the first requirement is too strong for a workable theory of justice (178).

To clarify Nozick's point, let's return to the case of worker *Z*. That *Z* no longer has the freedom to use some resource that *Y* has appropriated only makes *Z* worse off if his situation is worsened as a result of no longer being able to *use* that resource. Supposing *Z* earns the same wages he would have earned before persons *A* through *Y* appropriated the resources he could have used, he is not made worse off by their appropriations and capitalist development. Nozick says that his proviso rules out the stronger requirement on harm because no appropriate baseline against which to measure a loss of opportunity can be fixed (177). If we say that *Z* is made worse off by the capitalist appropriation of the surrounding resources, and by "worse off" we really mean that *Z* has lost some opportunity to benefit from those resources, how do we determine the degree of harm inflicted upon him relative to his opportunity? We can only look to his current situation, Nozick claims, to fix a baseline for harm evaluations.

Harm evaluations depend on welfare considerations. To say that *Z* is not harmed by *A*'s appropriation is to weigh *Z*'s welfare before the appropriation against his welfare after the appropriation and find the two situations equivalent in the weak sense that *Z* is no

---

[6] See Jeremy Waldron's "Enough and as Good Left For Others."

worse off despite having lost the liberty to use the resource and despite having limited opportunities for future benefit. However, Nozick offers no further discussion about the exact nature of welfare. What exactly should we look for in *Z*'s situation? There certainly seems to be a "common-sense" understanding of welfare that we could employ here, where *Z*'s welfare describes the state of *Z*'s quality of life understood in terms of health and wealth. Nozick appears to assume this understanding when he says that his proviso on property acquisition forbids both a land-owner from ordering a castaway off his island and a person from appropriating the only water hole in a desert and charging whatever he pleases for others to use it (180). In both cases, those affected by the appropriation are obviously harmed under the common-sense view since their health is at stake.

This common-sense understanding of welfare can only do so much work, though. In cases where subjects' health and wealth are not so obviously jeopardized, more is needed to fill out the content of welfare in order to make a harm evaluation. Fox-Decent thinks that Nozick cannot set the baseline for comparison at a person's actual level of welfare for an appropriation because cases exist where a person's health and wealth remain untouched but we still *wouldn't* want to say that an appropriation causes no harm. He imagines a community of slaves abandoned by their masters. If we are evaluating harm as Nozick does, we set their welfare baseline – their actual welfare – at their former position in slavery. By Nozick's lights, then, we could put them all back into slavery without harming them. This, Fox-Decent thinks, is a counter-intuitive conclusion, which shows that Nozick's notion of harm is misguided and that his understanding of welfare is too thin to be meaningful (Fox-Decent, 497). More needs to be said about the nature of welfare to fix a

baseline that actually allows us to make meaningful evaluations about whether an action or an appropriation causes harm.

According to Fox-Decent, since it's counter-intuitive to say that placing the slaves back into slavery isn't harming them, we need to adjust our notion of harm. If we say that placing the slaves back into slavery is making them worse off, the baseline we are working with clearly specifies something richer than Nozick's thin account of their actual level of health and wealth. Fox-Decent thinks that we normally make harm evaluations against a belief about "so-called normal conditions." To specify just what counts as normal, he says, we necessarily employ *normative considerations* (497). For example, one who objects to placing the community of slaves back into slavery does so because of a normative belief that might set a liberal, democratic society as the standard; Ancient Egyptians would not share the same normative beliefs about the value of human autonomy and what society ought to look like and so might not object. Thus, Fox-Decent pulls *normative* considerations into harm evaluations and proposes a "normative view of harm," where we determine a person's level of welfare, he says, by first employing normative considerations about the kind of life we deem decent. For example, we may draw on Western democratic ideals as the standard against which we find slavery harmful. According to this view, "Someone is harmed only if they are not as well off as they ought to be, given the appropriate normative theory and available resources" (Fox-Decent, 498).

Now, it may not be necessary to follow Fox-Decent in thinking that we need to employ normative considerations to fix an adequate baseline for making harm evaluations. In Joel Feinberg's view, an event counts as harm against a person only if it wrongly sets back her interests (Holtung, "The Harm Principle," 373). Her interests are constituted by

her basic desires or goals. A basic desire or goal is one that is "intrinsic, general and such as to explain and give meaning to more particular desires and activities" (373). For example, the desire to become a teacher is basic, whereas the desire to write a paper is not. So an event harms a person if it takes away the means required for her to pursue her goals.

On this account of harm, one does harm to the group of slaves by not releasing them because by remaining captive, the group of slaves further lacks the ability to pursue their goals. On this view, the baseline for assessing welfare is set relative to a person's most important desires and goals such that we seem to be in a position to make meaningful harm evaluations. If we apply Feinberg's view of harm to Nozick's system we avoid the counter-intuitive conclusion that keeping a group of slaves in captivity does not constitute harming them. Thus, the baseline can be adjusted without adjusting the notion of harm.

However, I think Nozick in fact rests his harm evaluations on normative considerations. And it is worth determining whether Fox-Decent is right and Nozick really ought to pull in normative considerations to fill out his welfare evaluations, because those normative considerations, I believe, reveal the eudaimonistic basis of self-ownership.

So, continuing with Fox-Decent's argument, if he is correct that Nozick cannot rely merely on his common-sense view of harm to determine whether some appropriation or other – or any action – is harmful, he must appeal to an underlying normative structure to do so. What, then, are the normal conditions Nozick envisions when he says that each person as a rightful self-owner has a right to pursue his own ends? And what moral beliefs fill out the description of these normal conditions such that keeping somebody from pursuing his own ends counts as *harming* him? Again, I believe Nozick's justification of side-constraints answers these questions for us.

Recall that the side-constraints on how we are to treat others are justified in virtue of certain characteristics of persons. Specifically, they are justified in virtue of our ability to shape our lives according to an overall plan of our creation and hence give meaning to our lives. Nozick thinks we ought to be treated in a way that respects the kind of beings we are (Nozick, 49). The following individuating features define beings of our kind: (1) the ability to formulate long-term plans for our lives; (2) the ability to determine for ourselves an abstract picture of what an appropriate life is for us; and (3) the ability to guide and regulate our lives in accordance with (2) (Nozick, 49). Nozick believes the moral side-constraints that the minimal state upholds respect what it is about us that makes our lives worth protecting. Our ability to form a picture of our lives and to act according to an overall conception of the life we want to live is morally important because the possession of that ability is necessary for the pursuit of *meaning* in our lives (50).

So, Nozick's moral side-constraints are justified in virtue of what makes us human persons and the features that make us human (the ability to plan, regulate and guide our lives) are morally important, and therefore worth preserving, because they allow us to strive for meaningful lives. This meaning is left up to each person to decide, according to his ability to determine what an appropriate life for himself and others ought to look like. Side-constraints are justified because each person ought to remain autonomous with respect to this meaning-giving ability. Each individual is distinct, and each has his own life to lead (34). If another person interferes with your ability to strive for a meaningful life, or if you are an amnesiac who forgets the happenings of the previous day every evening as you sleep, you no longer possess the ability to shape your life and strive for meaning.[7]

---

[7] Nozick, 49

Although Nozick does not endorse any deeper normative beliefs than self-ownership rights, I think we can ascribe normative beliefs that undergird the self-ownership principle and the minimal state, and which help strengthen his argument. The normatively acceptable political system that Nozick envisions is one in which people are not only free to lead their *own* lives, but also free to act on their own conceptions of the good and strive for meaning. Another way to put it, as Nozick does, is that individuals are distinct, "each with his *own* life to lead," and "each with his own life *to lead*" (34). Being free to act on one's conception of the good and strive for meaning in one's life is a taller order than just being free to lead one's own life. Simply being free, in the negative sense, to lead one's own life may correlate to a purely formal self-ownership right where one in fact lacks the opportunity to act on one's conception of the good and strive for meaning. Consider, for example, Cohen's propertyless proletarian. He is negatively free while lacking the opportunity to act on his conception of the good and strive for a meaningful life.

So it seems to me that for Nozick there are normative considerations at work that stress self-control and the achievement of meaning in our lives. These normative beliefs are *eudaimonistic*. Thus, fostering *human flourishing* – the perfection of one's talents, abilities and virtues – is the goal of self-ownership upheld in Nozick's minimal state.[8] This flourishing is what explains the value of autonomy and freedom. Why should we be free to pursue our various conceptions of the good? Why is it so important that I be free to learn, value and choose my own ends? Some ethical consideration must be at work to explain the *value* of autonomy. Respect for human freedom is what motivates the self-ownership

[8] A normative theory is eudaimonistic if it aims at achieving eudaimonia, which we can define (perhaps roughly) as "flourishing." Such a view defines some conception of the good and identifies or relates the exercise or achievement of that good with the *eudaimon* life.

thesis; but without any deeper ethical consideration supporting that position, respecting autonomy versus, say, reason, is arbitrary. Eudaimonism, I believe, comes into the picture here.

My claim is that a eudaimonistic framework ought to serve as the foundation of the self-ownership thesis. A person flourishes by exercising self-governance and self-mastery in the pursuit of his own conception of the good such that he gives *meaning* to his life. A necessary constituent of flourishing is being autonomous with respect to one's choices so that one's pursuit of the good is entirely his own. If this is the case, the moral importance of flourishing explains the importance of autonomy and in turn explains just why self-ownership is valuable.

My argument rests on Nozick's discussion of intrinsic human characteristics that justify how we treat others and why we ought to respect their inviolable rights to non-interference. Might this argument, however, be flawed for claiming that the individuating features of humans (the ability to plan and regulate our lives according to our own conceptions of the good) ought to be the features we hold as morally important for flourishing? What about the fact that these features are unique to humans makes them capable of grounding the moral conclusion that human flourishing should promote our ability to plan and regulate our lives according to our own conceptions of the good? It may be said that my argument adopts the Aristotelian view of flourishing. Aristotle believes that the appropriate form of flourishing for anything is determined by what is unique to that thing. This applies equally to humans as it does to vegetables: each has some special property that marks its function and thus determines its mode of flourishing (Nozick, *Philosophical Explanations*, 516).

Nozick rejects this Aristotelian position because uniqueness, he says, is not enough to ground moral conclusions about the flourishing appropriate to humans. It's not clear that anything ought to depend on a property's being special because it's not clear that some moral conclusion that does not follow from "Man has P" ought to follow once it is determined that "Man has P, and nothing else has P" (516). From this line of argument, Nozick concludes: "If some conclusion about the flourishing appropriate to man follows from his having a certain property, surely it is in virtue of the nature of that property, not because other being do not possess it" (516). "The problem with the Aristotelian framework," he says, "is that a special property need not be an especially valuable one. Yet surely what should flourish are your valuable characteristics, especially if their exercise constitutes further value" (517).

Does this constitute an objection to my claim that a eudaimonistic framework – which emphasizes human flourishing – ought to serve as the foundation of the self-ownership thesis? I don't believe it does.

Nozick finds fault with the Aristotelian framework due to its focus on specialness. But special properties need not be those that flourish. As Nozick notes, we can instead say that *valuable* characteristics should flourish. Instead of pointing to human abilities to plan and regulate our lives and achieve meaning as *unique* and therefore capable of serving as the basis for moral conclusions about the appropriate flourishing for humans, we can say that those same abilities ought to flourish because they're valuable. We can reject Aristotle's argument based in specialness and still uphold a eudaimonistic theory that, instead of identifying special properties, points to properties in humans that are valuable as determining the appropriate form of flourishing.

In fact, just this approach may be taking place in Nozick's justification of the non-aggression principle. The ability to shape our lives according to a conception of the good may or may not be special to humans; but the specialness of the ability seems to be beside the point for Nozick. Our life-shaping ability is an important property – one that ought to ground how we treat others – because it is valuable, *i.e.*, because it gives our lives meaning (Nozick, 50).

Nozick's focus on human autonomy supports the view that self-ownership is valued because of an underlying eudaimonistic commitment. The reason autonomy is valuable enough for self-ownership to protect is because human flourishing is implicitly assumed, and taken as a fundamental moral goal. Autonomy is a necessary constituent of the good life since the good life is defined in terms of each person's ability to pursue his *own* conception of the good. The eudaimon life as Nozick understands it requires that one possess the freedom to develop and pursue one's own conception of the good, with the eudaimon life understood broadly to encompass a plurality of conceptions. The *telos* of human life, just as it was for the ancients, is flourishing – so the self-ownership thesis, I contend, is accepted because it respects and values human flourishing as the end of life. Thus, the moral importance of flourishing explains why autonomy is so highly prized, and in turn why self-ownership grants inviolable rights to noninterference such that a person's right to a substantive kind of self-ownership is protected.

Meaningful Freedom

If I am right that a eudaimonistic moral theory grounds Nozick's argument, one thing this does is help Cohen answer the objection that his argument will fail to win over a libertarian because the libertarian takes self-ownership rights to be basic and rights to autonomy as derivative. If what I'm suggesting holds water and a eudaimonistic theory can be shown to support self-ownership, self-ownership is not basic. For, being free to act on one's own conception of the good and strive for meaning, where this freedom gives self-ownership its value, seems to commit Nozick to a definition of autonomous freedom that is conceived independently of self-ownership rights and can be independently appraised. Thus, the self-ownership thesis can be shown to be freedom undermining to the extent that a person fails to be genuinely free and autonomous.

The freedom self-ownership aims to protect with a eudaimonistic foundation is clearly not negative. That a person be free to pursue his own conception of the good cannot be construed as a negative right if freedom is understood as a capacity for self-governance and self-mastery. For being free, in the negative sense, to lead one's own life may correlate to a purely formal self-ownership right where one in fact lacks the genuine opportunity to act on one's conception of the good and strive for meaning.

A libertarian may object that the negative freedom that self-ownership affords captures all of the opportunity to act on one's conception of the good that matters. What matters is not that a person succeeds in acting on his conception of the good and possessing the capacity for self-governance; instead, what matters is that he has the opportunity to do so, and a negative conception of freedom secures this opportunity.

Nozick grounds libertarian rights to non-interference in our capacity to shape and pursue meaningful lives; he does not claim that we need more rights in order to enhance this life-shaping capacity. Cohen is making the latter claim. Thus, for Nozick, there is no kind of freedom outside of that secured by self-ownership that we can assess and Cohen and Nozick appear to be operating under different senses of autonomy. This is Brenkert's response to Cohen's argument (Brenkert, 42).

This objection doesn't hold water given a eudaimonistic framework supporting self-ownership. Absent the belief that libertarian rights are put in place *in order* for a person to have control over her life, those rights will sometimes merely protect formal side-constraints around people who lack any real sense of control. But as his justification of side-constraints shows, Nozick clearly wants something more than formal self-ownership rights – he wants to protect a *substantive* kind of self-ownership that gives us the ability to effectively control our lives and develop our talents. If Nozick is not claiming that libertarian rights are meant to ensure the success of one's life-shaping capacity and control over one's life, what those rights protect is sometimes empty and merely legal.

Will Kymlicka thinks the term "self-determination" better captures the substantive level of control libertarian constraints are meant to protect. Whereas self-ownership can sometimes be used to describe the purely legal rights a person has, self-determination involves the freedom to *act* on our own conceptions of the good and exercise a more substantive kind of control over our lives (Kymlicka, "Property Rights and the Self-Ownership Argument," 305). This substantive level of control correlates to Cohen's conception of autonomy as an acceptable range of choices. A person has self-determination if she can shape her life according to own conception of the good and she has sufficient

resources available to her to do so. Furthermore, since self-determination operates on an understanding of autonomy as an acceptable range of choices, it requires more than the negative freedom that formal self-ownership provides since many people possess purely formal self-ownership rights without having the further ability to act on their own conceptions of the good. Respecting self-determination is therefore necessary for treating people as distinct individuals each with their own life to lead.

We need to address just what conditions self-determination places on genuine freedom. However, it's not necessary to place any positive conditions on freedom at all – as Kymlicka does – to support Kymlicka's intuition that non-interference fails to protect freedom of a meaningful sort. Philip Pettit argues that there is an intermediate space for freedom that shows that non-interference is too thin to capture meaningful of freedom.

Pettit argues that Berlin's negative-positive distinction leaves a conceptual space open for a third kind of freedom: freedom as *non-domination*. Negative freedom involves the absence of interference in one's choices; positive freedom, on the other hand, requires that an agent be able to exercise "self-mastery" over herself (Pettit, *Republicanism*, 18). Mastery and interference, Pettit says, "do not amount to the same thing" (21). Therefore, there is a third possible way to conceive of freedom: not just as an absence of interference but as an absence of mastery by others. This freedom as non-domination, Pettit says, is the republican notion of liberty. It is negative to the extent that it stresses an absence, but positive to the extent that it stresses mastery instead of interference (22). Someone enjoys non-domination "when they live among others and when no other… has the capacity to interfere on an arbitrary basis in their choices" (Pettit, 67). The capacity to be arbitrarily dominated defines domination.

Pettit separates the two concepts so that there can be domination without interference. This means that slavery and unfreedom is consistent with non-interference. Non-interference can be realized, Pettit says, "in the presence of a master or authority who is beneficent, and even benevolent" (64). For example, a slave is not free to do as he pleases although his master is lenient and the slave is adept at avoiding interference in his plans.

The possibility of domination without interference supports Kymlicka's and Cohen's intuition that worker *Z* is unfree. Although there is no direct interference preventing *Z* from pursuing his own ends, his situation is unfree because the capitalist appropriators effectively constitute dominating masters over his range of employment choices. Whether or not we ascribe to Pettit's view of republican freedom as a political ideal, I think his argument at least demonstrates that non-interference – the hallmark of negative freedom – is insufficient to guarantee that in all cases a person will enjoy freedom of a meaningful sort. Worker *Z*'s situation is one such case.

Moreover, Pettit's view demonstrates that freedom as non-domination does better than mere non-interference at granting an individual the sort of control over her life that Nozick wants the self-ownership principle to secure. As Pettit puts it, "non-domination involves a sort of immunity or security against interference on an arbitrary basis, not the mere absence of such interference" (69). For a person may enjoy non-interference from arbitrary forces, but the non-interference she enjoys may be insecure and she may remain powerless over the course of her life. It is possible, Pettit says, that there are dominating agents over this person, but they happen to like her, or she happens to be cunning at avoiding their control, or they simply leave her alone, etc. (69). The control this person

enjoys is insecure and contingent upon external forces. Non-domination, on the other hand, grants a person the control and power over her life such that she not only avoids interference from others in the actual world, but she has the power to prevent interference given a possible world where she isn't ingratiating enough, cunning enough or whatever enough to avoid interference.

Again, we need not necessarily agree with Pettit that the kind of freedom that matters ought to be understood as non-domination. But his arguments do provide further support for rejecting the negative freedom as non-interference that Nozick's full self-ownership secures.

Still, it seems to me that the features Cohen includes in genuine freedom point to a positive conception. To be free, according to Cohen, is to be autonomous such that an acceptable range of options exists to choose between. He places the "acceptable range" condition on autonomy based on an argument much like the following. Raz notes that one can either think of autonomy as a kind of achievement, as Cohen does, or as a capacity, as Nozick does. In the first sense, one is autonomous if the conditions of the autonomous life obtain; in the second sense, one is autonomous if he can become the author of his life (Raz, *The Morality of Freedom*, 204). One who supports a *rights* view of autonomy only thinks of autonomy as a capacity, since "he has to maintain that autonomy is constituted by rights and nothing else" (204). Self-ownership rights constitute the moral space for a person to autonomously lead his own life in Nozick's system. To lead an autonomous life is to lead a life where your rights have not been violated. This is because our rights protect our *opportunities*. Truly being autonomous and free requires the means available such that an acceptable range of choices exists.

But as we saw earlier, even under the rights view of autonomy, if leading an autonomous life is an ultimate value, "then having a sufficient range of acceptable options is of intrinsic value, for it is constitutive of an autonomous life that it is lived in circumstances where acceptable alternatives are present" (205). A person who spends his life fighting starvation and disease cannot be said to be autonomous because he lacks the opportunity to accomplish anything besides staying alive. Thus the ideal of personal autonomy, according to Raz, requires *acceptable* options to choose from.

If a eudaimonistic framework does in fact undergird Nozick's self-ownership thesis, it does not show that Nozick endorses a positive account of freedom. Nozick thinks of freedom as non-interference. But if a eudaimonistic framework supports self-ownership then two things must be true. First, freedom cannot just be derivative of self-ownership. Second, the autonomy and freedom self-ownership protects ought to be meaningful so that a person has the control to pursue his own conceptions of the good. According to Raz, this involves the ability to choose from an acceptable range of choices. If self-ownership is valuable because it secures autonomy for a person, this must further entail that acceptable options are available so that the autonomy self-ownership secures is the sort required for flourishing.

Therefore, given a eudaimonistic foundation for self-ownership, something like self-determination describes the kind of freedom Nozick intends self-ownership to secure for each person. Self-determination also seems to capture the genuine autonomy Cohen uses to appraise self-ownership. We are now in a position to answer Brenkert's objection.

Cohen makes an argument that should appeal to libertarians on their own terms because Nozick ought to conceive of freedom in Cohen's sense, where autonomy is ethically

prior to self-ownership. Nozick's normative structure puts autonomy first and side-constraints second just because it upholds self-determination. If self-determination matters, the rights protecting it matter because they ensure the *exercise* of certain abilities – my capacity for self-governance is crucial to my freedom. If we don't care about the exercise of our life-shaping abilities, then the propertyless proletarian isn't harmed. Yet self-determination is justified by eudaimonistic considerations: Nozick believes that libertarian rights give the propertyless proletarian space enough to shape his life according to his own conception of the good and flourish, which demonstrates a belief that libertarian rights serve to protect self-determination. It follows that freedom and human autonomy are ethically prior to self-ownership rights and Nozick and Cohen both see the relationship between autonomy and self-ownership rights in the same light. Self-ownership cannot be basic if self-determination matters.

If I am correct and eudaimonistic moral beliefs ought to undergird Nozick's self-ownership thesis, self-ownership can be assessed in light of whether it actually promotes human flourishing in the relevant ways. As we have seen, at the core of Nozick's normative structure behind self-ownership is the belief that people ought to be free to act on their own conceptions of the good and to strive for meaning in their lives. To the extent that Cohen's propertyless proletarian lacks an acceptable range of choices to choose from, self-ownership clearly undercuts his freedom. The self-determination Nozick defends commits him to a conception of autonomy much like Cohen's "range of acceptable choices." Nozick intends self-ownership to secure a substantive kind of freedom – self-determination – where a person has autonomous control over the course of his life. As we have seen, however, he also believes that self-ownership licenses the appropriation and use of

external resources such that some people will become propertyless proletarians who must choose between selling their labor power or dying. Since this situation doesn't allow the propertyless proletarian to meaningfully develop and act on his own conception of the good in order to pursue meaning in his life, we can say that the self-ownership thesis is in fact hostile to his autonomy.

Conclusion

I haven't considered what the conditions for positive freedom are beyond autonomy of a certain sort, and how they ought to be incorporated into a political system in order for Nozickian self-ownership to accommodate them. My sole concern in this thesis has been to explore the relationship between Nozick's self-ownership and freedom, and to assess the degree to which the former restricts the latter. I think the case is clear that Nozick's self-ownership does little to protect a meaningful sort of freedom; despite the fact that a meaningful sort of freedom is exactly what Nozick ought to protect. This is the central premise in my argument, and the premise I found unsupported in Cohen's original argument. I believe I have buttressed it by suggesting that Nozick can employ eudaimonistic normative beliefs to justify self-ownership. Doing so explains the value of autonomy. However, it also cedes ground to critics of negative liberty by undermining the belief that self-ownership rights are basic in ways that autonomy is not. Like Cohen, I find the concept of self-ownership intuitively attractive because it seems to express a basic point about my freedom and right to flourish. However, for those same reasons I find the self-ownership thesis troubling.

Works Cited

Brenkert, George, "Self-Ownership, Freedom, And Autonomy" (*The Journal of Ethics*, No. 2, pp. 27-55, 1998).

Christman, John, "Liberalism and Individual Positive Freedom" (*Ethics*, Vol. 101, No. 2, pp. 343-359, Jan 1991).

Christman, John, "Self-Ownership, Equality, And The Structure of Property Rights" (*Political Theory*, Vol. 19 No. 1, pp. 28-46, February 1991).

Cohen, G.A., Self-ownership, Freedom, and Equality (Cambridge, MA: Harvard University Press 2001).

Fox-Decent, Evan, "Why Self-Ownership is Prescriptively Impotent" (*The Journal of Value Inquiry*, No. 32, pp. 489-506, 1998).

Holtung, Nils, "The Harm Principle," (*Ethical Theory and Moral Practice*, Vol. 5, No. 4, p 373, December, 2002).

Kant, Immanuel, Groundwork of the Metaphysics of Morals, (New York, NY: Cambridge University Press, 1998).

Kymlicka, Will, "Property Rights and the Self-Ownership Argument," in H. Steiner and P. Vallentyne (eds.), Left-Libertarianism and its Critics (New York, NY: Oxford University Press, reprinted in Palgrave 2000).

Locke, John, Two Treatises of Government (New York, NY: Cambridge University Press 2004).

Nozick, Robert, Anarchy, State, and Utopia (New York, NY: Basic Books 1977).

Nozick, Robert, Philosophical Explanations (Cambridge, MA: Harvard University Press, 1981).

Otsuka, Michael, Libertarianism without Inequality (New York, NY: Oxford University Press, 2003).

Pettit, Philip, Republicanism (New York, NY: Oxford University Pres, 1997).

Raz, Joseph, The Morality of Freedom (New York, NY: Oxford University Press, 1986).

Taylor, Charles, "What's Wrong With Negative Liberty," in A. Ryan (ed.), The Idea of Freedom (Oxford: Oxford University Press, reprinted in Miller 1991).

Waldron, Jeremy, "Enough and as Good Left for Others," (*Philosophical Quarterly*, No. 29, 1979).