

Does Libertarian Self-Ownership Protect Freedom?

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Many libertarians assume that there is a close relation between an individual's self-ownership and her freedom. That relation needs questioning. In this article it is argued that, even in a pre-property state, self-ownership is insufficient to protect freedom. Therefore, libertarians who believe in self-ownership should either offer a defense of freedom that is independent from their defense of self-ownership, make it explicit that they hold freedom as second to self-ownership (and defend that position), or reconsider the moral basis of their political views.

According to the libertarian self-ownership thesis individuals have a right to bodily integrity, a so-called self-ownership right (see, e.g., van der Vossen 2019). In short, a human being's skin, nails, hair, teeth, eyeballs, and so on, together form a moral boundary that others may not cross without their permission. The self-ownership right is usually assumed to entail the protection of individuals' freedoms; their freedom of speech, association, religion, movement, and so on. The assumption leads to the belief that individuals in societies which respect self-ownership are free.

The article begins by discussing the self-ownership thesis and the common assumption that it is closely related to freedom. The discussion proceeds to question whether self-ownership is sufficient to protect freedom. Thereafter, the strategies which are most likely to be proposed in libertarianism's defense are discussed critically. A brief, final, section concludes the article.

Libertarians on self-ownership and freedom

The first sentence in Robert Nozick's influential book *Anarchy, State, and Utopia* reads: "Individuals have rights, and there are things no person or group may do to them (without violating their rights)" (p. ix). One of these rights is a person's full and exclusive right to control and power over her own person (p. 172). This has later become known as the self-ownership right. According to the self-ownership thesis, no one is entitled to interfere with what another person does with her body against her permission (the only exception being the protection of self-ownership).

The self-ownership right has been defended as a natural right (Hoppe 2006, pp. 314–8; Rothbard 2006 [1973], pp. 33–5), as an implication of utilitarian calculations (Epstein 1998, p. 24), as a way to avoid self-contradiction (Kinsella 1996), and as an element of common-sense morality (Huemer 2013, p. 172), among other things. Eric Mack offers one of the

strongest, and most recent, defenses of libertarian self-ownership (Mack 1995, 2002a, 2002b). Below, I take Mack (1995) as starting point for the main argument in this article.

It is common among libertarians to assume that there is a close relation between self-ownership and freedom. For instance, Jason Brennan and Bas van der Vossen writes that “self-ownership offers the freedom (in the form of Hohfeldian liberties) to use one’s person” (Brennan and van der Vossen 2018, p. 209). In his interpretation of Nozick, Richard Arneson writes that “[f]reedom to move as one chooses arises from the fact that, according to Nozick, each person is the full rightful owner of herself” (Arneson 2018, p. 60). Ann E. Cudd writes that “libertarian political theory offers the prospect of freedom from lopsided, unchosen obligations,” and that the normative foundation “for asserting this radical freedom from the claims of others is the idea that individuals are sovereign over their own bodies and therefore cannot be made to use their bodies for any purpose that they do not choose” (Cudd 2018, p. 127). Nicolás Maloberti writes that rights theories “allocate control to each individual over a specific set or range of actions” and that those ranges of actions “might then be understood as configuring areas of freedom. Within those areas, the individual is taken to be fully sovereign in terms of what may be done” (Maloberti 2018, p. 157). He concludes (ibid):

If there is a clear case in which we are not able to lead our own lives, it is when we are deprived of control over the bodies in which we are actually embodied. This is the fundamental and uncontroversial sense in which libertarianism sees individuals as self-owners.

Libertarians have also suggested that freedom should be *defined* in terms of self-ownership. For instance, Murray Rothbard writes that “every man enjoys absolute freedom – pure liberty – if [...] his ‘naturally’ owned property (in his person and in tangibles) is free from invasion or molestation by other men” (Rothbard 1998 [1982], p. 41). He then proceeds to suggest a definition of freedom as “*the absence of invasion* by another man of any man’s person or property,” clarifying in a footnote that the “ownership title to one’s self” is one of the things he has in mind (ibid, p. 42; footnote 4). Similarly, Jan Narveson writes in a discussion of “property in oneself” that “it is plausible to suggest that Liberty is Property, and in particular that the libertarian thesis is really the thesis that *a right to our persons as our property is the sole fundamental right there is*” (Narveson 2001 [1988], p. 66; emphasis in original).

The belief that there is a close relation between self-ownership and freedom has also grown popular among libertarian politicians, activists, and voters. One example from present-day politics is from the Libertarian Party in the United States. Article 1.0 in the party’s 2020 platform begins: “Individuals are inherently free to make choices for themselves and must accept responsibility for the consequences of the choices they make” (Libertarian Party n.d.). Article 1.1, which I understand is taken to justify the claims in 1.0, reads in its entirety (ibid):

Individuals own their bodies and have rights over them that other individuals, groups, and governments may not violate. Individuals have the freedom and responsibility to decide what they knowingly and voluntarily consume, and what risks they accept to their own health, finances, safety, or life.

Much philosophical debate about the libertarian self-ownership right has concerned its limits (Agnafors 2015; Arneson 2011; Bornschein 2018; Sobel 2012, 2013), internal coherence

(Attas 2000; Eabrasu 2013; Fried 2004; Murphy and Callahan 2006; Vallentyne et al. 2005), and its role as a moral justification of libertarianism (Arneson 2010; Frederick 2013; Lippert-Rasmussen 2008), among other things. This article does not engage with those debates. It is only concerned with the relation between self-ownership and freedom (if there is one).

Others have argued before that self-ownership is insufficient for the protection of freedom in property societies (see, e.g., Cohen 1995). The reason is that legitimately held private property can be used in ways that restrict others' freedom. For instance, suppose that a rich and socially powerful Nazi organization in a property society decides to buy all the buildings, roads, grounds, and air traffic rights surrounding a Jewish community. The Nazis can expropriate all the material resources required to sustain human life in one delimited geographical area settled by Jews. Thereby, they can deliberately organize the mass death of the Jewish community without violating their rights which, among other things, is a restriction of freedom. While this particular example shows that self-ownership does not protect freedom of religion, other examples can easily be constructed to demonstrate that self-ownership is insufficient to protect freedom also in other instances in property societies. For instance, suppose that Coca-Cola buys all the water supplies on an island populated by poor people so that the company can determine the local market price on water. This enables them to force the poor to choose between moving and spending a large share of their income on drinking water. And so on.

However, the arguments that follow are placed in a hypothetical pre-property society. Ownership over external resources is an extension of the more basic right to bodily integrity, as libertarians develop it with reference to a pre-property state of nature. Restrictions on the use of external resources follow *a fortiori* from restrictions on the use of one's own body. I shall argue that libertarian self-ownership does not suffice to protect freedom in a pre-property society. As it does not suffice in a pre-property society, it does not suffice in a property society either; the logic of the argument, as it is developed without considerations of property, applies also when property is considered. The Nazi and Coca-Cola examples are returned to in the concluding section, as extensions of a logic that applies in pre-property societies.

Self-ownership is insufficient for the protection of freedom in a certain way. As a reviewer of an earlier version of this article has pointed out, protection should be understood as a gradual concept. For instance, both soft cushions and seatbelts protect car passengers, but seatbelts offer *better* protection than cushions. There is a gradual difference between the two. Moreover, seatbelts protect car passengers from *some*, but not *all*, collisions. Seatbelts do not offer *complete* protection. The same applies to self-ownership and freedom; self-ownership is insufficient for the complete protection of freedom. The upshot of this article is just that; something more than self-ownership is needed, if freedom is to be completely protected. This needs to be acknowledged by self-ownership libertarians, as some of their claims about the relation between self-ownership and freedom may not be justified.

Freedom

The notion of freedom can be approached in various ways. Metaphysically, freedom is usually understood as *free will*, i.e., one's theoretical capacity to control one's own decisions and acts. Morally, freedom concerns things one is entitled to control, such as one's own

person and opinions. Empirically, freedom is the actual control one has as a real-world person. It is freedom in the latter, empirical, sense that is of interest in this article.

There are also various theoretical conceptualizations of (empirical) freedom. It is common to analyze freedom in *negative* and *positive* terms (Berlin 1969). I call this approach to freedom *Berlinean*, after Isaiah Berlin. Freedom negatively understood means the absence of obstacles and constraints. A person is free in this sense if there is nothing in her way when she acts. For instance, I am currently free to stand up and sing to my fellow guests at this nice little cafe where I am working from. Factors that may negate freedom include prohibiting laws, force or credible threat thereof, and physical constraint by other agents, among other things. For instance, should one of the waiters at the cafe threaten to pour hot coffee over me if I stand up and sing, my freedom to do so would be negatively influenced.

Freedom positively understood instead means that one has the necessary means of acting, that one is able “to take control of one’s life and realize one’s fundamental purposes” (Carter 2016). There can be many different prerequisites of freedom in this sense. For instance, a person’s freedom may increase with education, physical strength, and self-confidence. It should be noted that most (or all) libertarians reject positive freedom. Their view is that positive freedom requires actions upon third parties, and coerced involvement of third parties violates their self-ownership rights. Or, so the argument goes (cf. van der Vossen 2019). Therefore, in what follows, positive freedom will not be further considered.

It is also common to analyze freedom as *non-domination*. This is called *republican* freedom (Lovett 2018). The republican conception of freedom stems from Roman law. In it, all men and women were considered to be either free or slaves, where slaves were understood to be persons subjected to arbitrary dominion. As Quentin Skinner puts it, “what it means for someone to lack the status of a free citizen must be for that person not to be *sui iuris* but instead to be *sub potestate*, under the power or subject to the will of someone else” (Skinner 2002, p. 249). On the republican conception, freedom is restricted “not only by actual interference or the threat of it, but also by the mere knowledge that we are living in dependence on the goodwill of others” (p. 247).

Philip Pettit illustrates the main difference between the Berlinean and the republican conceptions of freedom with an example from Henrik Ibsen’s play *A Doll’s House*. The main figures in the play are Torvald and his wife Nora. Under nineteenth-century law Torvald has vast legal power over his wife, but instead of using this power Torvald denies his wife nothing. In her everyday life, Nora enjoys benefits that could be envied by anyone. But, Pettit argues, she does not enjoy freedom. Although Torvald does not interfere with his wife or deny her anything that she may need to realize her fundamental purposes, she is not free; “Nora lives under Torvald’s thumb. She is the doll in a doll’s house, not a free woman” (Pettit 2014, p. xiv). For a person to be free, Pettit argues, she must be non-dominated by others. Nora is not interfered with, but because she is dominated, she is nonetheless unfree.

Thus, whereas Berlinean freedom builds from the absence of interference, republican freedom instead builds from non-domination. Both conceptions of freedom will be referred to in the arguments below. To be clear, my arguments below *only* concern freedom in the Berlinean and the republican senses of the term. If freedom is understood in some other way, the arguments may not hold.

For the present purposes, I take freedom to be action and decision relative. That is, rather than considering freedom *in general*, agents should be understood to be free relative

to some particular action or decision. For instance, the coffee-pouring waiter's threat would not affect my freedom to leave the cafe and go and sing somewhere else. The threat would specifically target my freedom to sing at *this* cafe. It should also be noted that freedoms need not be utilized. For instance, I will not make use of my freedom to sing, simply because I do not want to.

The decision-relativity of freedom is important for the arguments that follow. It will be shown below that an agent's freedom can be respected in general, while being restricted in some particular instance. Therefore, the arguments that follow should be understood to concern particular freedoms first, and general freedom(s) second (if at all).

The structure of the argument

In the sections that follow, I argue that libertarian self-ownership is insufficient to ground freedom, as people can use their self-ownership to interfere with others' actions and subject them to arbitrary dominance. The argument builds from a thought example introduced by Mack. This section presents the basic structure of the argument. The subsequent sections develop the argument further in light of a more complex understanding of the self-ownership right.

Mack asks his readers to imagine Zelda, who inhabits "a bountiful pre-property state of nature" (Mack 1995, p. 186). Then, he introduces a number of thought examples that are intended to support the intuition that Zelda has justified complaints against other people in that state, but not as a matter of rights-violations. In one of those thought examples, Zelda is encircled by "a gang of knuckle-scrappers" (p. 195). The knuckle-scrappers "link their tattooed arms to form a human circle around Zelda," who is "unable to scale the resulting human wall so as to escape imprisonment within that circle. When she tries to climb that human wall, she is accused of assault upon the peacefully cooperative individuals who surround her" (ibid).

The upshot of the thought example is that there are two distinct views on self-ownership. According to one view, the knuckle-scrappers do not violate Zelda's self-ownership right by encircling her. The reason why is that self-ownership can only be violated *invasively*, to use Peter Bornschein's terminology (Bornschein 2018, p. 341). On this view, rights are violated if and only if a boundary is crossed, namely that boundary which is formed by the rights-holder's skin, nails, hair, etc. The knuckle-scrappers do not cross Zelda's boundary, and therefore they do not violate her self-ownership right. It is within their rights to imprison Zelda. The knuckle-scrappers' self-ownership grants them a right to assembly, standing, and linking arms; Zelda is "caught between rights" when the knuckle-scrappers imprison her.

Mack supports a second view, arguing that "self-ownership should be construed broadly enough to forbid imprisonments" (Mack 1995, p. 195). On this view, self-ownership can also be violated *noninvasively*, i.e., without crossing any boundaries. The distinction between the two views on self-ownership will be crucial below, but to spell out my argument I will first dig deeper into the view that self-ownership can only be violated *invasively*.

Let us suppose, for the sake of argument, that the knuckle-scrappers do not violate Zelda's self-ownership right by imprisoning her. If they want to, they can keep Zelda encircled for hours, days, weeks; if she dies, she dies. My argument is that although Zelda's self-ownership right is not violated, per assumption, her freedom is nonetheless restricted.

This shows (or, it will eventually be shown below) that self-ownership is not sufficient to protect freedom.

Bornschein writes that it is “intuitively obvious is that Zelda’s freedom to act is severely diminished” (Bornschein 2018, p. 350). I think this is more than intuitive. Zelda’s self-ownership right is not violated, yet her freedom is seriously restricted. Some of her freedoms are intact. For instance, the knuckle-scrappers do not prevent her from clapping her hands, jumping up and down, and yelling at her captors. She can utilize those freedoms and others in the little space that their vicious circle grants her. However, she is not free to leave. That is probably the freedom she values most, and which is taken from her by the knuckle-scrappers. Zelda would have had that freedom, had it not been for them. Thus, in at least one important instance, an individual’s freedom can be restricted despite that her self-ownership right is not violated. More specifically, the knuckle-scrappers interfere with Zelda, which means that her freedom is restricted in the Berlinean sense. Her freedom is also restricted in the republican sense. Zelda is subjected to the knuckle-scrappers’ arbitrary dominance, making her dependent on their goodwill. Her self-ownership right is respected, but Zelda is nonetheless not free.

In what follows, I call this “the freedom challenge.” The argument challenges the libertarian view that self-ownership suffices for the protection of freedom.

Finetuning the argument

Many libertarians can be expected to support the view that self-ownership can only be violated invasively (Bornschein 2018, p. 341). This view commits them to accept that self-ownership does not suffice for the protection of freedom, at least not if one of the two most common theories of freedom is true. Many other libertarians, including Mack, take a different stance. According to them, the self-ownership right can also be violated noninvasively. For instance, Mack adds a *proviso* to the self-ownership right that “requires that persons not deploy their legitimate holdings, i.e., their extra-personal property, in ways that severely, albeit noninvasively, disable any person’s world-interactive powers” (Mack 1995, p. 187).

Mack’s proviso restricts the use of ownership over external resources, but it will here be understood to restrict the use of ownership over one’s body. Thus, I understand Mack’s proviso as a restriction on the self-ownership right that prevents people from using their bodies “in ways that severely, albeit noninvasively, disable any person’s world-interactive powers.”

Adding a proviso to the self-ownership thesis takes the edge off the freedom challenge, as it is described above; the knuckle-scrappers *do* violate Zelda’s self-ownership right when imprisoning her, as they use their bodies in a way that severely, albeit noninvasively, disable Zelda’s world-interactive powers. Mack writes about the ideas that underlie his proviso (Mack 1995, p. 186):

A person’s rights over herself include rights over her talents and energies. Talents and energies are at least largely “world-interactive powers,” i.e., capacities to affect her extra-personal environment in accord with her purposes. But such world-interactive powers are essentially relational. The presence of an extra-personal environment open to being affected by those powers is an essential element of their existence.

The reason why the knuckle-scrappers violate Zelda's self-ownership right is that their imprisonment "totally or almost totally nullifies Zelda's capacity to bring her powers, her talents and energies, to bear on the world... [She] is subjected to world-interactive disablement" (p. 196).

Mack develops his proviso to defend the self-ownership thesis from the charge that the thesis allows for arbitrary imprisonment and, therefore, must be false. He writes (p. 198):

I have formulated the [self-ownership proviso] in terms of "severe" nullification to avoid counting as violations of the [self-ownership proviso] those setbacks that are temporary or subsidiary within an agent's broader field of opportunity, or which would be temporary or subsidiary were the agent herself to be duly adaptive.

I shall assume that Mack's defense of the self-ownership thesis is successful, although Bornschein (2018) convincingly argues to the contrary. My charge is not that the self-ownership thesis is false, but that the thesis is insufficient for the protection of freedom. Mack's strategy to formulate a proviso to defend the self-ownership thesis does not work to save the thesis from the freedom challenge. This can be demonstrated using thought examples.

Example 1: Suppose that the knuckle-scrappers do not encircle Zelda, but that they link their tattooed arms to form a long, straight, wall in front of her. It is not impossible for Zelda to walk around the wall, but because the gang of knuckle-scrappers have many members the walk takes her at least 20 minutes.

The knuckle-scrappers disable Zelda's world-interactive powers, but not *severely* so; their setback of her powers is temporary and surmountable. Therefore, even on the understanding that bodily integrity can be violated noninvasively, the knuckle-scrappers do not violate Zelda's self-ownership right. However, by putting obstacles in her way, their actions arbitrarily restrict Zelda's freedom of movement under both the Berlinean and the republican accounts. The longer wall they form, the more serious is their restriction.

Example 2: Suppose that the knuckle-scrappers do not encircle Zelda or form a wall in front of her, but merely stand in her way very often. The many members of the gang spread out along the path that Zelda is walking so that she must cross between them, and because they are so many it takes Zelda a lot of time to get from point A to point B. Now, suppose that the knuckle-scrappers are so stubborn that they do this several times a week. After a while, the disturbance is so regular that Zelda begins to plan according to it. She leaves her home 20 minutes early every day to account for the knuckle-scrappers' morning bullying routine and brings roller-skates whenever she can to save travel time when they manage to catch her with surprise.

Again, the gang of knuckle-scrappers interfere with Zelda and subject her to their arbitrary dominance, thus restricting her freedom. However, in example 2, the gang does not influence Zelda in only one instance, or at only one time. They manage to force her to adjust her way of life in response to their arbitrary dominance. Their influence negatively affects her freedom in a more general sense than in example 1.

Example 3: Suppose that the knuckle-scrappers focus on obstructing Zelda in only one of her particular capacities. Perhaps she loves to dance. But whenever Zelda dances, the knuckle-scrappers start jumping up and down so that the ground shakes and disturbs her rhythm, while making loud noises so that she cannot hear the music.

This is not a severe infringement of Zelda's powers, but merely an annoying one that makes her sad and irritated. Yet, it seems to be a restriction of her freedom to enjoy dancing without interference and arbitrary dominance. It is a deliberate and directed influence that negatively affects Zelda's freedom in one instance that might appear unimportant to observers but is in the interest of Zelda. Thus, even under a conception of the self-ownership right in which the right can be violated noninvasively, self-ownership does not suffice to protect freedom.

Completing the argument

The self-ownership proviso could be strengthened to account for the three thought examples above by, for instance, dropping the clause that infringements must be "severe." Thereby, *all* actions that affect a person's world-interactive powers would count as noninvasive violations of that person's self-ownership right. However, this strategy to defend the self-ownership thesis has significant implications.

First, it would be nearly impossible to live in this world. The self-ownership right would grant everyone a "safe space" so extensive that many ordinary actions would violate someone's rights; whistling a cheery tune while in a crowd would nullify everyone else's capacity to affect their sound environment in accord with their purposes, not showering for a week would nullify others' capacity to affect their scent environment, having a weird haircut would nullify other attention-seeking people's capacity to affect their visual environment, and so on. Dropping the clause of severity from the proviso to meet the freedom challenge, as it is expressed in the three examples, would render the world practically uninhabitable.

Second, the self-ownership right would lose its appeal to libertarians. The stronger proviso, the weaker self-ownership. Many libertarians are drawn to the self-ownership right *because* it is strong. If it is weakened to meet the freedom challenge, they would seek support for their politics in other principles instead; libertarians are likely to believe that a world which disallows all actions that affect other people's world-interactive powers is not a world they want to live in.

The arguments have so far targeted Mack's proviso, but there can be alternative strategies to meet the freedom challenge. For instance, Peter Vallentyne, Hillel Steiner, and Michael Otsuka have suggested that infringement of self-ownership are sometimes *permissible*. They propose that a rights-infringing act is permissible under the conditions that (Vallentyne et al. 2005, pp. 206–7)

- (1) there is only a very small probability that it will result in an incursion against oneself;
- (2) if there is an incursion, the harm to oneself will be trivial;
- (3) the harm was not reasonably foreseeable; and
- (4) the benefits to others of performing the action are enormous (e.g., avoidance of social catastrophe).

These conditions can be adjusted to account for the knuckle-scrapers' imprisonment of Zelda. For example:

- A non-rights-violating act is nonetheless impermissible if it (1) targets another agent's interests; the negative effect is (2) major and (3) deliberately caused; and (4) the benefits to others of prohibiting the action are enormous (e.g., avoidance of social catastrophe).

Under these conditions, the self-ownership right does not include the right to encircle people arbitrarily, at least not systematically or on a large scale. But, again, a self-ownership right that is restricted accordingly would not be appealing to libertarians. Among other things, it would entail that it is impermissible to boycott people one does not like, if the boycott targets other agents' interests (condition 1), has a major negative effect (condition 2), is deliberate (condition 3), and if the benefits of not boycotting would be enormous (condition 4). In effect, people would be forced to non-boycott, or, in other words, be forced to socialize with others.

The upshot is that weakening the self-ownership right does not solve the fundamental problem. Regardless of *how* the self-ownership right is weakened to meet the freedom challenge, if that is even possible, it follows that the self-ownership thesis loses its appeal to libertarians. Bornschein makes this point clear (Bornschein 2018, p. 351):

The problem is that this would put [the libertarian who accepts some proviso] in a rather awkward position. Whereas before she had always been able to reject competing political values (for example, equality, community, and aggregate happiness) simply on the grounds that they conflict with self-ownership, now she would no longer be able to do so.

To summarize, a strong self-ownership right does not suffice to protect freedom. If the right is weakened through a proviso, a theory of permissible rights violations, or some similar strategy, the self-ownership right loses its appeal to libertarians. Therefore, believers in the self-ownership thesis must choose between adopting (1) a strong self-ownership right that does not suffice to protect freedom, and (2) a weak self-ownership right that loses its appeal to libertarians.

What is more, perhaps no strategy to weaken the self-ownership right can save it from the freedom challenge. The self-ownership right is a basic normative proposition whereas freedom is a factual (but often valuable) state-of-affairs that sometimes obtains, and other times do not. It is possible that there is no way to construct the self-ownership right so that it always renders desirable states-of-affairs. The relation between self-ownership and freedom is like the relation between self-ownership and equality; they do not always go together.

Concluding remarks

The question can be raised whether it is a problem to libertarians that self-ownership does not protect freedom. Libertarianism, it can be argued, is not a comprehensive moral doctrine. It is a theory explaining what is *permissible*. Therefore, libertarianism does not claim to explain what is *valuable* or *desirable*. Self-ownership libertarianism, the argument goes, allows individuals or groups of individuals to use their rights to limit others' freedom. Doing so may not be valuable or desirable, but it is permissible.

True. Self-ownership libertarianism does not protect freedom, because it is not *intended* to do so. If libertarianism is understood accordingly, the argument in this article is not a problem to libertarianism. But if so, the view that libertarianism is a theory of what is permissible is then not a problem to the arguments in this article either; everyone agrees that self-ownership does not protect freedom. It is not a problem, but a fact.

However, that seems to be a fact that some libertarians need to be reminded of. In 1955, the political ideologue Dean Russell wrote: "Let those of us who love liberty trade-

mark and reserve for our own use the good and honorable word ‘libertarian’” (Russell 1955). Libertarians have thought of themselves as the real defenders of freedom at least since then, and – as shown above – many of them see a close relation between self-ownership and freedom. In this article, that relation has been questioned on a level of detail that, to the best of my knowledge, has not been done before. The article explains why self-ownership *cannot* protect freedom.

It can also be argued that freedom requires external property, and that arguments constructed in a pre-property society (such as the arguments in this article) therefore fail. Two things need to be said about this. First, this view accords with the upshot of the article; self-ownership alone does not suffice for the protection of freedom. Or; freedom cannot be defended solely with reference to self-ownership.

Second, property does not *solve* the problem, but *enforces* it. Consider the Nazi and Coca-Cola examples above. Both follow the same logic as that in Mack’s example with Zelda and the knuckle-scrapers. The Nazis (“knuckle-scrapers”) utilize their property rights to encircle the Jews (“Zelda”). Coca-Cola (“knuckle-scrapers”) utilizes their property rights to subject the island’s inhabitants (“Zelda”) to the company’s wishes. Property rights do not contribute to protect freedom, if individuals or groups of individuals use their property in ways that constrain others or subject them to arbitrary dominance. If freedom is to be protected in a property society, self-ownership needs to be completed with something else, such as a theory of just holdings or normative principles about valuable or desirable behavior. Self-ownership alone, extended to cover external resources, does not suffice.

To conclude, I have argued that the self-ownership right does not suffice for the protection of freedom. The arguments in this article show that some libertarians may face some difficult choices. Because there is no relation between self-ownership and freedom, libertarians who commit to the self-ownership thesis should either offer a defense of freedom that is independent from their defense of self-ownership, make it explicit that they hold freedom as second to self-ownership (and defend that position), or reconsider the basis of their political views.¹

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References

- Agnafors, M. (2015). Self-Ownership, the Conflation Problem, and Presumptive Libertarianism: Can the Market Model Support Libertarianism, Rather Than the Other Way Around? *Libertarian Papers* 7(2), 97–124.
- Arneson, R. J. (2010). Self-Ownership and World Ownership: Against Left-Libertarianism. *Social Philosophy and Policy* 27(1), 168–194.
- Arneson, R. J. (2011). Side Constraints, Lockean Individual rights, and the Moral Basis of Libertarianism. In Bader, R. M., & Meadowcroft, J. (Red.) *The Cambridge Companion to Nozick’s Anarchy, State, and Utopia* (s 15–37). Cambridge University Press.

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- Arneson, R. J. (2018). Democracy Versus Libertarianism. In Brennan, J., van der Vossen, B., & Schmidtz, D. (Eds.). *The Routledge Handbook of Libertarianism* (pp. 53–67). Routledge.
- Attas, D. (2000). Self-ownership and freedom. *Social Theory and Practice* 26(1), 1–23.
- Barrotta, P. 1996. A Neo-Kantian Critique of Von Mises's Epistemology. *Economics and Philosophy* 12(1), 51–66.
- Berlin, I. (1969). Two Concepts of Liberty. In Berlin, I., *Four Essays on Liberty*. Oxford University Press.
- Brennan, J., & van der Vossen, B. (2018). The Myths of the Self-Ownership Thesis. In Brennan, J., van der Vossen, B., & Schmidtz, D. (Eds.). *The Routledge Handbook of Libertarianism* (pp. 199–211). Routledge.
- Bornschein, P. (2018). The Self-Ownership Proviso: A Critique. *Politics, Philosophy & Economics* 17(4), 339–355.
- Carter, I. (2016). Positive and Negative Liberty. *The Stanford Encyclopedia of Philosophy*. Retrieved (2021-03-08) from: <https://plato.stanford.edu/entries/liberty-positive-negative/>
- Cohen, G. A. (1995). *Self-Ownership, Freedom, and Equality*. Cambridge University Press.
- Cudd, A. E. (2018). Feminism and Libertarian Self-Ownership. In Brennan, J., van der Vossen, B., & Schmidtz, D. (Eds.). *The Routledge Handbook of Libertarianism* (pp. 127–139). Routledge.
- Eabrasu, M. (2013). Rothbard's and Hoppe's justifications of libertarianism: A critique. *Politics, Philosophy & Economics* 12(3), 288–307.
- Epstein, R. (1998). *Principles for a Free Society: Reconciling Individual Liberty with the Common Good*. Basic Books.
- Frederick, D. (2013). Hoppe's Derivation of Self-Ownership from Argumentation: Analysis and Critique. *Reason Papers* 35(1), 92–106.
- Fried, B. H. (2004). Left-Libertarianism: A Review Essay. *Philosophy & Public Affairs* 32(1), 66–92.
- Hoppe, H. H. (2006). *The Economics and Ethics of Private Property: Studies in Political Economy and Philosophy*. Ludwig von Mises Institute.
- Huemer, M. (2013). *The Problem of Political Authority: An Examination of the Right to Coerce and the Duty to Obey*. Palgrave Macmillan.
- Kinsella, S. (1996). Punishment and Proportionality: The Estoppel Approach. *Journal of Libertarian Studies* 12(1), 51–73.
- Libertarian Party. (n.d.) 2020 Platform. Retrieved (2021-03-08) from: <https://www.lp.org/platform/>
- Lippert-Rasmussen, K. (2008). Against Self-Ownership: There Are No Fact-Insensitive Ownership Rights over One's Body. *Philosophy & Public Affairs* 36(1), 86–118.
- Lovett, F. (2018). Republicanism. *The Stanford Encyclopedia of Philosophy*. Retrieved (2021-03-08) from: <https://plato.stanford.edu/entries/republicanism/>
- Mack, E. (1995). The Self-Ownership Proviso: A New and Improved Lockean Proviso. *Social Philosophy and Policy* 12(1), 186–218.
- Mack, E. (2002a). Self-Ownership, Marxism, and Egalitarianism: Part I: Challenges to Historical Entitlement. *Politics, Philosophy and Economics* 1(1), 75–108.
- Mack, E. (2002b). Self-Ownership, Marxism, and Egalitarianism: Part II: Challenges to the Self-Ownership Thesis. *Politics, Philosophy and Economics* 1(2), 237–276.

- Murphy, R. P., & Callahan, G. (2006). Hans-Hermann Hoppe's Argumentation Ethic: A Critique. *Journal of Libertarian Studies* 20(2), 53–64.
- Narveson, J. (2001 [1988]). *The Libertarian Idea*. Broadview Press Ltd.
- Nozick, R. (1974). *Anarchy, State, and Utopia*. Blackwell Publishing.
- Pettit, P. (2014). *Just Freedom: A Moral Compass for a Complex World*. W. W. Norton & Company.
- Rothbard, M. (1998 [1982]). *The Ethics of Liberty*. New York University Press.
- Rothbard, M. (2006 [1973]). *For a New Liberty: The Libertarian Manifesto*. Ludwig von Mises Institute.
- Russell, D. (1955). Who Is a Libertarian? *Foundation for Economic Education*. Retrieved (2021-03-09) from: <https://fee.org/articles/who-is-a-libertarian/>
- Skinner, Q. (2002). A Third Concept of Liberty. *Proceedings of the British Academy* 117, 237–268.
- Sobel, D. (2012). Backing Away from Libertarian Self-Ownership. *Ethics* 123(1), 32–60.
- Sobel, D. (2013). Self-Ownership and the Conflation Problem. In Simmons, M. (Ed.). *Oxford Studies in Normative Ethics, Vol. 3* (pp. 98–122). Oxford University Press.
- Vallentyne, P., Steiner, H., & Otsuka, M. (2005). Why Left-Libertarianism Is Not Incoherent, Indeterminate, or Irrelevant: A Reply to Fried. *Philosophy & Public Affairs* 33(2), 201–215.
- van der Vossen, B. (2019). Libertarianism. *The Stanford Encyclopedia of Philosophy*. Retrieved (2021-03-08) from: <https://plato.stanford.edu/entries/libertarianism/>