



Title	A Refutation of the Thesis of Self-ownership
Author(s)	Kasiwaba, Takehide
Citation	倫理学年報, 54, 15-27
Issue Date	2005
Doc URL	<a href="http://hdl.handle.net/2115/16861">http://hdl.handle.net/2115/16861</a>
Type	article (author version)
File Information	倫理学年報54.pdf



[Instructions for use](#)

# A Refutation of the Thesis of Self-ownership

Takehide Kashiwaba

## Introduction

We are entitled to use our own bodies as we wish, and we may make the fruits gained from that process (typically income) the exclusive property of ourselves. We are under no obligations to others, be it individuals or societies, and therefore should not be subject to their interference. This intuition, although a naive one, or perhaps precisely because of naivety, seems deeply rooted. G.A. Cohen has analysed this intuition as “self-ownership”, and defined “the thesis of self-ownership” as follows:

...each person is the morally rightful owner of his own person and power, 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...

According to the thesis of self-ownership, each person possesses over himself, as a matter of moral right, all those rights that a slaveholder has over a complete chattel slave as a matter of legal right, and he is entitled, morally speaking, to dispose over himself in the way such a slaveholder is entitled, legally speaking, to dispose over his slave. (Cohen 1995: 67-8) (1)

The purpose of this paper is, following Cohen's arguments, to examine the essence and implications of self-ownership.

Cohen analyzes the thesis of self-ownership as a principle characteristic supporting Libertarianism as outlined in Nozick's *Anarchy, State, and Utopia*. And after conceding the power of appeal in the idea of self-ownership itself, he asserts that it does not necessarily bring about inequality in economic condition or external resources. This paper, accordingly, will at first focus on the relationship between self-ownership and distribution of property. Nonetheless, I have serious doubts concerning the idea of self-ownership itself, so I shall then offer a fundamental criticism of self-ownership as a concept.

This paper first takes a brief look at Cohen's strategy in his attack of Nozick (1), then attempts to show, following two interpretations, that the thesis of self-ownership does not necessarily provide a basis for affirming inequality of economic condition (2). Furthermore, I think that the notion of self-ownership is somewhat artificial.

Through an examination of the meaning of the word “ownership” and the self-awareness of a body-owning subject, I would like to bring this artificiality to light. Lastly, by rethinking the thought experiment used to defend the idea of self-ownership, I shall relativize the apparent persuasiveness of the thesis itself(3).

### 1. The persuasiveness of self-ownership and Cohen's strategy

Libertarians in principle do not approve of any forms of distributive justice, and even go so far as to say that taxation of earnings is "on a par with forced labor" (Nozick 1974: 169). Anyone who seeks after equality as a value, even in the loosest sense, would have a strongly bad feeling to Libertarians. Do not even Egalitarians, Cohen asks, seem to believe that they have some exclusive property right when it comes to their own body?

Let us suppose that transplant technology had advanced to the point where an eye could be safely transplanted to another person. Since anyone's eyes may be transplanted, should we redistribute eyes? In other words, should we take one eye from a person with a set of two good eyes, and give to someone who has lost their ability to see because of eye impediments? If few persons volunteered to offer an eye, should people be selected by lottery to forcefully donate one eye? Since the fact that I have two good eyes is a mere coincidence, there is no reason that I should enjoy any privilege over my eyes. If one opposes inequality in resources or economic condition, is it acceptable at the same time to allow inequality in the ownership of good eyes (Cohen 1995: 70, cf. Nozick 1974: 206)?

Most people would surely find the idea of an “eye lottery” horrifying. It follows that, at least in part, the thesis of self-ownership should be acceptable. Cohen even admits that it is not an easy argument to refute. What is at issue, though, is whether or not the thesis of self-ownership forms the fundamental principle of Libertarianism, as Nozick says it does, and can be used to necessarily affirm inequality in economic condition.

Cohen first accepts the thesis of self-ownership, but tries to prove that this does not entail the rejection of redistribution of goods and resources that Nozick intends. What I would like to focus on in this section is the following argument which is put forth by Cohen (2). That is, where should the base-line, as initial conditions, be set up? Should we see the condition before appropriation by people begins as a Lockean State of Nature, where all things are unowned? Supposing that all things are unowned in this state, how should we understand so-called “Lockean Proviso”? Why shouldn't all land and resources be seen as commonly shared? Cohen's strategy in criticizing Nozick is to offer a counterproposal the relationship between the initial conditions and appropriation without refuting the thesis of self-ownership.

In the state of nature, Locke acknowledges that each individual has an exclusive right over objects in which he has invested his labor, but with the constraint that "enough and as good left in common for others," that is the "Lockean Proviso." Nozick takes the Lockean Proviso to mean "to ensure that the situation of others is not worsened," and asserts that as long as this is satisfied, then the appropriation of objects that do not belong to anyone, and are generally usable, is justified (Nozick 1974: 175). According to Cohen, however, the Nozickian interpretation of the Lockean proviso does not suffice to justify the appropriation of unowned objects.

Let us think of a world with only two people: A and B. We shall assume in such a world that the thesis of self-ownership is self-evident. By using all the unowned land separately, A gains sustenance  $m$ , and B gains sustenance  $n$ . At this stage, neither of them owns any land. Then A appropriates all the land, proposing a division of labor, offers B a salary of  $n + p$ , and A gains  $m + q$ . In this scenario, B's condition is better off than before, the Lockean Proviso is satisfied, and therefore A's appropriation (which is eternal and can be bequeathed) are justified (Cohen 1995: 79).

Leaving aside the fact that this argument does not give sufficient attention to the difference in power-relationship that would arise in this situation, we may imagine the following situation. It is conceivable that B appropriates A's land, pays A an increased salary of  $m + q + r$ , and gains  $n + p + s$  for himself ( $m, n, p, q, r, s \geq 0$ ). In other words, B has more talent in management than A. In that scenario, the situation of B in a sufficiently conceivable system based on the same assumptions is worse off in the actual situation where A has appropriated the land. Even then, is it still possible that A's actual appropriation can be justified? What is more, it must be noted that, had B appropriated the land, A could even expect an increase in benefit (Cohen 1995: 80-3). Even if Nozick's reading of the Lockean Proviso is the sole necessary condition for recognizing appropriation, there is still no reason to exclude the possibility of a situation based on B's appropriation and see A's appropriation as legitimate. In other words, there is a question as to whether it is justifiable to set the base line as the state of nature. For example, if the initial condition is the joint ownership of land (even if of all possible worlds, B's salary does not decrease in that situation only), A's appropriation might not be justifiable. To put it simply, Nozick does not explain why, in the initial conditions, a "first come, first served" is justified (Cohen 1995: 83-4).

It is not hard to see why Nozick does not want to admit a socialistic common ownership of land as the initial condition. If primitive resources (land and other natural resources) are shared and ownership or use of them requires the consensus of all those concerned, then the self-ownership of the individual becomes a mere formality. Cohen formulates the following thought experiment.

In a world populated by only two people, Able and Infirm, individual self-ownership is acknowledged, but

every thing else other than the body are jointly owned. Infirm possesses no power of production, so Able must produce everything and is able to produce more than enough to sustain a living for the two. Then, a bargain shall be made between the two. What is to be input in the bargain may be utility functions, or simply preferences. The determining factor is that Able's ability plays no role in the bargaining process. Just because Able does all the producing, this does not mean that he gains something extra. Infirm controls one requirement for production (that he does not exercise his right to veto the use of land). On the other hand Able controls two (that he does not exercise his right to veto the use of land, and that he produces), but that does not give him any advantage from the bargain. Because, without Infirm's consent, Able cannot live. In this case, Cohen says, "joint world ownership prevents self-ownership from generating inequality to which egalitarians would object" (Cohen 1995: 96). In short, if one accepts joint ownership of resources in the initial condition, then the thesis of self-ownership and strict socialist equality become perfectly compatible. In fact, as long as Able and Infirm both possess self-ownership, then it falls to the level of a mere formal right that is completely separate from talents or lack of those. From this thought experiment, it is clear that self-ownership does not invite inequalities in living conditions.

Is Cohen's criticism of Nozick above valid? What I would like to argue in this paper is not the relative merits of either position, but the conception of self-ownership itself. Accordingly, it is not very useful to place only these two thinkers on the stage of debate. Assuming that Cohen's criticism of Nozick is valid, we now turn to examine whether Cohen's discussion succeeds in disconnecting the thesis of self-ownership from libertarianism.

## 2. Two interpretations of self-ownership

Narveson, as one of Libertarians, adds further criticism to Cohen's attack on Nozick concerning Lockean Proviso. In the example just mentioned, B had a portion of land and resources appropriated and used by A, which he himself did not wish to make use of. Does this fact, however, mean that B has lost freedom? Indeed, although it may not have been what B wished, he was not robbed of his freedom "to do what you want" (Narveson 1988: 71). Narveson's criticism seems plausible. However, there are at least two ways to interpret "freedom to do what you want." They are the freedom from any hindrance to you acting as you please, or negative freedom, and the freedom to completely exercise your own abilities, or positive freedom. There are scholars who apply this distinction to self-ownership that corresponds to these two (Berlinian) senses. In this section, I would like to follow Christman and explore these two interpretations, and see if either of them implies an inconsistency with self-ownership and egalitarian principles (Christman 1994: 148-51).

## 2.1 Negative self-ownership

According to Christman, self-ownership faithfully defending the Lockean tradition represents protection against the intrusion of the state into the lives of individuals (Christman 1994: 149). This version will be defined as the moral principle that "one ought to be left free to do whatever one chooses so long as non-consenting other persons are not thereby harmed, in specified ways" (Arneson 1991: 36).

Mack claims that classical liberalism based on natural right approves of this negative self-ownership as a moral principle (Mack 1990: 524 ). According to Mack, classical liberalism places the right of each individual at its foundation, such a right is a natural right, and does not derive from any social value, nor does interfere any standard that transcends the individual. The self-ownership that classical liberalism acknowledges can be said to be the right that protects one from intervention from the state in pursuing one's own values and carrying on one's life freely. The owner of the self may use his or her body parts, talents and abilities freely, and pursue goals in his or her life, but is prohibited to use the body, abilities, etc. of others without their consent (Mack 1990: 532).

Mack says, however, that by definition, self-ownership has power only over what belongs internally to the self. In other words, the right of claim to things external to the self do not necessarily derive from self-ownership. Human being must live, however, beyond the space occupied by the body, in a world which is filled with external physical objects. In order for an individual to pursue goals, it is necessary to obtain indispensable resources, such as food, from the outside world, and utilize them appropriately. Therefore, self-ownership alone is inadequate to guarantee a meaningful life. To supplement this deficiency, Mack introduces the notion of "a natural right of property." In the same manner as self-ownership, or an extension of it, Mack says that each person "is born to entitlements in extra-personal objects" (Mack 1990: 533).

In this way, Mack interprets self-ownership negatively, as "a right of non-interference", yet at the same time seeks separately the right of ownership over external objects (3). These two may not be contradictory. But as Mack himself points out, "a natural right of property" may collide with the classical liberal proposition that in the state of nature, all things external are unowned (Mack 1990: 533, 540). Even against a background of classical liberalism, there does not exist a necessarily binding relationship between self-ownership and ownership of goods or resources. At least, the "first-come, first served" appropriation in the state of nature must be justified independently from self-ownership. Even the plausibly acceptable principle of 'a fair competition' is a value independent of self-ownership (Arneson 1991: 47)(4).

What the views of these scholars show is that negative self-ownership alone does not lead to rights of property in general. To put it another way, negative self-ownership on its own cannot perform normative functions. As long

as self-ownership is not necessarily related to external ownership, its connection with economic inequality is nothing more than a coincidence. As Christman says, negative self-ownership as a right of non-interference is merely a derivative meaning of self-ownership (Christman 1994: 153)(5).

## 2.2 Positive self-ownership

In contrast to negative self-ownership, which is merely the right of non-interference, positive self-ownership, which has roots in Hegelian philosophy, is a more positive right, e.g. the expression of one's personality. Christman takes this as a kind of "self-control." According to this interpretation, self-ownership is the expression of personality and talents that are materialized within the body, and is important because it is indispensable for the self-expression and self-realization that comprises a true life. In order to defend this positive self-ownership, it is necessary to take into consideration the environment and processes in which each individual uses his body freely and exercises his talents. So, whereas in a Lockean self-ownership the only duty imposed upon other parties is that "they do not interfere without consent", positive self-ownership implies the fulfillment of conditions necessary for one to realize self-control. Suppose, for example, that a rational self-reflexion is necessary for self-control. In that case, adequate education and a comfortable living environment are required, and such basic resources must be distributed widely and equally. In this way, positive self-ownership implies that society is obliged to provide its members with necessary resources in order to achieve self-control (Christman 1994: 149-50).

In this manner, positive self-ownership leads to the equal distribution of resources in the initial condition. Self-control, however, also means the free exercise of abilities; so differences in natural talents and abilities could lead to enormous economic inequalities. When this happens, positive self-ownership could be inconsistent with economic equality. Christman, though, eliminates that concern by distinguishing between the right of self-control and the right to benefit from trades.

According to Christman, the right of self-control can not imply the right to trade your abilities in some form to gain profit. This is because trade depends on the interests and decisions of others, and if in the trading process in the market the right of self-control implies advantage (and as a result economic inequality, etc.), then this would also at the same time imply control over others. What is more, even if the right to benefit is denied, this cannot be called a violation of the right of self-control. If the necessary goods for self-control is ensured, each individual can live his or her life independently. What self-ownership requires is the guarantee of minimum goods or resources to make self-control possible, and nothing more. In contrast, the right to benefit is merely a thing "purely conditional" on the coincidental nature of the market, particularly on the abilities of others (Christman 1994: 155-7)(6).

After presenting the above argument, Christman proposes a plan of redistribution based on taxation that does not contradict self-ownership, but it is not necessary to introduce it here. It should suffice to demonstrate that positive self-ownership and economic inequality are not directly connected. In the above example of the redistribution of eyes, the feeling of objection to the idea explained the appeal of self-ownership. We might also, however, feel repulsion at the image of two-eyed people selling one of his own eyes for an enormous sum of money. There is more than enough possible room for a defender of self-ownership to deny the economic gap that would arise as a result of the exercise of self-ownership (Christman 1994: 156-7).

Whether self-ownership is understood as a negative non-interference right, or as a positive right to express one's personality, it is certain that self-ownership does not provide a basis for the justification of economic inequality that Libertarians propose it does. For this reason, it must be said that Narveson's criticism of Cohen is inadequate. In the end, the acceptance of self-ownership, and the initial condition or the choice of social systems belongs to independent areas of investigation. To illustrate this point, Waldron gives the example of a prospector.

Think, for example, of a person with excellent prospecting skills. As the possessor of self-ownership, he has the right to exercise his skill freely. Even if he lives in a society where private ownership is absent, that fact does not directly violate the self-ownership of his talent. He might exercise his abilities as a pastime. Conversely, there are abilities which are only particularly useful in socialist societies (for example ultra-bureaucratic characteristics). If the system were to change and become more liberal, would self-ownership over his ability be violated? Surely not. The problem is one of moral considerations, concerning what abilities that person has and what social systems are chosen, and is independent of self-ownership (Waldron 1988: 406-8).

Libertarians, therefore, cannot justify "first come, first served" appropriations and the economic inequality that stems from them (and the rejection of distributive justice) separate from their exaggeration of the intuitive persuasiveness of self-ownership. The burden of proof is on the Libertarian side. Re-criticizing Cohen should come after.

Needless to say, not all Libertarians deduce their normative assertions from the thesis of self-ownership, nor is there any reason to do so. What I wanted to reconfirm here is one thing: that is the fact that self-ownership, as a conceptual truth, does not entail economic inequality. Cohen's argument above should be seen as successful in making that point clear.

3. Is self-ownership truly indubitable?

Nozickean Libertarianism, as Cohen understands it, is to lay the foundation for the right of ownership of external things by characterizing the relationship between the self and the body with the term "ownership." Nozick criticized proposals of redistribution of goods such as Rawls' difference principle, saying that in principle they would also have such grotesque implications as the redistribution of body parts (Nozick 1974: 206). However, from what has become clear in the previous sections, the thesis of self-ownership and Libertarianism are not necessarily connected. It might therefore even be more natural for Libertarians to use conceptual alternatives, such as autonomy based on self-control (as by Christman), or the more fashionable concept of "self-determination", rather than using such a novel idea as self-ownership(7). How useful is self-ownership that does not entail economic inequality(8)? If the thesis of self-ownership has no other merits, then perhaps it may become a just superfluous term haunted by its own unnatural name.

### 3.1 The artificiality of self-ownership

The artificiality of self-ownership lies first in its use of the word "ownership" as a concept that is very different from its normal usage. When we say that we 'own' something, this includes the notion that we may give or transfer that thing to someone. We occupy the position of user of objects and are most likely to use them as means for other objectives. There does not seem much necessity to assume some kind of close internal bond between the owner and the owned, and normally we do not. When I am not free to lend or give to anyone a pen I own, then that pen can no longer be called my property. To put it simply, we can only call it ownership when we are free to dispose of an object at will.

However, the term "ownership" is used in two different senses in the thesis of self-ownership. It is held that I own my own body in the ordinary sense of the term. For that reason I may use my body freely, and to what extent I alter it or I choose to exercise its inborn abilities is a matter of freedom. However, when I unconsciously shrink before the eye lottery, I do not feel I have ownership over my eyes in the sense just mentioned. It is certain that I would painfully realize that I believe my eyes to be inseparable from myself, and that they are absolutely not transferable. Or conversely, defenders of the thesis of self-ownership depend on this intuition that the body and the self are inseparable (i.e. at the same time using ownership in an extraordinary sense), and try to apply the right of ownership in an ordinary sense to the human body (Ryan 1994: 255-6).

The second point of artificiality in the thesis of self-ownership relates to the "self." As Waldron points out, the subject of self-ownership must be the "active self" (Waldron 1988: 401). But I would argue that the consciousness of I being the owner of my body is born in a passive "self." One must call this situation paradoxical.

Kumano finds the origin of the sense of ownership over the body in the experience of using tools. For example, when one treads over barley plants, one's foot soles are felt as a tool, and insofar as they are a tool, one feels that they are "owned" in the same way that one owns other tools (Kumano 2003: 31). Kumano also says that when the body as a tool is functioning smoothly, an appropriate "distance" between that tool and me is lost. As the treading smoothly progresses, there is no consciousness of me using my feet as tools. Instead, I feel that "I" am the one treading wheat. In that process there is no distance to clearly separate the tool and the tool-user, or me and the body to be owned (Kumano 2003: 37-9).

When, then, do I become conscious of my body as a tool? In the preceding example, is it when I have failed in treading the barley? If I accidentally tread on a solid stone while treading wheat, a sharp pain will run through the soles of my feet. At that time, I come to the painful realization that my foot did not work according to my wishes. That is, a wedge was placed between me and my feet, as a part of my body. It is then that I first become aware that I 'own' a soft-soled foot. It is through such passive experiences that I feel that I own a body, which does not always obey my wishes. In other words, only a passive "self" can be conscious of owning the body.

According to the thesis of self-ownership, I should have the moral right to use my body according to my will. On the other hand, I am only conscious of my own body as an object of ownership when it works "against my will". The reason is that, as clarified above, it is in that case only that a certain distance arises between me and my body. It appears to me that the thesis of self-ownership cannot escape from this paradox. This is another point of artificiality inherent in the concept of self-ownership.

### 3.2 Three Thought Experiments

Supposedly, it is not the significance of self-ownership as a right that makes it important. It is the strength of the repulsion we feel at the eye-lottery that makes it seem more doubtless than other concepts, such as autonomy or self-determination. Does it really fit the case, though? Lastly, I would like to introduce two thought experiments along with one of my own in order to cast doubt on self-ownership itself.

Assuming, for the moment, we accept the self-ownership, we might also have other, even more convincing, moral intuitions. Parfit reminds us of the strength of our intuition toward egalitarianism through the following thought experiment. Imagine that through some genetic change, all children are born as twins, and one of each set is born without sight. As a welfare policy, it is decided that one eye is taken from each baby with two good eyes, and transplanted to its twin with the congenitally damaged eyes. Since newborns cannot give their consent, these redistributive measures are taken involuntarily. How would we feel about such a policy? Parfit himself believes that

such a policy of eye redistribution is justifiable (Parfit 1998: 9). If we believe as Parfit claims, then the intuitive power of self-ownership would weaken accordingly.

In Parfit's thought experiment, the subjects are newborns without self-awareness. Since a newborn does not fulfill all the requirements to a moral subject, and is not conscious of self-ownership, this may thus be a weak example for the purposes of relativizing self-ownership (cf. Morimura 1995: 32). Let us then refer also to Cohen's experiment, which uses adults as subjects.

The intuition that is defended with the resistance against the eye lottery may not actually be the right of ownership over the body. Cohen proposes the following thought experiment. In it, all people are born with empty eye sockets. The technology to safely implant artificial eyes has been developed, and immediately after birth the state lends a set of eyes to each individual. If someone loses sight in an accident, the only way to regain sight is through a transplant of an artificial eye from a 'sighted' adult. This is because the only artificial eyes adaptable to adults are the artificial eyes implanted in infancy. Is it acceptable to conduct an eye lottery in this situation? The resistance felt toward the eye lottery may not disappear. In this case, however, the eyes were not the property of the individuals to begin with. Accordingly, even in the original eye lottery introduced in the beginning of this paper, our objection may derive not from the violation of the right of ownership over our own bodies, but from some other reason. There is the possibility that a moral intuition other than self-ownership has been stimulated (Cohen 1995: 243-4).

In the thought experiments of Parfit and Cohen, the object to be redistributed was the human eyeball itself. What is truly needed, however, is not a healthy eye itself, but the ability to see, or the sense of sight made possible by it. Even if extreme near- or far-sighted eyes could be corrected to the point where there is no inconvenience in everyday life, in the eye lottery these eyes would seem to have little value. And if it were the ability to see that is to be redistributed, we would have no problem in accepting this.

Let us modify Cohen's example into a more reasonable form. Suppose that all the members of society require special glasses in order to maintain the level of vision that we currently need. Each person owns one pair, but as a rule only one pair may be owned in a lifetime, so we have extreme feelings of attachment toward them. The incomprehensible attachment and affection we may develop for certain objects, which are transferable from the perspective of a third person, constitute part of what we mean by the term "ownership". At some time, however, there is a shortage in materials to make these glasses, and they do not get to a number of unlucky people. Then a law is passed by which enough numbers of glasses are reproduced for everyone by modifying the existing glasses of all the rest (by grinding off part of the lenses, etc.) so that all people now have glasses, but with poorer vision than

before. In contrast to the examples above, an unlucky donor is not chosen by lottery, but instead all people are required to provide small portions of their vision in order to guarantee the vision of the unlucky. How many people would resist this idea? I think that there would be few people who would be absolutely opposed to the idea of the redistribution of glasses.

The thought experiment I have proposed above borrows equal distribution from that of Parfit, and the idea of the artificial eyes from Cohen, but adopts more valid and realistic assumptions. The premise of this experiment would satisfy both the advocates of the thesis of self-ownership and those who hold egalitarian views about vision, and at the same time would fulfill the original purpose of the eye lottery. From what moral intuition does the repulsion toward the eye lottery derive? Is it from the right of ownership over the body, egalitarianism, or from some undeniable sense of attachment between things and the self? It seems that a more careful inspection is needed to derive the thesis of self-ownership from resistance to the eye lottery.

## Conclusion

In the above I have examined self-ownership, introducing and drawing inspiration from Cohen's arguments. As Cohen says, it is possible to admit to self-ownership and at the same time criticize Nozickean Libertarianism. That is, just because you recognize the persuasiveness of self-ownership, that does not mean you have to necessarily go so far as to accept inequality in economic condition.

Furthermore, I have criticized the concept of self-ownership by pointing out its inherent weakness from two angles: the meaning of the word "ownership" and the consciousness of the owner. Finally, I have shown that the intuitive persuasiveness which is inherent in self-ownership relies on our resistance to the eye lottery discussed by Cohen, but through several thought experiments, that its appeal has, to a considerable degree, been diminished (9). Though I do not claim to have discussed all the issues concerned, I do claim that I have here adequately refuted the conceptual validity of the thesis of self-ownership.

## Bibliography:

- Arneson, R. J. 1991 "Lockean Self-Ownership: Toward a Demolition" in: *Political Studies*, 39, pp. 36-54.
- Christman, J. 1994 *The Myth of Property* (Oxford: Oxford U. P.).
- Cohen, G. A. 1995 *Self-Ownership, Freedom, and Equality* (Cambridge: Cambridge U. P.).
- Engerhardt, H. T. Jr. 1996 *The Foundations of Bioethics* (Oxford: Oxford U. P.), 2nd ed.
- Gorr, M. 1995 "Justice, Self-ownership, and Natural Assets" in: *Social Philosophy and Policy*, 12, pp. 267-91.

- Mack, E. 1990 "Self-Ownership and the Right of Property" in: *Monist*, pp. 519-43.
- Narveson, J. 1988 *The Libertarian Idea* (Philadelphia: Temple Univ. Press)
- Nozick, R. 1974 *Anarchy, State, and Utopia* (N. Y.: Basic Books)
- Parfit, D. 1998 "Equality and Priority" in: Mason, A. (ed.) *Ideals of Equality* (London: Basil Blackwell), pp. 1-20.
- Ryan, A. 1994 "Self-Ownership, Autonomy, and Property Rights" in: *Social Philosophy and Policy*, 11, pp. 241-58.
- Waldron, J. 1988 *The Right to Private Property* (Oxford: Clarendon Press).

In Japanese:

- Kumano, Sumihiko 2003 *Sai to Hedatari: Tanarumono eno rinri*, Iwanamishoten.
- Fukuma, Satoshi 1999 "Towards a Property Right for Self-Owing—On Justifying the Private Property in Extra-Personal Resources—" *Shisaku* (The Association of the Philosophical Studies Tohoku University), No. 32, pp. 87-105.
- Morimura, Susumu 1995 *Zaisanken no Riron*, Koubunndo.
- Washida, Kiyokazu 1998 "The Suspension of Affirmation" *Tetsugaku* (Annual Review of the Philosophical Association of Japan), No 49, pp. 29-42.

## Notes

- (1) The self in this definition is merely of a "a purely reflexive significance." "It signifies that what owns and what is owned are one and the same, namely, the whole person"(Cohen 1995: 69).
- (2) Cohen distinguishes conceptually the thesis of self-ownership and self-ownership. He calls the former false, and says that the latter is hard to deny (Cohen 1995: 209). Aside from the argument introduced in this section, Cohen criticizes the thesis itself as (in Cohen's eye's) put forth by Nozick, and furthermore makes arguments which go toward relativizing the intuitive persuasive power of self-ownership (not the thesis) (Cohen 1995: 229-44). This distinction can only be treated secondarily in this paper. I also wish to leave the distinction between self-ownership and the thesis of self-ownership ambiguous in my discussion.
- (3) The property right is justified not by the investment of labor, but solely by the right of liberty (Mack 1990: 526).
- (4) Arneson states that under the premise that in the initial condition land is scarce and if the property right of future generations are ignored, the optimum base-line fitting Lockean self-ownership is the perfectly equal division of land (Arneson 1991: 49-51).
- (5) Nevertheless, when self-ownership is the premise, the reason that "the extent of an individuals freedom is limited to his own body" can easily be explained, and the significance of that cannot be ignored (Morimura 1995: 35).
- (6) Based on a similar argument, Fukuma distinguishes the right to self-control and the right to benefit, and furthermore attempts to

justify the redistribution that ensures the possibility of life as "self-owner" for everyone, and the ownership necessary for that (Fukuma 1999: 97-102). As I mention in the third section of this paper, it is unclear in Fukuma's argument why a concept such as self-ownership must replace other existing traditional but similar concepts such as autonomy etc.

(7) Cohen states that self-ownership does not imply autonomy. If this is the case,

Libertarians should make autonomy, a much more fundamental category, the underlying principle behind his argument (Cohen: 238).

In contrast to Cohen, Gorr claims that autonomy presupposes self-ownership (Gorr 1995: 289).

(8) Gorr, for example, states that self-ownership is the normative expression of the fact that "the metaphysical relationship a person bears to herself is far different from -and much closer than- the metaphysical relationship she bears to anyone else" (Gorr 1995: 289).

Washida also asserts that this idea of self-ownership, by which one is one's owner, makes individuality of the self possible (Washida 1998: 38). While Gorr tries to defend self-ownership in a moderate manner, Washida, instead, does not attempt to actively affirm the "jibun (self)" based on self-ownership, but rather critically reinterprets it.

(9) Although I am afraid that I might make an unnecessary addition, I would like to point out that based on the arguments concerning outlined in this paper, one can apply theoretical reservations to debates about ownership of the body in bioethics (cf. Engerhardt 1996:154-66).