

Equality of Condition and Self-Ownership

Kai NIELSEN
University of Calgary

It will in painful situations sometimes be the lesser of two moral evils to disregard what really are people's rights and not perform our obligations to them.

H.L.A. HART

I

THERE ARE THREE DEEPLY EMBEDDED MORAL beliefs that most people in societies thoroughly touched by modernity tend, and typically rather tenaciously, to hold. The first of these beliefs is ubiquitous in such societies, though it has not always been so generally held and is not so held in all places in the world today. The other two would be as ubiquitous but for the fact that not a few believe that both of these latter two beliefs cannot be jointly consistently or plausibly held. This being so, they believe they must reject one or the other of them. But the very fact that they feel a tension here, that they would very much like, if that were possible, to hold them both gives us good reason to believe that both beliefs are deeply embedded moral beliefs. They just reluctantly conclude that they cannot continue to hold both of them if they want a coherent account of their moral commitments.

The three beliefs I have in mind are: (1) *moral equality*, namely, the belief that the life of everyone matters and matters equally; (2) *self-ownership*, namely, the belief that each human being is the morally rightful owner of her own person and powers and, consequently, that each is, morally speaking, free to use those powers as she wishes as long as she does not deploy them to harm others or to violate their rights, or to avoid meeting obligations she has to them; (3) *equality of condition*, namely, a belief that we are to aim at, as far as it is reasonably achievable, an equality of well-being or at least an equality of life-prospects for everyone. The thing to be aimed at here is first, conditions making possible an equal satisfaction of basic needs, then, when that is secured, conditions making possible an equal satisfaction of non-basic needs, and finally, when those two things are secured, conditions making it possible for everyone, as far as this is possible, to have the fullest satisfaction of wants possible compatible

with all others being treated in the same way.¹ If that statement of equality of condition seems, for any reason, too convoluted, just think for a starter of equality of condition as a belief in the desirability of attaining, or at least approximating as closely as possible, an equality of well-being, or of need-satisfaction for everyone, or, if that is somehow unfeasible, at least that they have equal life-prospects. Particularly the last way of putting equality of condition reflects a deep sense of what it would be like to have fair social arrangements.

In our societies, it is widely thought that self-ownership and equality of condition (in any of the above forms) are incompatible. Faced (given that belief) with what they take to be an anguishing choice between them, many people in our (at least in ideology) individualistic societies opt for self-ownership over equality of condition. However, socialists (including Marxists) and some social democrats (Welfare State liberals), with very strong beliefs in equality, will opt for equality of condition over self-ownership.² I want here to explore the possibility of whether, while continuing to believe in *moral* equality, as all sides to the dispute seem at least to be committed to doing, we can find a suitably substantial reading of both self-ownership and equality of condition in which we can, coherently, jointly believe.

II

Some Marxists and some social democrats, and perhaps some others as well, might think that an artificial problem is being created by taking self-ownership so seriously. I want first to show why self-ownership should be taken very seriously indeed as a value that is very fundamental for us. It is not, I shall maintain, just part of the moral ideology of right-wing libertarians such as Milton Friedman, Fredrich von Hayek and Robert Nozick who link such conceptions, quite unjustifiably, to a *laissez faire* capitalist defense of private property. Here I want to follow G.A. Cohen who has argued powerfully, and indeed from a Marxist perspective, that the libertarians have plausibly defended the moral centrality of self-ownership while being quite out to lunch in thinking that that would commit one to a belief in capitalist private property.³ I shall simply assume here that Cohen is right about the latter issue. I have other fish to fry and it does seem to me that his arguments against Nozick are decisive or as decisive as we are likely to get in philosophy. But, in any event, I will set aside here the issue of whether self-ownership commits one to *laissez faire*.

Cohen is surely right in remarking that self-ownership is an attractive moral conception. We indeed would like to believe "that each person is the morally rightful owner of himself" (I 109). Think of our abhorrence of slavery or conditions approximating slavery. We are, we believe, each entitled to dispose of ourselves as we wish, to live as we wish, to act as we wish, so long as we do not harm others or violate their rights. We cannot,

we believe, rightly be pressed into the service of others against our will and, Kropotkin to the contrary notwithstanding, many believe, we have no duties to mutual aid beyond those (if any) for which we may have contracted.

That notwithstanding, we may be criticized, and criticized morally, for not voluntarily helping others in need. Such non-volunteers are hardly good citizens or people we would want to have as friends. They are not, in short, good people. They are, to put it minimally, hardly exemplars of what we would like people to be. Be that as it may, many believe, they need not have violated anyone's rights or failed to meet their obligations or neglected their duties, if they fail to come to the aid of others. They are not the sort of people we would like to have around us in a good society. But they are not to be punished (even by social ostracism) or, many believe, even blamed if they remain such non-helpers, lacking any commitment to a non-sexist version of fraternity and devoid of any concern for others, beyond taking care not to violate any of their rights. Such people are not very admirable people and, as I have already remarked, they are surely not good moral role-models. But, it is widely believed, they have not failed to do anything they are morally required to do.

A respect for persons, libertarians believe, requires a commitment to self-ownership. They insist "that no one enjoys an enforceable non-contractual claim on anyone else's service; or, equivalently, that any enforceable claim on another's service derives from an agreement that binds to the provision of that service" (I 109). Mutual aid, as important as it is morally, cannot, morally speaking, be *required*, though it can and should be *encouraged*. What these libertarian philosophers believe is essential to protect is each person's control over himself and his powers. That is, we must respect each person's autonomy. And because of this, we cannot make mutual aid a duty. This protection of self-ownership is a fundamental cornerstone of anything that is rightly to be held as a decent moral point of view in modernizing societies. Each person should have sovereignty over herself. Any society that could correctly regard itself as a just society, given a modern or (if you will) post-modern understanding of the world, must respect that.

Those who reject *such* a morally fundamental role for self-ownership, as consistent Marxists and social democrats should, believe that people do not have an *exclusive* right to their own persons and powers. They believe that in some circumstances force can be rightly applied against them to get them to help others. We are not limited to preventing them from harming others, though, of course, we can and should do that. But we can as well require them in certain circumstances to *help* others.

The libertarian and the liberal, as Cohen characterizes her, believes by contrast that, even though there are great inequalities of condition in our world, we are not justified in requiring or forcing anyone to help overcome those inequalities of condition, unless they rest on violations (including, of course, past violations) of rights that require rectification. However, we may urge someone to do so and think badly of him if he does not. It is understandable, they will concede, particularly when we believe in moral

equality, that we would want an equality of condition, but, they will ask, do we really want it if it overrides self-ownership? If we take *moral* equality seriously, must we not only want equality of condition but self-ownership as well? But can we have them both? Most of us would find it morally intolerable for it to simply be required that we give up an eye even if there are sightless persons that badly need one of our eyes and our eyes were the only good eyes around that could be transplanted. Alternatively, in a slightly different situation, we should not feel much better about it if we lost over who is to give up an eye in a fair lottery. We are—or so it is widely believed—not going to go for equality of condition at that cost. Yet the eye transplants, given the proper technology, would (or so at least it seems) plainly bring about a greater equality of condition than what obtained before.

This means—or at least seems to mean—that we give a very high moral priority to self-ownership. Whatever we should say about its moral priority, a belief in self-ownership is one of our firmest considered judgments. And, as Cohen observes, this belief is not upset by the fact that a person may not deserve his good eyes or need his two good eyes more than a totally blind person needs one of them. So a believer in self-ownership will, as Cohen puts it, be the person who claims “sovereignty or (what is here *equivalent* to it) exclusive private property” over her own person and powers.

Construed in a regimented, but still not implausible way, liberalism is closely related to such a conception of self-ownership. Liberalism, so construed, is the thesis “that each person has full private property in himself (and, consequently, no private property in anyone else). He may do what he likes with himself provided he does not harm others” (I 114).

Cohen has come, not unreluctantly, to the at least tentative conclusion that this very morally attractive belief in self-ownership and commitment to liberalism is incompatible with a belief in equality of condition. Both socialism and a belief in equality of condition are incompatible, he believes, with a belief in full self-ownership. Is this so?

III

I am less confident than is Cohen that equality of condition and self-ownership are incompatible. I take it, as any socialist would, that the means of production, and many other things as well, which are necessary elements of the means of life, should be commonly owned where this is feasible. But, like other socialists, I also believe (what is plainly evident anyway) that there is and should be individual property such as one’s clothes, dwelling, food and the like and that can, perfectly legitimately, be privately owned. Socialism does not commit itself to the communal ownership of automobiles or power drills. Its central concern is with the essential means of production.

So a socialist will not say that all external resources must be under a common ownership or a joint ownership, but only things like the means of production. Indeed he may even limit it to the major means of production. So construing common ownership, I am not—or so it might be reasonably claimed—in Cohen's bind where communal ownership comes in conflict with self-ownership, for I am not saying that all external resources are to be placed under the common or joint ownership of everyone in the society, though this would be true of factories, transportation systems, large agricultural units, stores (after a certain size), schools, financial institutions and the like. Still even that might, for the reasons Cohen gives, make what he calls true self-ownership impossible, for if each had equal say, as in joint ownership, in what is to be done with all such external resources, then people could not exercise self-ownership, since people can do virtually nothing without using parts of the external world, and if the really major parts of the external world are jointly owned (the parts that are really pivotal in how things go in the society), then there is virtually nothing, or at least nothing very significant, an individual can do without leave of the community. But this, if true, means that "they do not own themselves since they can do nothing without communal authorization" (I 113-114).

However, since the property that a socialist believes is to be owned in common is not all external things but only the essential means of production and the like, then there can, even with this common property, be self-ownership, for there remain (contrary to what was said in the previous paragraph) things a person can do without leave of another. Indeed there is a not inconsiderable number and variety of things they can do without communal authorization. So there is room for both the joint or communal ownership socialists are interested in and a genuine self-ownership.

There are at least two problems with that response. There is perhaps, with the socialist communal ownership, (1) not sufficient ownership of external things to secure equality of condition, and (2) the self-ownership securable in such circumstances may not be sufficient for what Cohen calls *full self-ownership* or *true self-ownership* (I 113-114).

I shall consider the second problem first. In doing that we must see, to make any headway here, what full self-ownership, if we had it, would come to. What is it for an individual to have full sovereignty over himself? One thing Cohen takes to be plainly a part of the having of full self-ownership is for it to be the case that no one's talent could be pressed into the service of others without one's consent for any reason whatsoever, including the achievement or sustaining of equality of condition. That is a necessary condition, on Cohen's view, for having full self-ownership. It is also at least arguably the case that where full self-ownership obtains people will have a right to claim the fruits of their own labour, but this, it is typically thought, if honoured, would lead to sufficient inequalities of distribution to make impossible an equality of condition.

Full self-ownership, to generalize, requires that it quite categorically be the case that each person is the "morally rightful owner of his own person and powers, and consequently, that each is free (morally speaking) to use those powers as he wishes, provided that he does not deploy them

aggressively against others" (II 77). Unless this obtains people do not have full self-ownership. And for this to be the case requires at least that we have the right to be non-helpers (where no harm has been done by oneself or no contract entered into) and have the right to dispose as we wish over the fruits of our own labour.

This being in control of one's life, this being able to live one's life as one pleases without answering to anyone, does not mean, of course, that one may harm others or violate their rights. Indeed a person may, if she will not do so voluntarily, be forced not to harm others, but she can never, under any circumstances, the claim goes, be rightly forced to help them. Such non-helpers may very well be nasty, unkind persons. Refusing to help others in distress when one readily could is not something which generates admiration. These are not the sort of people we approve of and it certainly is morally in order to try to argue them into helping. Still, libertarian liberals say, we must never override their right to self-ownership by forcing them to help. That would be violating their very fundamental right to self-ownership and to so act, it is argued, can never be justified. So acting reveals a lack of respect for persons. We are *never* morally justified in forcing anyone to help anyone they have not harmed.

This reading of full self-ownership seems to me morally absurd. Self-ownership I agree is a deeply embedded, considered conviction but it is also a deeply embedded, considered conviction that, if I am the owner of a large house which I alone occupy and an earthquake occurs in my vicinity which devastates the other houses around me and not mine, I can, if I will not do so voluntarily, be forced to give people shelter if there are no other places where they could be taken in with the needed dispatch. Similarly, if I have invented a cure for cancer or AIDS, I can be forced to make that cure available to people even if I for some quirky reason do not want to. The above strong *reading* of full self-ownership is in conflict with just too many of our other deeply embedded considered convictions to be acceptable. It is not a considered conviction which we could get into wide reflective equilibrium. We should either reject self-ownership, as Cohen thinks Marxists and social democrats should, if we are resolved to stick with that reading, or we should, as I believe we should, find a less stringent reading of *full* self-ownership that does not conflict with so many of our other firmly held considered convictions. Since a belief that we have a right to self-ownership is a firm moral conviction of ours, the preferable thing is to see if we can find a less stringent reading of it that is plausible and compatible with our other deeply held moral convictions. We should seek, that is, sticking with a coherent model of justification, to see if we can find a reading of full self-ownership that is compatible with our other firmly held considered convictions. In short, what I shall seek to do is to do what Cohen thinks cannot be done, namely, "to reconcile self-ownership with equality (or not too much inequality) of condition, by combining self-ownership with an egalitarian approach to worldly resources" (II 78).

Cohen, his perceptive critique of right-wing liberals and libertarians such as Nozick to the contrary notwithstanding, agrees with them that

“honoring people’s self-ownership requires extending to them a freedom to live their own lives which is incompatible with the equality of condition prized by socialists” (II 84). This leads him, though reluctantly, to jettison self-ownership and stick with socialism. By contrast I will persist in trying to see if we can consistently and plausibly have it both ways. Is there, I ask again, a reasonable conception of equality of condition and of self-ownership that are mutually compatible?

The sort of self-ownership—indeed a full self-ownership—I am interested in defending and seeing if it can be squared with equality of condition is not the merely formal conception held by Nozick but the substantive conception associated with controlling one’s own life. What sort and degree of control over external things does each person need to have control over her own life? Can, as Cohen asks, socialist equality be reconciled with a freedom worthy of the name (II 86)?

Such discussions have political bite in arguments for and against socialism. Cohen and I are one in believing that socialism requires some conception of equality of condition. But is it compatible with self-ownership? In trying to devise a socialist constitution committed to both social equality and self-ownership, if such a constitution can be devised, I agree with Cohen that it “must contain a bill of individual rights, which specifies things which the community cannot do to, or demand of, any individual” (II 87). However, I would also agree with the thought expressed in the quotation from H.L.A. Hart at the head of this essay. In extreme situations, there are no rights that cannot, in some desperate circumstances, rightly be overridden where (as it sometimes is) to do so is the lesser of two moral evils. I also agree with the standard Marxist point that such individual rights in bourgeois societies tend to be merely formal rights, but I agree as well with Rosa Luxemburg’s response that the task for socialism is not to reject these formal rights but to seek to design a conception of society, and then to instantiate that design in a society in which they are not *merely* formal rights.

IV

A way into a fruitful discussion of whether self-ownership and equality of condition are compatible is by first proceeding indirectly by saying something about rights and then saying something about what Annette Baier has called “second persons.”⁴ I speak here of moral rights and beg the question on this occasion whether there are any. If I have a right, then others require special justification for limiting my freedom to exercise that right. If I have a right, I also have a moral justification for limiting the freedom of another person, or state, or some other institution, and I have a justification for determining in certain ways how that person or institution should act.⁵ There are certain determinate things it cannot—very extreme circumstances aside—rightly do. Thus, if I have a right to

self ownership, I can do as I wish as long as I do not harm others and others have an obligation to not interfere, within these limits, with my doing as I wish. Owing myself and having the rights that pertain thereto, I am justified in demanding that you or the state or any other institution or individual do not, within those limits, interfere with my doing as I wish and I can rightly claim that no one interfere with my so acting, though this is not to say that anyone or any institution must help me so act. If I have a right to self-ownership, no one may sell me without my permission or, where I am not harming or violating the rights of others, prevent me from doing as I wish. In these ways, my right justifies limiting the freedom of others.⁶

However, a right, any right at all, including the right of self-ownership, can, in certain extreme circumstances, be overridden. That is to say, while I continue to have the right, I may rightly in certain circumstances, without losing it, be prevented from exercising that right either because it conflicts with a right which, at least in that situation, is judged to be more stringent or—at least arguably—because it conflicts with some other moral consideration which is judged in that circumstance to be more weighty. These things are accounted for in the above formulation of a right by the requirement that there must be a special justification for interfering with the right-holder doing what the right creates a liberty for him to do. When such a special justification obtains, the right-holder, though she does not lose her right, is not justified, on that occasion, and occasions exactly like that, in exercising her right. Her right, that is, in certain circumstances, is justifiably overridden. It is this that people sometimes have in mind when they speak of rights being *prima facie* rather than absolute. Promises are not to be kept in all circumstances. We are sometimes, as is by now widely acknowledged, justified in breaking our promises but we *always* have a *prima facie* obligation to keep them. This does not mean that we are not taking rights seriously. The *prima facie* obligation is a stringent obligation and it will, as well, be our actual obligation in standard circumstances; it takes a lot rightly to override it. Mere convenience or benefits or political expediency do not even begin to justify trumping a right.

The kind of right that self-ownership is said to be is a natural right. And a natural right, if there are any, is (a) a right which all human beings have simply in virtue of being human beings, and (b) they are not created or conferred by someone's voluntary action. In that way they are very different from rights that arise because of a promise. But these natural rights, as all other rights, are something the right-holder can demand as her due. They will be very resistant to trumping indeed, but that notwithstanding, they can be trumped where not overriding them would lead to a disaster or very great harm. (That again is the point of the quotation from Hart.)

To have a right is to have a claim against some person or institution whose recognition as valid is called for by some set of governing rules or moral principles. Our claims to rights can, of course, vary in strength but we either have a right or we do not. Furthermore those general rights we call human or natural rights we simply have, as I have already remarked,

in virtue of being human beings. They are inalienable but from this it does not follow, as we have seen, that they cannot in certain ways and in certain circumstances be overridden. Just as we always have a *prima facie* obligation to keep a promise, though sometimes we ought not to keep a promise, so if we have a natural right, we always have it, even though sometimes it ought to be overridden.

Suppose (to illustrate) we all have a right to life and that right is inalienable. Certainly that doesn't mean that someone as a matter of fact may not kill me or let me die when preventing my death can be stopped. They indeed might do either of those things. But that doesn't mean that my right to life has ceased to be inalienable. It rather means that it has been overridden in a particular circumstance, rightly or wrongly. Wrongly, if (in most circumstances) it is to get my gold wrist watch; perhaps rightly, if I am badly wounded in a war and I cannot restrain myself from moaning or be restrained from doing so where my being quiet is a life and death matter for many people. Suppose, for example, I am with a group of comrades in hiding, where, if anyone makes the slightest noise, the whole group of people most certainly will be discovered and killed. (It would have to be, of course, that there was no other effective way in the circumstances of keeping me quiet or helping me to be quiet.) Rights, as I previously remarked, are not easily trumped or they would not be rights. But in certain extreme situations—situations which can be part of the fabric of our moral lives—even very deeply embedded inalienable rights can rightly be overridden. But, in being overridden, it need not be that they are lost: that they cease being rights people have. The right remains in force as a telling moral consideration but not, if it is rightly overridden, a decisive moral force in that situation for what overrides it, in that context at least, is an even more telling moral consideration.

What holds for the right to life, holds for the right of self-ownership, or so I shall argue after I complete some remarks about second-persons. It is, to anticipate, only when such a right is thought to be absolute, as well as inalienable, such that, in no circumstance, no matter what obtains, it could be rightly overridden, do we have a principle which *always* determines what we must do. But that is plainly a morally absurd view while, without at all falling into subjectivism, it is plausible to regard such human rights, including the right to self-ownership, as inalienable and objective yet non-absolute rights with a logical status, *sans* the *epistemological* intuitionism, similar to that given to *prima facie* obligations and duties by pluralistic rule deontologists (e.g., W.D. Ross and C.D. Broad). We can have a right to self-ownership which is fundamental, non-derivative and inalienable yet it, like all other rights, can in certain circumstances be rightly overridden. That, as I shall argue in the next section, provides an opening for a way in which self-ownership and equality of condition might coherently cohabit.

However, before I turn to that I want to turn to a consideration of second persons. Reflection on this conception should put—or so I shall argue—self-ownership in a different light. It is vital in thinking about self-ownership and the related ideal of autonomy not to lose sight of the fact

that human life begins in dependence and in a myriad of ways, some subtle and some not, continues in interdependence throughout our lives. Self-ownership is indeed important but, as Annette Baier has well remarked, it is also true that a "person, perhaps, is best seen as one who was long enough dependent upon other persons to acquire the essential arts of personhood. Persons essentially are second persons . . ." We can have an *individuality* compatible with our second personness, for compatible with our being second persons there can be, and frequently is, with human beings, creativity, self-awareness, expressiveness and personal uniqueness. And indeed, we can have diverse perfectionist goals while very clearly realizing that it also is the case that we all are what we are, and can become in a not inconsiderable measure because of what others have been to us and are still being to us. This does not negate our self-ownership or our individuality, but it does indicate that we second persons owe a lot to others. Self-sufficiency, if we try to take it literally, is nonsense. But a recognition of this should make us cautious about claims to the moral priority of self-ownership, and to the reading we give to full ownership. We should not give invariable priority to self-ownership, and our understanding of it should not connote that we are Cartesian, atomistic individuals. We are persons among persons and not self-sufficient individuals. Our personhood is not even something that is fixed throughout our lives. In our interactions with others, we are repeatedly altering ourselves and even, though less repeatedly, our view of ourselves. We could not come to understand ourselves and the significance of our lives except as we, as members of a community, enter into close face to face relations with others. Crusoe carries with him to his island, as the old arguments about the very possibility of "a private language" in effect revealed, a sense of those social relations. Crusoe was not, and could not have been, an asocial being creating his own culture *de novo*. That is not even a coherent possibility.

The conception of second persons conflicts with the typical individualistic picture of self-ownership and autonomy. The individualistic picture tries to picture our essential humanness as the kind of autonomy (if that is the right word for it here) where we are self-realizing individuals who are self-sufficient, self-reliant and independent, directing much of our attention to maximizing our self-regarding wants and, in doing so, Nozick-like, being intensely concerned with the intrusions of others. Panicked by the threat of boundary crossings, such individualists are vigilant about protecting an exclusive ownership of themselves. However, if we firmly take to heart the fact that we are second persons and, with that, keep before ourselves an awareness of the due-ness to others and their due-ness to us that is implicit in, though perhaps not entailed by, the very idea of second personness, we will, at a minimum, question an endorsement of the non-overridable centrality of self-ownership, particularly when it is placed in such an individualistic setting or (more generally) given a reading that sets it at odds with egalitarian and communitarian values.

Indeed, our interdependence has its downside too. In the difficult to transcend conformity of the tribal circle, there is a deep tendency for morality to be a doing of the thing done. Still, that notwithstanding, our

capacities for critical thought, our sensitivities to alternatives, to possibilities for human flourishing, to the complexities of self-understanding, to nuanced ways in which we are able to give our lives direction, are all rooted in and firmly dependent on our contacts with others. Shouldn't this give our sense of self-ownership a very non-Nozickian look? It makes a not inconsiderable difference to how one thinks about selfhood and moral agency if one takes into account the centrality in early childhood development of care, responsibility and trust as well as the continued crucialness throughout one's life of interaction with others. With its balance of interdependence and separateness and possibilities for symmetry, friendship is an essential component in anything that could even look like a human life. Here I include among the forms of friendship, friendships between lovers, spouses, siblings, and between parents and offspring. ("They are not only lovers, they are friends" is not pleonastic.) But the requirements of friendship hardly allow for a form of self-ownership which invariably gives pride of place to what one takes to be what answers to one's own interests. It is not a self-ownership in which each is obsessed with keeping others out of their space. And it is not a matter of persons who are friends just opting for a mutuality when they might not have. The very idea of friendship carries mutuality and reciprocity with it, and a certain freely acknowledged dueness between friends. Such relations, which are essential for a human life, will make the self-ownership we have something which is not atomistic. It is not just a matter of one physically distinct, biological being having an identity and directing that as she wishes independently of others. So conceived she will not even have an identity, and just being the person she is (whatever sort of person that is), she cannot but carry with her commitments to others. Without that there could be no self to have self-ownership over.

V

With this elucidation of second personhood in mind, let us have another look at full self-ownership and equality of condition. It is evident enough that individuals cannot use their own powers without using parts of the external world. But, if in order to secure equality of condition, we take joint ownership of the world's resources to be necessary, we will end up with a situation where we will need communal authorization for all our actions. Having to secure communal authorization for every action certainly seems (to put it minimally) to be incompatible with self-ownership, full or otherwise.

That is fair enough but why should we regard equality of condition as committing us to this? We, arguably, will need some form of social ownership and control of the major resources, the major means of production, the various vital means of life, but this need not require *joint* ownership but only some looser form of collective cooperative ownership and in some circumstances just plain common ownership may be sufficient.⁸ The egali-

tarian (*pace* Cohen) cannot set herself against self-ownership for what egalitarians want is a world in which all people capable of self-direction have, and have, as nearly as is feasible, equally, control over their own lives. But this surely requires self-ownership. Cohen forces us to ask: how can they have control over their lives, at least in the sense of full self-ownership, and still have that control equally, i.e., be something open to everyone? The conditions for such control, given egalitarian commitments, are to be afforded to all in the same way or in some proportionally similar way. This requires, as far as is feasibly possible, that there be equal provision for all of the conditions making for human flourishing, where each person, to the fullest extent possible for that person, will be able to so flourish. The external impediments, as far as this is achievable, must not be greater for one person than another. This will mean that conditions will be provided for as full as possible a meeting of their needs (starting with their most basic needs) and desires as is compatible with that possibility being open to everyone alike. There will, of course, be similar needs but there will also be different needs and different desires carrying different life-plans. The aim of egalitarianism is to meet them all, as fully as possible, in their distinctive individuality, but this entails for everyone that their lives be respected. We should seek the fullest possible compatible set of need satisfaction at the highest level of need satisfaction. There will be no equality of condition where the conditions are not in place for each person being able to exercise full self-ownership, if they are capable of it.

All that notwithstanding, how can I have full self-ownership, full control over my life, when what I may do is constrained by you? Well, on no account, including right-wing libertarian Nozickianism, can I just do what I want when doing so violates the rights of others. That restriction is not thought, even by such libertarians, to be incompatible with full self-ownership. Building from that and recognizing our second personness we will, with that very recognition, know that we cannot but owe many things to others without whose care or attention we could not be, or in some instances continue to be, what we are. Suppose I discover that a very old aunt of mine, with whom I have long lost contact, is living alone, ill and nearly destitute. Suppose further, she had befriended me and helped me as a child, though not in any way that even sniffs of a contractual arrangement. I cannot rightly, no matter what my wishes here, just ignore her plight. I owe her something—though perhaps not a very determinate something. *Pace* Ayn Rand, she does have a claim on some moments of my life. And to the point here, if restrictions on violations of rights do not undermine our full self-ownership, why should such debts of gratitude (if that is the right phrase for what is involved here) do so? And if either or both do, why should we not say that then sometimes full self-ownership, while remaining a key moral conception, can sometimes rightly be overridden? I think, however, that we should not even grant as much as that last question suggests but that we should say that full self-ownership is compatible with some restrictions on our behaviour including the above restrictions.

What, more generally, are the restrictions on our doing what we want that actually, as the world is, stand in the way of full self-ownership?

The following will do so: not letting us work or being a member of a society in which there is no work for people such as us, being forced to do work which is senseless or demeaning, or to work at things or work in a manner over which we have little or no control. Work aside, there are other impediments to full self-ownership such as not letting us express our beliefs, refusing to allow us to immigrate, forcing us to accept a certain occupation, religion, set of political beliefs, aesthetic or culinary practices, requiring us to adopt a certain life style, determining or interfering with, where we are not harming others, what life-plans and aspirations we may set for ourselves and the like. The list is manifestly incomplete and what goes on it is not utterly culturally invariant but these are the sorts of things which stand in the way of full ownership of ourselves.

However, we must remember—in trying to get a handle on what full self-ownership comes to—that in any society, any society you like, there will be norms and having norms restricts actions. (Keep firmly in mind that there could not be a society without norms of some sort.) To illustrate: it is important for my self-ownership that I can marry whom I please if she will marry me, but in things like this there are a myriad of cultural restrictions which are not even thought to undermine full self-ownership. In our society I may only marry if I am not already married. I must marry someone of the opposite sex. I cannot marry my mother, sister or my brother's wife while she still is his wife and so on. These things, perhaps erroneously, are not thought to limit my full self-ownership. If, against the grain, we say that *all* such restrictions limit self-ownership, then we must also say, as long as we continue to live in any society at all, that is, as long as we are recognizably human, that full self-ownership is impossible. But that is plainly absurd. So full self-ownership is compatible with *some* restrictions.

We have already seen that right-wing libertarians, who are usually the ones to make the most of full self-ownership, do not regard proscribing the violation of the rights of others as incompatible with full self-ownership. I, stressing our second personness, have extended this a bit and argued that we owe things to people where no contract concerning those things is in place between us, and where we have not harmed the people to whom we owe these things by violating their rights. If obligations to not violate rights do not undermine full self-ownership, then neither does being held to those other obligations, e.g., debts of gratitude.

Even if that is accepted, some will still demur at what egalitarianism commits us to and claim that such commitments are not compatible with full self-ownership. If I am an egalitarian, I must believe the life of everyone matters and matters equally, and if my egalitarianism is at all robust, I must further believe that this requires (where it is at all possible to do so) that everyone's basic needs have an equal claim to being satisfied, that when they are satisfied we are to similarly turn to everyone's non-basic needs and finally, as an heuristic for a world of wondrous abundance, to everyone's wants.

That, it will no doubt be replied, is an impossible ideal where self-ownership is taken seriously. We have, for example, a need to be able to see. But—and this brings us back to where we started—if I have two

good eyes and Sven has none, then, given a concern with equated satisfaction, and the technology in place to safely and successfully transfer one of my eyes to Sven, I, or at least someone similarly situated, must, whether he wants to make the donation or not, give up an eye. It is just that that an egalitarian morality requires. But this seems both something morally monstrous to require of a person, and it is plainly—or so at least it seems—something which undermines self-ownership. But this, it is claimed, is what egalitarianism commits you to but that shows that egalitarianism is absurd.

A natural response from egalitarians is that they have never been in the eye or kidney transferring business; such deep, and totally unacceptable, assaults on a person's bodily integrity have never been a part of egalitarian theory or commitment. This is plainly not something that egalitarians are about. It will, however, in turn, surely be responded, plausibly enough, that, with its talk about equal need satisfaction, this is what a consistent egalitarianism is committed to.

Is there, directly or indirectly, any adequate egalitarian response to this? Can we, to return to our central question, have both full self-ownership and a commitment to equality? This worry is compounded by our previous worry over whether we can even have a coherent concept of equality without self-ownership. John Rawls—to come at these questions indirectly—has stressed that any reasonable theory of justice must respect what he calls the strains of commitment.⁹ Attending to the “general facts of moral psychology” will lead us to see that there are limitations to the demands that can reasonably be made on people. A reasonable account of justice cannot make demands to which people cannot adhere. Our sense of horror and repugnance at such a deep invasion of our persons is so firm, so deeply embedded, that we could not act on principles of justice that would justify such invasions. An egalitarianism that insisted on it would overstrain our capacities for commitment. In trying to require of moral agents more than they can do or accept, as such a reading of egalitarianism does, it would run afoul of the strains of commitment and thus fail to meet conditions of adequacy for any moral theory. Egalitarianism, like any moral theory, must accept those adequacy conditions and so there must be at least an implicit qualification of its principles to satisfy those conditions of adequacy. Moreover, such a respecting of the strains of commitment does not undermine egalitarianism. It indicates a way it must be qualified but this qualification does not count against egalitarianism, any more than it counts against claims that, though we have obligations to meet world hunger problems, we cannot, in setting out what those obligations are, be expected to meet those obligations if they require us to pauperize ourselves. Indeed, if that is the case, they are not things we have an obligation to do. Ought implies can. We cannot in morality reasonably ask people to do what, genuinely psychologically speaking, they cannot do. Whatever we have an obligation to do in helping to meet problems of world hunger does not require that we pauperize ourselves. Parallel things obtain for what egalitarianism commits us to.

This is probably an adequate and realistic reply to the above objection that self-ownership and egalitarianism are incompatible. Yet I remain,

perhaps unreasonably, uneasy about it, so I would like to see if there is something quite different that can be said that does not rely on an appeal to the strains of commitment. Let us see how far we can go with the following: the underlying rationale for egalitarianism, either the liberal egalitarianism of Rawls and Dworkin or my own radical egalitarianism, is to aim, as far as reasonably possible, given the development of the productive forces, to achieve an *autonomy-respecting equality of condition*.¹⁰ That means aiming at equal life chances for everyone and a seeking to bring into existence conditions where everyone can be in control of their own lives and, as well, an aiming at (at least as an heuristic) the equal meeting of needs (different though they sometimes are) of everyone at the highest level of need satisfaction possible. These are the central commitments of egalitarianism. Now, considering the need satisfaction side, we should take to heart the fact that one of our deepest needs is for security. But this includes being secure in our person and being so secure involves knowing that there will *not* be tolerated such a deep invasion of our persons as is involved in eye or kidney taking. A society where an eye could be demanded of us or a kidney, instead of one being freely given by us, is, given our feelings about ourselves, just too deep an invasion of our personal security not to be an overriding of a basic need. Egalitarianism is committed, as far as reasonably possible, to providing the social conditions friendly to the equal satisfaction of basic needs. But a world in which one of our basic needs was so pervasively at risk could not be a world committed to the equal satisfaction of needs. If this eye or kidney taking were a general policy or something done *sub rosa* in hospitals and the like, that would count as such a massive attack on our security of person that it is plain that it would violate the egalitarian commitment to an equal meeting of needs. Similar things should be said of other overridings of self-ownership. An egalitarianism that was not autonomy-respecting would fail as an egalitarianism given what the egalitarian commitment actually is.

VI

The above conclusion about the importance of an autonomy-respecting egalitarianism could be accepted while my argument might be rejected that security needs would be better served by such a forbidding of eye-taking. It could be argued that I have not played the numbers game right and have not taken to heart the various probability weights involved. Consider how few people are blind and the very large numbers of sighted persons in the population. Consider further the very deep need to be sighted. Reflect on how much you would want to be sighted if you were blind, and how important being sighted would be to doing the other things you want and need to do. Consider a situation in which the following three things were instantiated and thoroughly institutionalized in the society. 1. There is the technology in place for safe and effective eye transfers. 2. There is a firm recognition also in place that one would

be able to continue effectively to live and work after an operation in which one lost an eye. 3. There is a widespread and firmly warranted understanding abroad in the society that there is in effective operation in the society a lottery system concerning who is to be required to give up an eye. Now consider being in a society where these three things obtain. Re-think in that situation the eye-taking problem and security needs again. The likelihood that you would have to give up an eye in such a circumstance is very slight indeed, and you would know that whether you would need to would be arrived at fairly. With this knowledge firmly in mind, it would not lead to a pervasive sense of insecurity among reasonable persons. People, in such a circumstance, would also recognize the great importance of being able to secure an eye if they became sightless. Use, in prodding your imaginations here, the Rawlsian fiction of the original position. Reasonable contractors in the original position, not knowing what their position in society would be, would opt for social arrangements that would require such fairly allocated eye-taking. There is in fact more equally distributed need satisfaction and more autonomy under that system than its alternatives forbidding such eye-taking and no one, if they are reasonable, would feel less secure in a society with such social arrangements. Remember you are assured of getting an eye if you need one and the chances of having to give one are very slight indeed and the consequences, if you turn out to be one of the unfortunate ones, are not catastrophic.

So it looks like we will have to fall back on the strains of commitment if we continue to want to be egalitarians and we continue to believe that such eye-taking would involve a violation of self-ownership or at least full self-ownership. But would such social arrangements, as I gestured at above, actually violate or undermine our self-ownership or autonomy, particularly when we non-evasively take to heart our second personness? It is not clear to me that it would. Consider first a world in which we were required, and for very good reasons, to do our fair share, but only our fair share, of blood donating. That would not, soberly considered, undermine our self-ownership. Why then would the required eye-donating? After all, that is not like taking half of our brain should that become possible. It is much more like, though plainly more severe, the blood giving case. The partial brain-taking, unlike the other two cases, would very radically alter who we are—indeed it would be very much like death—and would, if anything would, constitute an assault on our person, on who we essentially are. But the eye-taking would not do that. There is, of course, the inconvenience, the unpleasantness and the sheer horror of it (though this *might* grow less in changed circumstances) but there is no assault on our person, a destruction of who we are, a radical alteration of our personality as obtains in the partial brain-taking case. Such an eye-taking should be at least grimly acceptable to reasonable and reflective people when that recognition is firm and coupled with a similarly firm recognition of 1) its being very unlikely, 2) that, should one be so unlucky, that being so unlucky would have fallen to one through fair procedures and 3) with the clear recognition of the very great good that such eye-taking would achieve. If that is firmly

taken to heart, it should become acceptable to reasonable and reflective people. Moreover, in recognizing that, they would also recognize that their autonomy and self-ownership had not been violated. They would still in the essential respects be in control of their own lives.

However, the very argument made above will just move us, if we reflect on it, from eye-taking to partial brain-taking. Taking half of our brain is an assault on our person, if anything is, and a relentless egalitarian in search of an equal meeting of needs would, it might be argued, push us in that direction and then the whole dialectic we have already considered would start up again. Moreover, it might also be argued, using an even more extreme case, that such an egalitarianism would justify, under certain circumstances, killing a person and using his various parts to save others. Moral equality is not violated for everyone's interests are given initial equal consideration and weight. There are in the world just hard choices to make where not everyone's interests, including everyone's autonomy, can be met or sustained. There we should use utilitarian criteria. But so killing a person is plainly morally monstrous. Such a world is surely not a morally tolerable world. But this—or so it seems—is what a commitment to equality of condition would commit us to.

So we do seem at least to get a conflict between self-ownership and equality of condition. To preserve their compatibility, it appears at least as if we must fall back on the argument from the strains of commitment previously deployed. If that Rawlsian argument is a bad argument, we will not have shown how we can preserve, as I wish to do, both an autonomy respecting egalitarianism and a commitment to self-ownership.

To take stock. If full self-ownership is taken to be the belief that no one's talent could be pressed into the service of others without their consent *for any reason whatever under any circumstances*, then self-ownership is indeed incompatible with a resolute commitment to equality of condition. However, I have given a more qualified reading of full self-ownership, more in accordance with the *prima facie* or defeasible status of all moral judgments, and more in accordance with a recognition of our second personness. But with such a reading, I am not accepting the *non-overridable* centrality of self-ownership. It is not the case that in all circumstances our rights to self-ownership need have been violated if they are overridden, for I have also shown how under certain circumstances rights can be overridden without being violated. So it appears at least that we have good reasons for, given the attractiveness of the three deeply embedded, considered judgments referred to at the outset, being both autonomy respecting egalitarians and believers in full self-ownership. We have also seen that there are hard cases, but the most troublesome ones are also *recherché* and do not seem to have sufficient force to undermine a twin commitment to egalitarianism and self-ownership.

NOTES

1. I do not say anything about what needs are, what needs we have or how to distinguish basic from non-basic needs or anything about the importance of needs in moral theory. David Braybrooke has done those things very well indeed in his *Meeting Needs* (Princeton, NJ: Princeton University Press, 1987). See also my discussion of a utilization of Braybrooke's work in my "Justice, Equality and Needs," forthcoming.

2. This includes, on the social democratic side, Ronald Dworkin and John Rawls. Paradoxically, though intelligibly for certain programmatic purposes, G.A. Cohen so defines "liberal" such that Dworkin and Rawls are not liberals but something that contrasts with "liberals," namely "social democrats." On such a characterization libertarians such as Robert Nozick are liberals as are "old Whigs" such as F.A. von Hayek. "Welfare state liberalism" becomes a contradiction in terms. See G.A. COHEN, "Self-Ownership, World-Ownership and Equality" in Frank S. LUCASH (ed.), *Justice and Equality Here and Now* (Ithaca, NY: Cornell University Press, 1986), p. 114.

3. G.A. COHEN, "Self-Ownership, World-Ownership and Equality," pp. 118-135. I will be reacting to Cohen's ideas extensively here as expressed in two recent essays: "Self-Ownership, World-Ownership and Equality" and "Self-Ownership, World-Ownership and Equality: Part II" in Ellen F. PAUL et. al. (eds.), *Marxism and Liberalism* (Oxford, England: Basil Blackwell, 1986), pp. 77-96. Hereafter references to Cohen will be to those two essays and they will be made in the text. References to the first essay will be marked in the text as I followed by the page number and to the second essay as II followed by the page number. Some have found the notion of self-ownership at best a misleading way of speaking. Why not instead just speak of autonomy? In speaking of self-ownership I am trying to get at something fundamental to autonomy, namely that our persons and our powers are ours and not someone else's, though our second personness makes it clear how we—the person that we are—are not islands entire unto ourselves. "Autonomy" is a term with a host, because of the history of controversy about it, of misleading associations while "self-ownership," without that history, is free from that or at least most of it. However, one possibly misleading thing about self-ownership that needs to be blocked is an association in the minds of some with possessive individualism. But there is no intrinsic connection there. That I own myself and my powers and care about that ownership does not mean I am a possessive individualist, that I am obsessed with boundary crossings or that I want to accumulate as much as possible for my very own. Indeed, as I pointed out, it is thoroughly compatible with a full acknowledgement of our second personness.

4. Annette BAIER, *Postures of the Mind: Essays on Mind and Morals* (Minnesota, MN: University of Minnesota Press, 1985). See also Lorraine CODE, "Second Persons" in Marsha Hanen and Kai Nielsen, (eds.), *Science, Morality and Feminist Theory* (Guelph, ON: Canadian Association for Publishing in Philosophy, 1987).

5. H.L.A. HART, "Are There Any Natural Rights?" in David Lyons (ed.), *Rights* (Belmont, CA: Wadsworth Publishing Co., 1979), pp. 14-25.

6. That this rather standard conception is not without problems is brought out by David Lyons, "Introduction" to his *Rights*, p. 5.

7. BAIER, *op. cit.*, p. 84.

8. When something, say land, is owned in common, each can use it on his own initiative, provided that he does not interfere with a similar use by others. Under *common* ownership of land no one owns any of it. Under *joint* ownership, by contrast, the land is owned by all together and what each may do with it is subject to collective decision. G.A. Cohen, p. 129.

9. John RAWLS, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1976), p. 176.

10. Kai NIELSEN, *Liberty and Equality: A Defense of Radical Egalitarianism* (Totowa, NJ: Rowman and Allenheld, 1985). It has been objected that, with my remarks about the strains of commitment, security and the like and with my remarks about a deeply embedded aversion to such invasions of our person, as is involved in the taking of an eye or a kidney, the appeal to the wrongness of such a thing comes down, at base, to an emotional appeal to the very horror of it, to my aversion to it and putatively to your aversion to it. In no deeper sense, it has been argued, is our security threatened. If I lose an eye to meet the very manifest need of another and the technology is in place to keep me, minus my one eye, in health and in effective working and playing order how has my security really been threatened? My sight has *not* been seriously impaired. Surely this is so and perhaps it is the case that my security has not been threatened and perhaps other people—perhaps people more fully cognizant of their second personness—in some other, possibly more enlightened time, would not so react. But for us, I believe, there remains the horror and dread of it. This being so much a part of the fabric of our lives, at least as we are presently formed, it could not but affect our *sense* of security and with that our security: one of our basic needs. We cannot cash in what our actual need for security comes to in terms of emotions—possibly irrational emotions—but we cannot sensibly ignore them either, particularly when they are very deeply embedded. However, I do give reasons, right at the end of my essay, for believing that, with certain fair practices, firmly institutionalized, our actual security would be less threatened with a certain kind of allowable eye-taking than without it, but I also argue that such practices do not, surface appearances to the contrary, violate our rights to self-ownership.