

World Ownership, Self-Ownership, and Equality in Georgist Philosophy

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For though you and your Ancestors got your property by murther and theft, and you keep it by the same power from us, that have an equal right to the Land with you, by the righteous Law of Creation, yet we shall have no occasion of quarrelling (as you do) about that disturbing devil, called *Particular Propriety*: For the Earth, with all her Fruits of Corn, Cattle, and such like, was made to be a common Store-house of Livelihood to all Mankinde, friend, and foe without exception.

—Gerrard Winstanley, et al, *A Declaration from the Poor oppressed People of England*, 1649

Yet how little have the best of us, in acquirements, in position, even in character, that may be credited entirely to ourselves; how much to the influences that have molded us. Who is there, wise, learned, discreet, or strong, who might not, were he to trace the inner history of his life, turn like the Stoic Emperor, to give thanks to the gods, that by this one and that one, and here and there, good examples have been set him, noble thoughts have reached him, and happy opportunities opened before him.

—Henry George, *Progress and Poverty and*, 1880

I

In *Progress and Poverty* Henry George presents a searing indictment of socio-economic inequality.¹ He offers an explanation of the existence of poverty and inequality, a plan for uplifting the impoverished and equalizing incomes through a land tax, and a philosophical justification of the program in terms of radically recasting property rights in natural resources. George's program is distinctly different than the two egalitarian perspectives that garnered the most support in 20th Century, socialism and welfare statism; and his theory comprises a revisionist account of classical liberalism, resting on the twin pillars of self-ownership and joint-ownership of natural resources. It is surprising that this program and theory have not received more attention from liberal egalitarians, who, with the notable exception of John Rawls, have been mostly interested in justifying the welfare state.²

Nicolaus Tideman is a prominent economist working in the tradition of the social and political theory of Henry George. Tideman attempts to support some of George's theses with different arguments, to explore the implications of George's theses, and to apply them using rigorous economic argument and contemporary economic insight. There is much that is important and valuable here, both in the work of Tideman and George. Although I shall pursue criticisms of certain central ideas, this is not meant to be dismissive of either Georgist theory or the proposal for a land tax, which I think should hold considerable interest for egalitarian social and political theorists.

In what follows I shall explore the justification of the idea of common- or joint-ownership of the world's natural resources and the relationship between that moral claim and the tax on land, as well as the motivation and justification for the claim of self-ownership and the relationship between that claim and taxation and public ownership of productive resources. I conclude, *inter alia*, that joint-ownership of the world's natural

resources alone does not entail that the land tax is a just social institution and that a competing moral ideal of respect for individual autonomy is more attractive than the principle of self-ownership. The practical implications of respect for autonomy, for present purposes, are two-fold: There are obligations to develop and protect autonomous choice, obligations not readily recognized by self-ownership; and there may be permissible forms of ownership and taxation other than those associated with the land tax.

II

The fact that those humans who originally possessed a given piece of land did not possess it by transfer from others raises a basic moral question about the rights of original ownership. Who is morally entitled to original possession of land? The answer “first occupants” seems implausible because it is wildly arbitrary who turns out to be the first occupier of a given piece of land. In response it might be argued that the original occupiers did not just appear in a place, rather they traveled there, and that the risks and effort required to get there make the occupier deserving of exclusive title. Behind original entitlement lies desert. But this response will not do. For the second group, or person, to arrive there may have taken the same risks (perhaps even greater if the first occupiers intended to exclude the second by force) and may have expended the same effort. First come, first served does not appear to be a justifiable principle of exclusive moral entitlement to property. More basically, the response begs the question of ownership prior to the arrival of the original occupiers. Suppose that someone or some group has the moral right to the land prior to the arrival of the original occupiers, then any attempt by the original occupiers non-consensually to assert sole possession of the land violates the ownership rights of the original owners.

More plausibly, original entitlements to land should be understood as either vesting in no one—original non-ownership—or in everyone. George asserts that the latter view can be understood either jointly or severally.³ Either everyone has an undistributed entitlement to the land—joint ownership—or each person has an equally distributed entitlement to a share, but no one has an entitlement to a specific share. There is no common term given to this view; for lack of a better term I shall refer to it as *several-ownership* to distinguish it from the other form of original ownership by everyone. In either joint- or several-ownership the rights of individuals to exclusive use of natural resources is limited by the rights of other individuals. In the case of joint-ownership the consent of all other owners is required before a person can put the land to specific use. In the case of several-ownership each person’s use must somehow be rendered consistent with the right of all others to use, as for example the right of an individual to assembly must be rendered consistent with the rights of others to assembly.

Part of what is at stake in debates concerning the principle of original ownership is the ease with which natural resources may become private property. In principle each of the three views is consistent with some legitimate process for the acquisition of private ownership rights, but there are stronger constraints on what could count as a legitimate process on either the joint- or several-ownership views. If the world is originally unowned, then no consent from others is required for an individual to come to hold exclusive possession of a natural resource. The others do not have any ownership rights in the land that are trampled by an individual appropriation. Still, the individual’s

appropriation might have to adhere to a moral rule required by the moral equality of persons or a proscription against harming. Both John Locke and Robert Nozick offer versions of such a rule. Locke's proviso holds that a person is entitled to make her own property those objects of nature with which she has "mixed" her labor "at least where there is enough, and as good left in common for others."⁴ Nozick's recasts Locke's constraint as proscribing harm: "A process normally giving rise to a permanent bequeathable property right in a previously unowned thing will not do so if the position of others no longer at liberty to use the thing is thereby worsened."⁵

If the world is originally owned by everyone, then any individual's attempt to make exclusive possession of some natural resource, regardless of whether it leaves enough and as good for others, or adheres to any similar rule, is just only if it is consistent with property rights of all of the other owners. On the assumption of joint-ownership, this could be achieved only if the other owners consent. If two people jointly own a large acreage, and one decides to fence off a small part of it to keep his cow from wondering on the vast estate, this is a violation of the rights of the other owner unless she has consented.

It is less obvious what the several-ownership account would require for the transfer of exclusive ownership of a particular natural resource into individual hands. For the right is distributed in the sense that each person holds an equal right of ownership, but there is no definite parcel of land or particular natural resource that is attached to the right. The right is distributed, but the natural resources are not. Perhaps the analogy to freedom of assembly is helpful here as well. A person who has a right to freedom of assembly does not have the sole right to assemble in a particular place. Although exercising the right to assembly does not require the consent of others, it does require some coordination with others to ensure that all may exercise the right. It seems plausible to hold that the other holders of the right to freedom of assembly may consent to allow a person to assemble exclusively in a particular place. Presumably there is an analogy to the privatization of ownership rights here since generally rights can be abrogated with consent. So, although several-ownership is unlike joint-ownership insofar as several-ownership does not require the consent of others for the use a natural resource, it is like joint-ownership insofar as it would permit, by consent, the transfer of the claim that everyone has to particular natural resource into a claim that one person may exercise. But according to either the joint-ownership or several-ownership accounts, privatization would be in principle proscribed if the ownership rights of each person are inalienable.

George favors the view that I have been calling *several-ownership*.⁶ And he is eager to reject the requirement that individual use requires the consent of other owners. But he is aware of the *prima facie* requirement of consensus decision-making for privatization according to the several-ownership account.⁷ Other than an antipathy for the requirement of consensus decision-making, it is unclear on what grounds George rejects joint-ownership.

Tideman seeks to defend George's view in more than one way. One argument follows George's rejection of original private ownership, and rests on the view that productive activity confers ownership: "It should be obvious that no one can have claim to own land, because no one made the land."⁸ A missing premise of Tideman's argument must be that productive activity *alone* confers private ownership. This argument is controversial in part because the premise seems to rely on the thesis of self-ownership.

The idea seems to be that since individual persons own themselves, through their self-ownership of their productive activity they may (under the right conditions) come to own other things. I shall have occasion to discuss the thesis of self-ownership in section V. Here, allow me merely to register that to the extent that the thesis of self-ownership is vulnerable so also is the premise of this argument.

If Tideman's argument cited in the preceding paragraph is meant to support the thesis of several-ownership, it has two additional problems, however. It relies on more than self-ownership to establish the thesis. It relies on the premise that productive activity *alone* justifies claims to ownership. Although this may be true, it must be supported by argumentation. But most importantly, even if one accepts the premise, the argument fails to establish that everyone is an original owner, and does not provide a reason to reject the joint-ownership in favor of several-ownership. Indeed, the premise would seem rather to be more supportive of the idea of original non-ownership since the collective of humankind did not produce natural resources and therefore cannot by virtue of its labor claim to own them. If productive activity is a necessary condition of ownership, then no one satisfies it with respect to original, unworked natural resources.

Tideman offers another set of considerations to support of George's view on original ownership: "The impetus toward the understanding that land is the common heritage of citizens comes from the combination of the Lockean view that claims of rights to exclude others must be rooted in productive effort...the recognition of the substantial elements of force and fraud in origins of land titles...and the recognition that parcels of land have value that is independent of human efforts expended on them."⁹ None of these three considerations seems to offer the appropriate warrant for the thesis of several-ownership, however.

There are severe problems with appealing to a Lockean account of justified exclusion to establish thesis of original several-ownership. Although the requirement of labor to justify exclusion, rules out the case of original private-ownership, this is not the only alternative, or even the most important one for present purposes. George and Tideman need reasons that rule out original non-ownership or that at least count in favor of original ownership by everyone, and indeed of the several-ownership version of ownership by everyone. What is more, insofar as the Lockean proviso, establishes a right to private-ownership through a mechanism that does not require the consent of others, it is compatible only with original non-ownership, not original ownership by everyone.

The fact that injustices can be found in the history of most, if not all, currently recognized land claims does not support the thesis of original several-ownership although it might provide reasons to support policies of restitution or compensation in individual cases.¹⁰ The fact of historical injustices fails to rule out the possibility of original private-ownership since a history of theft does not rule out that someone once had an exclusive title even if determining who that person is might be impossible. Suppose that it is impossible to determine who held the entitlement to a particular object before the history of unjust transfers began. Who then would presently possess the moral entitlement to the object? The most plausible answers would seem to be either that some individual (the person from whom the object was originally taken unjustly) has it, even if we do not know who that person is, or that no one currently possesses it although someone once did. It seems implausible to claim everyone has an equal entitlement to it. So, although the history of unjust takings may affect either our knowledge of the current entitlement or

the current entitlement itself, but the history subsequent to the original morally legitimate entitlement does not retrospectively change that original entitlement.

Suppose that from the argument in the preceding paragraph we conclude that it is the case that it is most reasonable to conclude that no one currently owns the stolen object of the example. Additionally, assume that the analogy about the history of transfers holds for the vast majority of current land holdings. Does the conclusion that no one can claim ownership of the land have implications in practice that are identical to the implications of the several-ownership thesis? This does not seem to be the case. For the implication of non-ownership does not seem to entail any moral entitlements for individuals (although it may entail a responsibility of custodianship), but the thesis of several-ownership does.

The third consideration cited by Tideman is the claim that land has value independent of human productive activity. This does not seem to offer the thesis of several-ownership much help either since generally claims about the value objects do not have any implication for claims about their ownership. For example, whether a lump of clay has any value before a potter works on it seems irrelevant to the claim of its ownership.

Let's consider, on Tideman's behalf, the proposal that it is only when these three considerations are taken together that they lend support to the thesis of several-ownership. It is sometimes the case that some reasons fail to support a claim severally, but are able to do so jointly, as for example in the common argument form *modus ponens*.¹¹ The three considerations cited by Tideman, however, do not work together to provide support for the thesis. For example, there is nothing that the existence of historical injustice or the independent value of land adds to the Lockean thesis. So, even when taken altogether the three considerations fail to support the thesis.

There are hints of another approach to the justification of original several-ownership in the writings of both Tideman and George.¹² This approach takes the thesis of several-ownership to follow from a more basic egalitarian commitment, namely that all humans are entitled to an equal opportunity to produce using natural resources, in conjunction with the claim that an effective opportunity to produce requires an entitlement to natural resources in order to produce. An arrangement that does not provide all with effective opportunities to produce cannot satisfy the moral requirement of equality of opportunity to produce using natural resources. According to this approach the claim of an original equal opportunity to produce utilizing natural resources is more basic than the claim of several-ownership insofar as equal opportunity to produce utilizing natural resources throws some support in the general direction of several-ownership, but not non-ownership. If resources were originally unowned, and if an effective entitlement to produce requires an entitlement to resources, then there would be no morally licit opportunities to produce originally.

There are, however, two problems with the argument of the preceding paragraph. The first is that it fails to offer an independent reason to prefer several-ownership over joint-ownership. Assuming the principle of equality of opportunity to produce using natural resources and the claim that an effective opportunity to produce requires an entitlement to resources, the claim that everyone is morally entitled to natural resources follows. But this does not distinguish between joint- and several-ownership. The second problem is more fundamental. The underlying value to which George and Tideman appeal is equality of opportunity to produce using natural resources. If it is the case that

many years after the original possession of the land this value can be satisfied even on the assumption of non-ownership of original resources then it is unclear what significance the difference in original moral condition makes. It is at least not obvious that the value cannot later be satisfied even on the assumption of non-ownership of original resources. Socialization of natural resources is not incompatible with original non-ownership (although the details will vary depending upon which, if any, proviso for the acquisition of unowned natural resources is justified). Moreover, a private property scheme of approximately equal private holdings, yielding approximate equality of opportunity to produce using natural resources, is not a theoretical impossibility.¹³ Of course, achieving such a regime of private property would require both constraints on the original acquisition of property and constraints on the transfer of privatized resources. In sum, it is unclear that appealing to equality of opportunity to produce using natural resources decides the matter in favor of original several-ownership rights of natural resources.

I have been assuming for the sake of comparison the importance of equality of opportunity to produce using natural resources. Whether or not this sort of equality is indeed an important principle in an egalitarian theory seems to depend upon the role that self-ownership plays in egalitarian theory since the importance of this kind of equality of opportunity seems to be instrumental to making self-ownership effective. “For the right to the produce of labor cannot be enjoyed without the right to the free use of the opportunities offered by nature, and to admit the right of property in these is to deny the right of property in the produce of labor.”¹⁴ I shall discuss further the importance of this principle of equality of opportunity to produce using natural resources to egalitarian theory in section IV. But a full account of its merits must also await my discussion of self-ownership in section V of this paper since it is claimed to be instrumentally valuable for self-ownership. But before moving on to these matters, I conclude the discussion of world ownership in the next section by considering the land tax proposal.

III

I turn now to the question of the relationship between equality, original several-ownership, and the institutional recommendation that persons in possession of land should be taxed, or pay a rent to society, of 100% of the value of the land (not including developments) in their possession. I am not here concerned with technical questions of property-value assessment, but rather with the matter of how the practice of rent is justified by the theory of original ownership and the value of equality.

At one point, after invoking the Georgist view of original ownership, Tideman offers a justification of the practice of rent or tax collecting that relies on the Lockean proviso. After quoting the proviso, Tideman asserts that “The use of these [natural] resources is proper provided that resources of the same value are left for others.”¹⁵ The idea is that rent payment by a user of a natural resource to those excluded from use of it is a reliable means by which those excluded can be assured an equivalent value, *enough* and *as good*. Although it is plausible that rent payment achieves the Lockean requirement of providing *enough* for those excluded from use, it is less plausible that it provides *as good*. I take the requirement of *enough* to be strictly quantitative. Once a monetary value for the natural resource is determined, payment of rent seems to provide sufficient compensation to equalize holdings. To simplify matters, suppose that there is a market in land and one hundred members of society. One person outbids others for occupation of the land, which

is assessed as worth one hundred dollars. This rent is paid and distributed equally to everyone. The person occupying the land has in effect paid ninety-nine dollars (having received one dollar back in rent) for land worth one hundred dollars, a net gain of one dollar. Everyone else has gained one dollar in rent. Conditions appear to be equalized. The payment of rent cannot so easily satisfy the requirement of providing *as good*, which introduces evaluative considerations that may not be captured by monetary valuations. Property is either fungible or not. Sometimes property of the same kind is taken to be fungible by some persons but not by others. For those to whom a natural resource is not fungible, payment for use does not provide them with *as good* as that from which they are excluded. The land tax proposal seems only partially to satisfy the Lockean proviso.

Does the land tax satisfy the Georgist principle of equality of opportunity to produce using natural resources? To the extent that the loss of occupation of a piece of property is a loss of opportunity for a person that cannot be compensated for in monetary terms, the payment of rent fails to satisfy the principle of equality of opportunity to produce using natural resources. It might be thought that insofar as rent payment equalizes monetary values it in principle satisfies the principle in that regard, that is by providing *enough*. In fact, however, the ability of the payment of rent to satisfy the principle, even in that regard, is contingent. The contingency rests on the pattern of land holdings at the time of institution of the land tax. For that pattern might leave many with no land upon which to produce.

Concerned to answer critics who would assert that private property rights in natural resources are required in order to provide incentives for efficient use of natural resources, George replies that security of tenure provides incentive enough.¹⁶ Indeed, George takes the supposition that instituting a land tax would be a relatively minor reform to the operation of the social order to be a reason in its favor.¹⁷ Security of tenure may provide efficiency benefits, but this is not an argument in favor of security of traditional tenure. By *traditional tenure* I mean the pattern of land holdings in place prior to exercising public ownership through the land tax. Institutionalizing security of traditional tenure might institutionalize distributions of use that are inconsistent with the concerns about liberty and opportunity that George evinces.

One of George's arguments against private property in natural resources involves the following example:

Place one hundred men on an island from which there is no escape, and whether you make one of these men the absolute owner of the other ninety-nine, or the absolute owner of the soil of the island, will make no difference to him or to them.

In the one case, as the other, the one will be the absolute master of the ninety-nine—his power extending even to life and death, for simply to refuse them permission to live upon the island would be to force them into the sea.

Now, suppose the following island: The ninety-nine are not slaves but are devoid of resources. So they have no reasonable alternative but to work for the one who possesses all the productive resources and housing stock on the island. But democratic institutions exist on the island, and through these a land tax is instituted. The previous private owner must pay a tax equivalent to one hundred percent of the value of his property (as valued excluding developments), but no taxes on his factories, farm equipment, or the quarters

that he leases to the workers. He is still the sole employer, the sole owner of housing stock, and the sole possessor of land.

Are the ninety-nine significantly more free than they were prior to the institutions of the land tax? Despite the fact that each of the ninety-nine now has a revenue stream from the land rental that each did not possess previously, the former private owner of the land still has the power to prevent each worker from working and from lying down to bed at night. The rent does not provide them with a wider range of choices for living and working as long as the erstwhile owner legally controls all the natural resources.

Of course, the example above is hypothetical, as was George's. But it points to the contingent nature of the virtues of the land tax. If its point is to guarantee equal liberties and opportunities for all, insofar as the land tax proposal is coupled with securing traditional tenure these liberties and opportunities are not necessarily guaranteed. A Georgist response to this criticism might be that it fails to appreciate the effect that the land tax would have on the distribution of the possession of land. Insofar as speculative holding of land would be discouraged by taxation, opportunities for more persons to use and to occupy the land would arise.¹⁸ It is not obvious that this would be the case since land might be monopolized, but used productively along the lines of the example above. But to the extent that the land tax would in fact lead to a wider distribution of land use, and to the extent that it would provide a source of income to all that would enlarge their range of opportunities, there is merit in the proposal. I wish to underscore, however, that the extent to which this would occur is contingent upon the distributional pattern of traditional land use that neither Tideman nor George seem willing to challenge by collective decision-making. Indeed, insistence on several- as opposed to joint-ownership seems to rule out collective decision-making regarding the appropriation of entitlements for land use. The egalitarian virtues of the land tax could be substantial, but are contingent upon traditional use patterns.

The comments of this section are not meant, then, to form a refutation of the proposal that natural resources should be taxed. A land tax may well have efficiency virtues that other forms of taxation lack. And in the right circumstances it might serve an important role in achieving certain morally desirable forms of equality. I have, however, sought to cast doubt on the claim that the land tax necessarily results in equality of opportunity to produce using natural resources.

IV

My concern in this section is not with the capacity of the land tax to realize equality of opportunity to produce using natural resources. Nor do I wish, here, to reject that moral principle, although insofar as its justification derives from its instrumental value to enjoying self-ownership, and insofar as I challenge self-ownership in section V, I shall end up, by inference, casting doubt on the principle of equality of opportunity to produce using natural resources. Rather, in this section I challenge the adequacy of the principle to address all of the sources of morally relevant social inequality.

I am concerned in this section with three matters. One concerns forms of inequality not captured by a worry about unequal opportunities to produce using natural resources. The second is the ability of the recommendation that natural resources should be collectively owned to address forms of domination that do not derive from unequal

ownership of natural resources. The final matter is the fact that the market rewards the talented and able over those of the untalented and less able.

One of the features of Tideman's view that will surprise many egalitarians is his exclusive reliance on the moral principle of equality of opportunity to produce using natural resources. Although this is also the case with George, the latter's egalitarian vision is broad and demanding. Consider the role that George sees for the public sector:

This revenue arising from the common property could be applied to the common benefit, as were the revenues of Sparta. We might not establish public tables—they would be unnecessary; but we could establish public baths, museums, libraries, gardens, lecture rooms, music and dancing halls, theaters, universities, technical schools, shooting galleries, play grounds, gymnasiums, etc. Heat, light, and motive power, as well as water, might be conducted through our streets at public expense; our roads lined with fruit trees, discoverers and inventors rewarded, scientific investigations supported; and in a thousand ways the public revenues made to foster efforts for the public benefit.¹⁹

It is unclear whether George takes the provision of these public goods to be a matter of justice or desirable on other grounds. But such provision cannot, in any case, be justified on grounds that it equalizes opportunities to produce using natural resources. (Parenthetically, it is noteworthy with respect to the discussion of section V that George does not seem to take self-ownership to require the assignment of intellectual property rights that ensure monopoly market rights for inventors.)

It is significant that Tideman is uncertain whether the provision of public education, and therefore equal educational opportunities, is required by justice, especially if a consensus cannot be developed to fund it.²⁰ In the absence of public funding for education, the children of wealthy parents will generally receive superior educations and therefore will have significantly greater career and life opportunities than the children of poorer parents. Apparently equality of educational opportunity does not have the status in Tideman's view of justice that equality of opportunity to produce using natural resources does. One possible explanation for this invokes the principle of self-ownership. If persons are morally first and foremost self-owners, and if this status is not a developmental product, which is to say that it is not a condition that is nurtured by social and political arrangements (although it may be violated by these) as, for example, is the case with autonomy, then justice does not require institutions, such as an educational system, to facilitate the status.

Inequalities of ownership of productive (non-natural) resources can lead to forms of domination. George was acutely aware of the problems of domination that private ownership of land might bring. "The strongest and most cunning easily acquire a superior share in this species of property, which is to be had, not by production, but by appropriation, and in becoming lords of the land they become necessarily lords of their fellow men."²¹ But similar problems of domination can arise from ownership of the non-natural means of production. The example in section III, in which ownership of the natural resources of the island were transferred to all one hundred inhabitants of the island, while one inhabitant maintained both possession of those resources and ownership of other forms of capital, illustrates the problem that when productive resources other than natural resources remain in private hands, and inaccessible by instruments of public

policy such as income, wealth, and estate taxes, significant inequalities and forms of domination may remain.²²

George asserts that if the revenue generated from land taxation were put to egalitarian ends, a positive dynamic for increased public revenue would be unleashed, as the public provision of services tends to increase land values.²³ This is an attractive thesis that might help to allay concerns about the adequacy of the revenue generated from the land tax to provide publicly funded institutions that increase the range of persons' choices, but there remains the concern that domination may also derive from an unequal distribution of ownership of non-natural resources in conjunction with unequal possession of natural resources. Suppose rental income is insufficient to provide the majority of persons with reasonable alternatives to working for the owners-of-non-natural resources who are also the possessors-of-natural-resources. The workers will enjoy neither the same income to purchase the goods that are not provided by public funding (which might include education for their children), nor the same access to leisure and meaningful productive activity, as the owners/possessors.

Finally, people's talents and skills will be rewarded differentially in the market. The social system will as a rule benefit those whose skills and talents are demanded by others, at the expense of those with lesser abilities and talents. There might be efficiency-promoting reasons in favor of this systematic preference, but it is not at all morally neutral; nor is it obvious that those with greater abilities and talents deserve more simply in virtue of their talents and abilities. I shall discuss this further in section V.

Forms of inequality other than unequal opportunities to produce using natural resources significantly affect persons' prospects in political and economic communities. These inequalities result not from an unequal distribution of natural resources, but from an unequal distribution of productive resources and the non-morally-neutral character of the market. In order to address such inequalities many egalitarians turn to taxes on assets other than, but perhaps in addition to, natural resources, or to collective ownership of productive resources. But these remedies are justified only if persons are not necessarily entitled to full ownership of the products of their labor in virtue of their self-ownership.

The Georgist commitment to egalitarianism, expressed as a commitment to equality of opportunity to produce using natural resources, is limited in two ways by an apparently more fundamental commitment to the principle of self-ownership. First, self-ownership does not require ensuring equal conditions in which persons develop into autonomous adults. Second, it constrains the kinds of just institutional responses to inequalities. I turn in the next section to Tideman's and George's views on self-ownership.

V

If George and Tideman depart from the tradition of classical liberalism in affirming original joint-ownership of natural resources, they are in the mainstream of that tradition in affirming self-ownership. George invokes self-ownership to reject slavery and private property in natural resources.²⁴ With respect to the latter, for example, he condemns "the denial of the right of labor to its own produce"²⁵ that arises from private ownership of natural resources. Tideman invokes self-ownership to reject non-consensual organ taking²⁶ and income taxation.²⁷ Appealing to self-ownership as the reason for

rejecting income taxation is common in libertarian political philosophy. A well-known example of this is in the writings of Robert Nozick.²⁸ Surprisingly, the concept of self-ownership is never extensively analyzed in the writings of George and Tideman, but the basic idea that both seem to have in mind is that if we fully own ourselves, then we fully own our labor power. This is a relatively strong version of the principle of self-ownership, which argues against any institutional means that puts a person's labor power in the service of others by non-consensual means, such as income taxation.²⁹

In fact, however, whether libertarians can coherently criticize income taxation depends upon more than the principle of self-ownership. The criticism is on relatively firmer ground among those on the right, such as Nozick, who accept a principle of private appropriation of natural resources, than it is among those on the left, such as George and Tideman who reject private appropriation. For if a property owner may demand rent for usage, then she may demand that it be paid as a portion of the productive output of the natural resource utilized in work. If the landlord possesses monopoly ownership over natural resources, as the public does according to the Georgist view, then the payment may be demanded upon pain of denial of any other opportunity for productive labor. Compare this to taxing productive labor at the same rate. In this case requiring rent payment that is proportional to productivity is extensionally equivalent to proportionally taxing income. The moral rationale may be different, but the policy is otherwise exactly the same.

Even if income tax were always proscribed on self-ownership grounds, reasoning backwards from the evils of income taxation to the thesis of self-ownership is not very convincing. One reason for this is that although with respect to one's own tax burden, income tax is rarely enthusiastically endorsed, a great many think that it has all-things-considered a much less morally problematic status than stealing. Tideman's example of forced organ donation and George's invocation of slavery may be taken as intuitively stronger bases from which to reason backwards to the self-ownership thesis. But if these practices can be objected to on other moral grounds, then their condemnation does not require adherence to the principle of self-ownership.

Tideman's example of forced organ transfer is made in response to Rawls who, for the purposes of distributive justice, takes natural talents as "in some respects a common asset."³⁰ Rawls's overall view is not however entirely inimical to the concerns of those who invoke self-ownership for he also claims that "the more advantaged have a right to their natural assets, as does everyone else; this right is covered by the first principle under the basic liberty of protecting the integrity of the person."³¹ According to Rawls, then, the intuition that one ought to be secure in one's body is accounted for, not by the principle of self-ownership, but by the principle of basic liberty owed to all persons.

The principle of self-ownership is used by libertarians to proscribe governmental interference into market transactions, at least insofar as such interference produces outcomes that are not consented to by all parties to transaction. But the market, as I noted in the previous section, as a rule rewards the more skilled and able at a better rate than the less. Although Rawls seeks to secure the natural assets of persons in the lexically first principle of justice covering basic liberties, in formulating his second principle of justice, which covers distributive justice, he rejects the idea that a social order should reward persons simply because they have been dealt a stronger hand by social or natural good

fortune. His complete view rests then on two distinctions. One is between aspects of justice that concern liberty and aspects that concern distributions of wealth and income. The other is between the natural assets of persons and the products of those assets, most especially wealth and income. Rawls protects the assets themselves by principle of liberty, but defends, as a matter of distributive justice, distributing some of the products to persons other than the owners of the assets.

Rawls's view looks patently inconsistent through the lens of self-ownership, not so, however, through the lens of autonomy.³² In *Political Liberalism* Rawls attempts an account of the justification of his two principles of justice that rests squarely on conceptions of citizens as free and equal.³³ Freedom, Rawls takes it, enables citizens to be autonomous in two distinct ways. Rational autonomy is exhibited in a person's intellectual and moral powers, in the "capacity to form, to revise, and to pursue a conception of the good, and to deliberate in accordance with it" and the "capacity to enter into agreement with others (when subject to reasonable constraints)."³⁴ Full autonomy is exhibited in a person's conduct by complying with principles of justice, in other words by acting from them because they are just.³⁵ The complex combination of mental powers and activity that Rawls takes to be characteristic of autonomy requires both forbearance and provision from the state. The state that values autonomy must not interfere with instances of autonomous agency, but it must also provide the conditions, in the form of protections, opportunities, and resources, that make such agency possible.³⁶

Respect for autonomy is able to do the work of preserving our intuitions against slavery and forced organ transfer, which intuitions perhaps primarily incline George and Tideman in favor of the principle of self-ownership. Respect for autonomy also seems to allow a commitment to a more robust egalitarianism than self-ownership will allow and than equality of opportunity to produce using natural resources provides. I have not hereby shown that the concept of self-ownership is incoherent, but I hope to have provided reasons that diminish its appeal, especially in comparison to autonomy.

A critic might reply that the demands of autonomy, at least as I have expressed them, are contradictory. Insofar as the state must not interfere with autonomous agency, it must not engage in the revenue generating activity of taxing income to be used to provide the protection, opportunities, and resources that facilitate autonomous agency. At the most general level, this reply is not very convincing. For even the libertarian state will interfere with agency insofar as it criminalizes certain kinds of conduct. The important question to ask concerns the moral right of the person to act in the manner that the state prohibits. If autonomy does not entail that people have the right to work without having the state divert a percentage of their efforts for public ends by income taxation, then there is no inconsistency. Although the principle of self-ownership might forbid this (excepting the example raised in the second paragraph of this section), the principle of respect for autonomy does not necessarily do so since respecting a person's autonomy and coercing them to follow just laws are not incompatible.

We respect the autonomy of persons by obtaining their consent in some form to the policies and institutions of the state. If the form of consent that is required is *actual* consent, then payment of income tax on pain of penalties is a violation of respect for the autonomy of persons. But this conception of consent is implausible. Many instances of actual consent are not autonomous; they are due to coercion, deception, and a lack of a complete understanding. A more suitable conception of consent is *hypothetical* consent.

A proper account of when hypothetical consent occurs is an enormous philosophical task, a task that Rawls attempted in his account of the original position. For present dialectical purposes, nothing more needs to be said about the adequacy of any particular account of the hypothetical consent. It suffices to point out that the fact a person does not actually consent to paying income taxes, does not necessarily entail that the law requiring the payment of the taxes fails to respect the person's autonomy.

A more refined criticism of my reliance on autonomy to justify in-principle egalitarian transfers by means of income or estate taxes can accept the argument of the previous paragraph, but dispute the Rawlsian conditions of hypothetical consent in the original position, which conditions require parties to be ignorant of their natural fortune and social circumstances.³⁷ According to Rawls this is necessary in order to rule out undeserved advantages. Insulating the decision-making process from appeals based upon undeserved advantages requires deciding in ignorance of one's natural talents and abilities, one's starting place in society, and even one's character—none of which a person can claim to deserve.³⁸ Nozick presses the complaint that viewing the character, talents, and abilities of a person in this manner “is a risky line to take for a theory that otherwise wishes to buttress the dignity and self-respect of autonomous beings...”³⁹ Permitting knowledge of one's natural talents and abilities, starting point in society, and character in the original position is not identical to supporting the principle of self-ownership since it would amount not to an affirmation of a moral principle but to the introduction of considerations that according to the Rawlsian view should in principle be off-limits. Permitting such knowledge in the original position would provide the deliberative basis for parties to the original position to take the principle of self-ownership more seriously than they otherwise would have grounds for doing.

The objection that Nozick raises to the Rawlsian view that natural talents and abilities, social starting points, and character should not form the basis of distributive advantage indicates a profound disagreement—quite probably at the level of moral axioms—about the grounds of respect for the autonomy of persons. Nozick's complaint expresses a view that respect for persons is respect for the empirical person on the basis of her actual talents, abilities, character, etc. The Rawlsian position bases respect on the capacities that comprise a person's autonomy. Although respect is contingent on certain features of persons in either case, the Rawlsian vision is broader, more inclusive, and therefore more egalitarian than the Nozickean one. According to the Rawlsian vision, that for which a polity shows respect in its institutional arrangements are capacities that all normal adults can possess when provided with appropriate support for cognitive and moral development. Something of this egalitarian vision is present in Henry George's epigram that appears at the beginning of this essay.

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² Rawls rejects the welfare state and believes that the proper choice of social systems for liberal egalitarians is between liberal market socialism and a version of J.E. Meade's property owning democracy. This is stated, but often ignored in his *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), pp. 273-272. He re-iterates this in subsequent work. Cf. John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, Mass.: Harvard University Press, 1999, pp. xiv-xvi, and John Rawls, *Justice as Fairness: A Restatement*, Erin Kelly, ed. (Cambridge, Mass.: Harvard University Press, 2001), pp. 135-140.

³ Cf. Henry George, *A Perplexed Philosopher*. The relevant portions are available on the internet at http://members.aol.com/_ht_a/tma68/george.htm#equal. Accessed 5 August 2005.

⁴ John Locke, *The Second Treatise of Government*, chp. IV, sec. 27 in *Two Treatise of Government* (Cambridge University Press, 1960), p. 329.

⁵ Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), p. 178. Readers may wonder whether these two principles are extensionally equivalent. G.A. Cohen argues that Nozick's principle is weaker because it considers only the counterfactual of continued non-ownership of natural resources. See G.A. Cohen "Self- Ownership, World Ownership, and Equality," in his *Self-Ownership, Freedom, and Equality* (Cambridge: Cambridge University Press, 1995), pp. 77-79.

⁶ George, *Perplexed*.

⁷ See George, *Progress*, the footnote on p. 340.

⁸ Nicolaus Tideman, "Property Rights and the Social Contract: The Constitutional Challenge in the U.S.A" in Richard Noyes, ed. *Now the Synthesis* (London: Shepard-Walwyn, 1991), p. 56. See also Henry George, *Progress and Poverty* (New York: The Robert Schalkenbach Foundation, 1955), bk. VII, chp. 1.

⁹ Nicolaus Tideman, "Being Just While Conceptions of Justice are Changing," *The American Economic Review*, 82:2, May 1992, p. 280.

¹⁰ I say "might" because there might also be historical injustices that cannot be made right. See for example Jeremy Waldron, "Superceding Historical Injustice," *Ethics*, 103:1, Oct. 1992, pp. 4-28; Samuel C. Wheeler, III, "Reparations Reconstructed," *American Philosophical Quarterly*, 34:7, July 1997, pp. 301-318; and Darrel Moellendorf, *Cosmopolitan Justice*, (Boulder: Westview, 2002), pp. 91-92.

¹¹ The argument form *modus ponens* is: 1. If A, then B. 2. A. 3. Therefore, B.

¹² See Nicolaus Tideman's unpublished manuscript "Global Economic Justice" and George's *Progress and Poverty*, bk. VII, chp. 1.

¹³ For more on this alternative see Michael Otsuka's *Libertarianism without Inequality* (Oxford: Oxford University Press, 2003).

¹⁴ George, *Progress*, p. 336.

¹⁵ Nicolaus Tideman, "Takings, Moral Evolution, and Justice," *Columbia Law Review*, 88, 1988, p. 1724.

¹⁶ George, *Progress*, pp. 397-398.

¹⁷ *Ibid.*, pp. 400 & 404-405.

¹⁸ *Ibid.*, p. 442. See also Nicolaus Tideman, "George on Land Speculation and the Winner's Curse," *American Journal of Economics and Sociology*, 63:5, Nov. 2004, pp. 1091-1095.

¹⁹ George, *Progress*, p. 456.

²⁰ See his part II of J. Ted Gwartney and Nicolaus Tideman, "The Jerome Levy Economic Institute Conference: Land, Wealth, and Poverty," *American Journal of Economics and Sociology*, 55:3, July 1996, pp. 353-355. Nicolaus Tideman, pp. 353-355

²¹ George, *Progress*, p. 350.

²² Tideman might seek to evade this problem by invoking the Henry George Theorem. See his "The Jerome Levy Economic Institute Conference," p. 352. The theorem assumes the ability for people to move costlessly, which the island example does not instantiate, and which in reality is not realizable.

²³ George, *Progress*, p. 456.

²⁴ *Ibid.*, pp. 336 & p. 347.

²⁵ *Ibid.*, p. 341.

²⁶ Nicolaus Tideman, "Peace, Justice, and Economic Reform," *American Journal of Economics and Sociology*, 56:4, Oct. 1997, p. 678.

²⁷ Nicolaus Tideman and Florenz Plassman, "Knight: Nemesis from the Chicago School," *American Journal of Economics and Sociology*, 63:2, April 2004, p. 390.

²⁸ Cf. Nozick, *Anarchy*, pp. 167-174.

²⁹ Conceptions of self-ownership vary. G.A. Cohen has a helpful discussion of the concept in "Self-ownership: Delineating the Concept," in his *Self-ownership*, pp. 209-228. Cohen understands self-ownership along the lines of Nozick as entailing that persons have no duty (enforceable by the state) to use their powers to help others (see p. 228). This appears to be the idea that Tideman has in mind when he rejects taxation. Evidently Phillippe von Parijs relies on a weaker version of self-ownership in *Real Freedom for All: What (If Anything) Can Justify Capitalism?* (Oxford: Oxford University Press, 1998).

³⁰ Rawls, *Theory* (1999), p. 87

³¹ *Ibid.*, p. 89.

³² G.A. Cohen contrasts the different requirements of self-ownership and autonomy in "Self-ownership: Assessing the Thesis" in his *Self-Ownership*, pp. 229-244.

³³ John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), p. 26.

³⁴ *Ibid.*, p. 72.

³⁵ *Ibid.*, p. 77.

³⁶ See also the following for examples of arguments for the need to provide the conditions for autonomy: Harry Brighouse, *School Choice and Social Justice* (Oxford: Oxford University Press, 2000), chp. 4; Cohen, "Self-ownership: Assessing the Thesis;" Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1986), chp. 15; Cass Sunstein's *After the Rights Revolution: Reconceiving the Regulatory State* (Cambridge, Mass.: Harvard University Press, 1990), chp. 1.

³⁷ *Theory* (1999), p. 16.

³⁸ *Ibid.*, p. 89.

³⁹ Nozick, *Anarchy*, p. 214.