

PETER VALLENTYNE,  
HILLEL STEINER, AND  
MICHAEL OTSUKA

## Why Left-Libertarianism Is Not Incoherent, Indeterminate, or Irrelevant: A Reply to Fried

Over the past few decades, there has been increasing interest in *left-libertarianism*, which holds (roughly) that agents fully own themselves and that natural resources (land, minerals, air, and the like) belong to everyone in some egalitarian sense. Left-libertarianism agrees with the more familiar right-libertarianism about self-ownership, but radically disagrees with it about the power to acquire ownership of natural resources. Merely being the first person to claim, discover, or mix labor with an unappropriated natural resource does not—left-libertarianism insists—generate a full private property right in that natural resource. Left-libertarianism seems promising because it recognizes both strong individual rights of liberty and security and also grounds a strong demand for some kind of material equality. It seems, that is, to be a plausible form of liberal egalitarianism.

In a recent review essay of a two-volume anthology on left-libertarianism (edited by two of us), Barbara Fried has insightfully laid out most of the core issues that confront left-libertarianism.<sup>1</sup> We are each left-libertarians, and we would like to take this opportunity to address some of the general issues that she raises. We shall focus, as Fried does much of the time, on the question of whether left-libertarianism is a well-defined and distinct alternative to existing forms of liberal egalitarianism. More specifically, we shall address the following fundamental issues raised by Fried (and others): (1) Does the notion of self-ownership have any determinate content? (2) What is the relation between self-

For insightful comments, we thank G. A. Cohen, Barbara Fried, Leif Wenar, Andrew Williams, Jonathan Wolff, and the Editors of *Philosophy & Public Affairs*.

1. Barbara Fried, "Left-Libertarianism: A Review Essay," *Philosophy & Public Affairs* 32 (2004): 66–92. This is a review of *The Origins of Left-Libertarianism: An Anthology of Historical Writings* and *Left-Libertarianism and Its Critics: The Contemporary Debate*, both edited by Peter Vallentyne and Hillel Steiner (New York: Palgrave Publishers Ltd., 2000).

ownership and world ownership? (3) How is left-libertarianism different from other forms of liberal egalitarianism (e.g., those of Rawls and Dworkin)?

First, however, we shall set the context by providing some general background on left-libertarianism.

## I. BACKGROUND

Left-libertarianism is a theory of justice that (like right-libertarianism) grounds justice in moral (as opposed to legal) property rights. Left-libertarianism rests on two central claims: (1) full initial self-ownership for all agents, and (2) egalitarian ownership of natural resources. Agents are *full self-owners* just in case they own themselves in the same way that they can fully own inanimate objects. Stated slightly differently, full self-owners own themselves in the same way that a (full) chattel-slave-owner owns a slave.<sup>2</sup> We shall explain this notion more carefully in the next section.

The second core claim of left-libertarianism is that natural resources are owned by all in some egalitarian manner. Natural resources are those things that have no moral standing (e.g., are not sentient) and have not been transformed by any non-divine agent. Thus, land, seas, air, minerals, and so forth in their original (humanly unimproved) states are natural resources, whereas such things as chairs, buildings, and land cleared for farming are not. All left-libertarians agree that the ownership of natural resources is governed by an egalitarian principle, although there is some disagreement as to whether it is the current value of these resources in their unimproved state or that plus the value of our opportunities to improve them which should be equalized.

There are many forms of egalitarian ownership and thus many forms of left-libertarianism. Here are a few possibilities. (1) Natural resources might be *owned in common* in the sense that each person is free to use (but not appropriate) them as long as she is not violating the self-ownership rights of others. (2) Natural resources might be *jointly owned* in the sense that any use, or perhaps only any appropriation, requires collective (e.g., majority) approval. (3) Unilateral appropriation of unappropriated resources may be permitted as long as one pays to the

2. See G. A. Cohen, *Self-Ownership, Freedom, and Equality* (Cambridge: Cambridge University Press, 1995), pp. 68, 214.

members of society their per capita share of the full competitive value (based on supply and demand) of the rights that one claims.<sup>3</sup> (4) Unilateral appropriation of unappropriated resources may be permitted as long as one appropriates no more than is compatible with everyone having an equally valuable opportunity for a good life.<sup>4</sup> Of course, there are many other possibilities.<sup>5</sup>

There are, thus, many forms of left-libertarianism, just as there are many forms of other first order normative doctrines (such as utilitarianism and contractualism). All versions are, however, committed to full self-ownership and to some kind of egalitarian ownership of natural resources.

## II. THE DETERMINACY OF FULL SELF-OWNERSHIP

Fried and others have suggested that the notion of full self-ownership is inherently indeterminate and has few concrete implications (e.g., because it can be interpreted in a variety of incompatible ways). We shall argue, however, that, although the notion has some indeterminacy, it has a significant determinate core.

In order to establish this relative determinacy, we shall define full ownership using the following terminology. For a given object, first order property rights concern the permissible *uses* of the object. "Use" is here understood broadly to include all the ways that persons can physically impact upon an object, including effects that are unforeseen. Possession, occupation, incursion, and intrusion are forms of use in this stipulative sense.

Full private ownership of an object consists of a full set of the following ownership rights: (1) *control rights* over the use of the object; (2) *rights to compensation* if someone uses the object without one's permission; (3) *enforcement rights* (to prevent the violation of these rights or to extract compensation owed for past violation); (4) *rights to transfer* these

3. Something like this is defended in Hillel Steiner, *An Essay on Rights* (Cambridge, Mass.: Blackwell Publishing, 1994).

4. Something like this is defended in Michael Otsuka, *Libertarianism without Inequality* (Oxford: Oxford University Press, 2003).

5. We here construe egalitarianism broadly so as to include leximin. Philippe Van Parijs invokes leximin in his left-libertarian theory of justice. See Philippe Van Parijs, *Real Freedom for All* (New York: Oxford University Press, 1995).

rights to others (by sale, rental, gift, or loan); and (5) *immunity to the nonconsensual loss* of any of the rights of ownership.<sup>6</sup>

Full ownership, like ownership generally, is simply a bundle of particular rights. There is nothing magical about full ownership. It is simply (roughly) the *logically* strongest set of ownership rights over a thing that a person can have compatibly with others having such rights over everything else.<sup>7</sup> Ownership can come in various degrees and forms (and few, if any, legal systems recognize full ownership in this logical sense). One can, for example, have full control rights over a thing without having the other rights. Left-libertarianism does not claim that ownership is either all or nothing. It claims that, as a matter of normative fact, agents (at least roughly) *fully* own themselves as opposed to not at all or something significantly weaker.<sup>8</sup> This claim, of course, is controversial, but its defense is beyond the scope of this article.

In her review, Fried suggests (e.g., p. 72) that libertarians fail to take due account of the decomposability (fragmentability) of ownership implicit in Hohfeldian and Legal Realist analysis. No doubt some (perhaps many) libertarians have failed to recognize that property rights are indeed decomposable, but we fully accept this decomposability.<sup>9</sup> Fried's real target, we believe, is the view that full self-ownership has a relatively determinate content. We shall argue that, even though

6. Other rights standardly associated with the concept of ownership are, we believe, implied by these five rights. Rights of transfer, control, and immunity, for example, imply a right to income from one's property, where this latter right is understood as the right to all one can get others to pay, consistent with their rights, from one's choice to rent or sell this property.

7. We here modify and build upon the explication of full self-ownership given by Cohen, *Self-Ownership, Freedom, and Equality*, pp. 213–17. Also, for simplicity, we here ignore an important qualification: Assuming that one loses some rights when one violates the rights of others, full self-ownership is incompatible with someone else owning the rest of the world and denying the agent permission to occupy any space (since the agent would be trespassing and lose some rights). A more careful formulation of full ownership is as the *logically* strongest set of ownership rights over a thing that a person can have compatibly with others having such rights over everything else *and granting her permission to occupy the space she occupies*.

8. Given the decomposability of full ownership, those who—despite the historical reality of slavery—find the notion of ownership of persons bizarre can simply substitute the relevant bundle of rights.

9. Indeed, one of us has written at length on the subject. See Hillel Steiner, "Working Rights," in M. H. Kramer, N. E. Simmonds, and H. Steiner, *A Debate over Rights* (Oxford: Clarendon Press, 1998).

ownership generally, and full ownership in particular, is decomposable, full self-ownership has a relatively determinate content.

The above five kinds of ownership right can come in different strengths and the elements need not all be present in any particular bundle of ownership rights. We claim, however, that there is a relatively determinate set of *full* ownership rights. In this context, it is important to keep in mind that full ownership is *not* the strongest set of ownership rights that a person can have in a thing. It is rather the strongest set of such rights *that is compatible with other people having the same rights over other things*. More specifically, *full self-ownership* is the logically strongest set of ownership rights that one can have over one's person that is compatible with someone else having the same kind of ownership rights over everything else in the world. Here and throughout, we take one set of rights to be logically stronger than another set if and only if the first contains all the rights of the second plus some additional ones.

Our claim is that, although full self-ownership involves some undeniable indeterminacy, it still has enough content to have significant normative force. Let us start by identifying the indeterminacy, which arises because there is no uniquely strongest set of ownership rights. This is so because strengthening one person's compensation or enforcement rights weakens the immunity to loss of another person. Thus, there is no unique maximally strong set of ownership rights. Everyone could have very strong compensation and enforcement rights against those who violate their rights, but this would entail that everyone has a less than maximal immunity to loss of their ownership rights (since their liberty to use the things they own and the security against interference from others would be reduced when they violate the rights of others). Alternatively (to pick the other extreme), everyone could have very weak compensation and enforcement rights, while having a relatively strong immunity to loss. Neither set of rights is unequivocally stronger than the other.

The notion of full ownership is thus indeterminate with respect to compensation rights, enforcement rights, and immunity to loss when a person uses an object over which another has unwaived ownership rights. Full ownership can, that is, be interpreted in various ways with respect to the implications of one person violating the rights of another.

We claim that the indeterminacy generated by compensation rights and enforcement rights nonetheless leaves a significant amount of

determinacy in the concept of full ownership. In particular, full ownership is quite determinate with respect to its implications *where the owner has not made, and is not in the process of making, incursions onto the property of others without their consent*. In that case, the full owner of an object has full control rights, that is, (1) a full liberty to use the object (i.e., she is permitted to use the owned object as long as she has the permission of the owners of any other objects thereby used), and (2) a full security right over use of that object (i.e., no one else may use the object without her permission). There is no indeterminacy here.<sup>10</sup>

It is important to note that this determinacy depends crucially on the fact that we are appealing to full *ownership* rights, and not to rights generally. If all possible rights were taken into account, then there would indeed be a radical indeterminacy. One person's security right against others smashing "her" car would conflict with the liberty of others to use their hammers to smash it. This conflict, however, does not arise for ownership rights. The (control-right) liberty to use a hammer one owns does not conflict with anyone's (control-right) security-right over a car she owns. This is because the liberty of use that is included in ownership rights does not entail that one may use the owned object in any way that one wants. It is not a general liberty of action. It only ensures that the use of the hammer as such is permissible (i.e., the mere fact that the owner uses the hammer without anyone else's permission does not establish that such use is wrong). In order to be permissible, any particular act of using the hammer must also permissibly use all the other objects involved in that act (e.g., the car smashed). Hence, there is no conflict between one person's security rights over one object and another person's liberty rights over another. Full self-ownership—a strongest set of *ownership* rights that a person can have over herself compatible others having the same rights over everything else in the world—thus determinately gives each person full security rights and full liberty rights over her person.

There is, however, an additional source of indeterminacy that we must recognize. Call the conception of full self-ownership characterized above "full self-ownership *in the strict sense*." It has some rather radical implications. These include that one's self-ownership is violated when

10. We also claim that full ownership determinately includes full transfer rights, but for brevity we omit this issue here.

another agent performs an action for which (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). Thus, for example, strict full ownership of my body is violated, if, in the process of putting out a dangerous fire, you inadvertently send a small bit of stone one hundred yards away, where it lightly flicks my hand. Most people with strong libertarian inclinations will want to reject these implications and thus reject full self-ownership in the strict sense.<sup>11</sup>

It is therefore useful to distinguish between strict libertarianism, which endorses full self-ownership in the strict sense, and a looser kind of libertarianism, which requires endorsement of full self-ownership in a looser sense. For present purposes, let us count a form of self-ownership as full (in the looser sense) if and only if it agrees with full ownership in the strict sense, except perhaps when one or more of the above four conditions is satisfied. This introduces additional indeterminacy in the notion of full ownership (since the implications are left open when one of the four conditions is satisfied), but it still leaves a lot of significant content. For example, self-ownership determinately rules out actions that are foreseeably highly likely to cause incursions on one's person that will significantly harm one and where avoidance of a social catastrophe is not at issue.

In summary, although there is some significant indeterminacy in the notion of full self-ownership in the strict sense, and some further indeterminacy in the more relevant notion of full self-ownership in the loose sense, that leaves a very significant core to the notion of full self-ownership. It is thus a mistake to dismiss this notion as having no determinate content.

The relative determinacy of the concept of full self-ownership evidently leaves completely open whether, as a matter of normative fact, agents are full self-owners. Why, one might ask, should we believe that agents are full self-owners in even the loose sense, as opposed to some weaker sense or not at all? This, of course, is a difficult issue, and we cannot here give an adequate answer. Part of the answer is that there is something theoretically plausible about the thesis of self-ownership:

11. See Otsuka, *Libertarianism without Inequality*, ch. 1, sec. I.

we—and not others—are morally in charge of our bodies and our persons. It is wrong to kill us, strike us, have sex with us, or remove our body parts without our permission. Moreover, *full* self-ownership is both plausible in the abstract (we are *fully* in charge of our persons) and has a theoretical simplicity. To be sure, the plausibility of a principle does not depend solely on its theoretical attractiveness. It also depends on the plausibility of its concrete implications. Full self-ownership admittedly has some counterintuitive implications (e.g., the legitimacy of voluntary slavery and the absence of a legally enforceable duty to provide highly desirable personal services under certain circumstances). This, however, is true of all principles. A full defense of a principle requires a balancing of the abstract theoretical considerations with the plausibility of the concrete implications (e.g., as in reflective equilibrium). Our claim, undefended here, is that at least loose full self-ownership is justified by such a balancing procedure.

### III. SELF-OWNERSHIP AND WORLD OWNERSHIP

Left-libertarians hold that, as a matter of natural right, agents initially fully own themselves and natural resources are owned in some egalitarian manner. It is important to keep in mind that these are two *independent* assumptions. Contrary to what Fried suggests,<sup>12</sup> left-libertarians do not all hold that the egalitarian ownership of natural resources follows from their nonegalitarian libertarian commitments. We think it would, for example, be a mistake to hold that egalitarianism follows from universal full self-ownership, since the latter is compatible with a variety of nonegalitarian forms of ownership of natural resources.<sup>13</sup> Instead, left-libertarians invoke egalitarian ownership of natural resources as an independent principle.

12. See Fried, p. 68: “Notwithstanding (or perhaps because of) the egalitarian conclusions to which they have been led, left-libertarians have taken great pains to stress that that outcome does not reflect any attachment to broad-based egalitarianism per se, but simply follows from their libertarian commitments. . . .”

13. It is worth noting that, if all physical space is a natural resource, then full self-ownership sets some clear, albeit modest, constraints on the appropriation of natural resources, since it stands in the way of the appropriation of the space that other people involuntarily occupy. This obviously falls far short of the claim that full self-ownership implies egalitarian world-ownership.

To this, it may be replied that, although the two principles may be logically compatible, there is no coherence in the overall position.<sup>14</sup> If coherence requires that the justification for each of one's principles appeal to the same set of considerations, this may be correct, but then there is little reason to require coherence so understood. Left-libertarianism holds that there is a very significant difference in the moral status of agents (self-directing beings with full moral standing) and natural resources (resources that have no moral standing and which were created by no [non-divine] agent). About the former they maintain that full self-ownership is the most appropriate reflection of the status (e.g., because it explains/grounds the intuitive wrongness of various forms of non-consensual interference with bodily integrity), and about the latter they independently maintain that egalitarian ownership is the most defensible stance.

Conceding that left-libertarian theories may have succeeded in vindicating the possibility of justifying more egalitarian redistribution than has standardly been assumed possible without violating the self-ownership constraint, Fried claims that there is no room in left-libertarian theory to compensate for unchosen inequalities in personal endowments.<sup>15</sup> For although such compensating transfers might be justified by invoking "intuitions of fairness," and although they might not be incompatible with the self-ownership constraint (i.e., because funded by taxes on natural resource values), those intuitions themselves cannot, she claims, be anchored in basic left-libertarian principles and look to be ones of purely egalitarian provenance. As such, it is claimed, their endorsement by left-libertarianism suggests, again, that it amounts to little more than "liberal egalitarianism in drag."

The first point to note in reply is that some left-libertarians (e.g., Steiner) argue that unchosen germ-line genetic information is a natural resource and thus among the items subject to egalitarian ownership. That is, this position derives compensation for unequal personal endowments from egalitarian ownership of natural resources. Other versions of left-libertarianism appeal, as Fried says, to intuitions of fairness to

14. See Mathias Risse, "Does Left-Libertarianism Have Coherent Foundations?" *Politics, Philosophy, and Economics* 3 (2004): 337–65.

15. See Fried, p. 88: "But the one thing Lockean libertarianism clearly seems to rule out is a combined tax and transfer scheme designed to compensate individuals for unchosen inequalities in personal endowments."

justify the claim that natural resources are to be divided so as to promote effective equality (and thus provide at least partial compensation for unequal unchosen person endowments). This does indeed make them a form of liberal egalitarianism. The proponents, however, are not in drag. They are proud, card-carrying liberal egalitarians. Moreover, as we shall now argue, they are a distinctive kind of liberal egalitarian.

#### IV. LEFT-LIBERTARIANISM AS A VERSION OF LIBERAL EGALITARIANISM

Fried questions the distinctness of left-libertarianism for two reasons. First, she maintains that “the label ‘left-libertarianism’ houses disparate moral intuitions that share little but a name” (p. 78). Hence it is a label that identifies a group of theorists whose positions fail to *cohere* with one another’s in any meaningful way.<sup>16</sup> Second, she objects that many left-libertarians endorse a set of moral and political commitments that are *indistinguishable* from those of other, more familiar liberal egalitarians such as Rawls and Dworkin. This is problematic, she claims, given that left-libertarians aim to stake out “a middle ground between the two dominant strains of contemporary political philosophy: the conventional libertarianism of those such as Robert Nozick on the right, and the egalitarianism of those such as Rawls, Dworkin, and Sen on the left” (p. 67). One might also wonder, as Fried does, why one should “bother with left-libertarianism at all” if it simply converges on more conventional forms of liberal egalitarianism (p. 91).

In reply to the charge of failure of coherence, we note that, like most other “isms” in moral and political philosophy, left-libertarianism is a family of theories, with the usual implications of what that means: namely, that member theories are strung out along a spectrum, or even several spectrums, with strong mutual affinities, but also conflicting particular conceptions of the overarching concept. Thus, different versions of left-libertarianism invoke different conceptions of “near-full” self-ownership and different conceptions of egalitarian ownership of natural

16. This differs from the charge of incoherence raised in the previous section. There the accusation was that any given left-libertarian individual’s own principles fail to cohere with one another. Here the charge is that the views of different so-called left-libertarians fail sufficiently to cohere with one another for the label “left-libertarian” meaningfully to apply to them all. The former charge is one of intrapersonal incoherence, whereas the latter is one of interpersonal incoherence.

resources. Nonetheless, they are all committed to near-full self-ownership and to the rejection of nonegalitarian forms of ownership of natural resources. Left-libertarianism is no less uniform in this regard than egalitarianism, consequentialism, and liberalism. Fried, for example, evinces no corresponding qualms about the concept of “liberal egalitarianism,” which is liberally employed throughout her piece. Yet any study of the writings of those who are categorized as liberal egalitarians will reveal a diversity of conceptions, some of which also fall within the scope of other partially overlapping concepts. This diversity and overlap is standard for any family of theories and is no less great than in the case of the concept “left-libertarianism.”<sup>17</sup>

Consider, then, Fried’s charge that left-libertarianism fails to distinguish itself from liberal egalitarianism. We begin by noting that not all left-libertarians aspire to be less egalitarian than such thinkers as Rawls and Dworkin. This is an accurate description of the aspirations of many but by no means all left-libertarians. Some left-libertarians wish to demonstrate that their libertarian commitments are at least nearly fully consistent with the egalitarianism of people such as Rawls and Dworkin.<sup>18</sup> These left-libertarians seek *common* ground with liberal egalitarians rather than *middle* ground between them and right-libertarians. Those left-libertarians who want to occupy the common overlapping ground with some other liberal egalitarians (i.e., some luck egalitarians) obviously do not regard it as a criticism that their first-order commitments are virtually indistinguishable from those of these other liberal egalitarians.

Figure 1 is a rough and ready map of the conceptual space that left-libertarianism occupies.

As this map indicates, left-libertarianism is both a form of libertarianism and a form of liberal egalitarianism. Moreover, the views of some left-libertarians converge upon, as indicated by the overlap, the views of some luck egalitarians.

17. Consider, for example, the internecine “what is equality?” disputes among broadly liberal egalitarian philosophers such as the “luck egalitarians” Dworkin, G. A. Cohen, and Richard Arneson, not to mention the dispute between them and other more Rawlsian liberal egalitarians such as Samuel Scheffler who think that the luck egalitarians are fundamentally mistaken in their approach.

18. That is, for example, Otsuka’s aim in *Libertarianism without Inequality*, ch. 1.

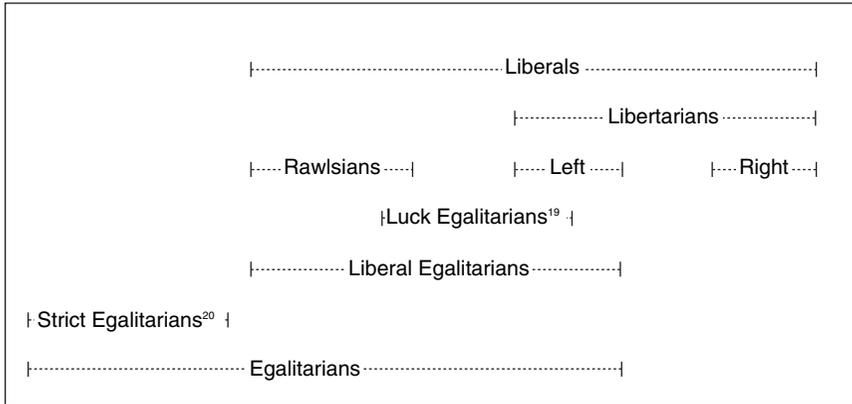


FIGURE 1

To fill in some of the details of the above schema, the following are a few salient points of overlap and contrast between left-libertarians and other liberal egalitarians: (1) *Self-Ownership*: Left-libertarians and other liberal egalitarians tend to agree on the extent of rights to be free of unconsented-to-incursions on one’s person. But left-libertarians affirm, in contrast with most other liberal egalitarians, the extensive alienability of rights of self-ownership, encompassing, for example, the right to sell oneself into onerous servitude or even permanent slavery.<sup>21</sup>

19. Here we adopt Elizabeth Anderson’s label for such egalitarians as Dworkin, Cohen, Arneson, and Rakowski. See Elizabeth Anderson, “What is the Point of Equality?” *Ethics* 109 (1999): 287–337. Dworkin himself describes his view as a “third way” between traditional forms of egalitarianism and more libertarian views that place an emphasis on responsibility and choice. See Ronald Dworkin, *Sovereign Virtue* (Cambridge, Mass.: Harvard University Press, 2000), pp. 1, 7. It is therefore not surprising that one will find overlap between his position and those of left-libertarians, who are similarly motivated.

20. This label refers to those egalitarians, if any, for whom equality takes precedence over all other values or principles such as self-ownership, liberty, or efficiency.

21. Of course, many will view the right to sell oneself into slavery as highly implausible. We believe, however, that the affirmation of this right of transfer is more in keeping with our status as autonomous, rational choosers than its denial. To whom would a duty not to sell oneself into slavery be owed? See Peter Vallentyne, “Left-Libertarianism: A Primer,” in *Left-Libertarianism and Its Critics: The Contemporary Debate*, ed. Vallentyne and Steiner; Steiner, *An Essay on Rights*, pp. 232–33; and Otsuka, *Libertarianism without Inequality*, ch. 6 (esp. pp. 126–27). See also A. John Simmons’s defense of the alienability of rights in *On the Edge of Anarchy* (Princeton, N.J.: Princeton University Press, 1993), pp. 140–43.

(2) *Equality*: A number of left-libertarians are less egalitarian than other liberal egalitarians such as Rawls and Dworkin.<sup>22</sup> This is traceable both to their primary focus on the equalization of entitlements to natural resources as opposed to physical and mental capacities or well-being and to their affirmation of the priority of self-ownership over equality when the two come into conflict. Left-libertarians almost universally tend, however, to be more egalitarian than many other liberal egalitarians insofar as their egalitarian principles have global rather than societal scope (e.g., require some kind of equalization for all individuals in the world).

Those left-libertarians who want to occupy common ground with other liberal egalitarians must face the “Why bother?” challenge raised above. There are at least two answers to this question: First, left-libertarians have achieved something of significance if they are able to disarm right-libertarians by demonstrating that a strongly egalitarian version of liberal egalitarianism is consistent with the same commitments to self-ownership as those of right-libertarians, as Fried acknowledges.<sup>23</sup> Second, even when their first-order views converge on those of other liberal egalitarians, the normative focus of left-libertarians remains distinct from, and in many respects more promising than, the normative focus of Rawlsian liberal egalitarians. The first answer is self-explanatory. The second answer, however, requires some elaboration.

Left-libertarians have a shared normative focus on natural rights of ownership in self and in world: that is, on the question of what natural rights of self-ownership persons possess and on the question of what rights over natural resources in a state of nature such self-owners can come to acquire. Rawlsian liberal egalitarians, by contrast, share a normative focus on the question of the fair division of the fruits of social cooperation among people who are regarded as free and equal. Left-libertarians regard the question of the conditions under which natural resources may be acquired as prior to the question of the division of the fruits of social cooperation.<sup>24</sup> Or at least they think that the answer to the latter question must be sensitive to the question of the legitimacy of our

22. But others are no less egalitarian, as noted above.

23. See Fried, p. 69.

24. The question of the conditions under which natural resources may be acquired is also in some sense prior to that of the conditions under which artifacts may be owned, for the following reason: all artifacts have, among their several production factors, some natural resources, but not vice versa.

claims on those resources that we use to produce these cooperative fruits. Any *complete* theory of justice in holdings therefore must include an answer to the following question: What rights, if any, do individuals have to acquire property rights in previously unowned natural resources?

Rawlsians do not address this question, since they regard its answer as settled by the question of the fair division of the fruits of social cooperation in the context of societies many generations removed from acts of original acquisition. Left-libertarians, however, insist that the question of original acquisition cannot be dismissed on these grounds and argue that the egalitarian principle of justice in acquisition that they endorse casts a shadow over the legitimacy of claims of ownership by all subsequent generations. On one left-libertarian interpretation, for example, the Lockean “enough and as good” proviso calls for members of each generation to ensure that, at their deaths, resources that are at least as valuable as those they have acquired lapse back into a state of nonownership so that the next generation has opportunities to acquire unowned resources which are at least as valuable as theirs. Inequalities in holdings in the present-day actual world are unjust insofar as they fail to conform to such an intergenerational principle of justice in acquisition.<sup>25</sup> The distinctive normative focus of left-libertarians, that is, renders salient certain morally significant facts that Rawlsians overlook. From the point of view of rights of acquisition of unowned resources, the case for equality is different from and arguably more compelling than a Rawlsian case that focuses on a fair division of the fruits of social cooperation: although the more productively talented might plausibly lay claim to a greater share of these fruits by virtue of their greater contribution to their production, it is much less plausible for them to maintain that their superior talent justifies their acquisition of a greater-than-equal share of unowned worldly resources.<sup>26</sup> The distinctive left-libertarian focus also gives rise to substantive differences such as the following: the left-libertarian does not assume that strongly egalitarian principles of distributive justice are to be confined to a territorially closed society of social cooperators, unlike the Rawlsian.<sup>27</sup> Rather, since territories just are

25. See Otsuka, *Libertarianism without Inequality*, ch. 1.

26. *Ibid.*

27. See John Rawls, *The Law of Peoples* (Cambridge, Mass.: Harvard University Press, 1999), pp. 115–20.

natural resources, an emphasis on ownership of resources in a pre-political state of nature as a primary question naturally leads to principles that are global rather than societal in scope.<sup>28</sup>

In sum, left-libertarianism is no less coherent than many other families of theories such as liberal egalitarianism. Moreover, the left-libertarians' distinctive focus on ownership of self and egalitarian ownership of natural resources provides a firmer foundation for the common ground they share with other liberal egalitarians and gives rise to substantive differences as well.

## V. CONCLUSION

We have not attempted the difficult task of defending left-libertarianism on normative grounds. Like any normative theory, it is subject to several deep and troubling objections. Here we have focused on the easier task of defending the claim that it is a coherent, relatively determinate, distinct alternative to existing forms of liberal egalitarianism.

28. See Vallentyne, "Left-Libertarianism: A Primer," pp. 11–12.