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How we come to own ourselves

Abstract

It is a puzzle as to how we can own ourselves, given that we consist of nothing but the property of others (our parents for their genetic contribution to us, and our guardians for other necessities of life). Given the people should own the products of their own property, should not our parents own us, to do with us whatever pleased them? The present paper is an attempt to wrestle with this conundrum.

Keywords

property; rights; ownership; human beings; contract

Introduction

There are many theories as to how human beings come to own land and other natural resources¹. There are even claims to the effect that human beings may properly own others of our species². But there are only two attempts, to the best of my knowledge, which even attempt to explain how we can come to own ourselves (Kinsella, 2006; Steiner, 1994, pp. 242-248)³. The present paper is an endeavor to add to this very paltry list.

In section II we offer our solution to this conundrum. We conclude in section III.

¹ For the libertarian, this is based on homesteading, or, “mixing your land with your labor.” See on this Block, 1990, 2002A, 2002B; Block and Edelstein, 2012; Block and Nelson, 2015; Block and Yeatts, 1999-2000; Block vs Epstein, 2005; Bylund, 2005, 2012; Grotius, 1625; Hoppe, 1993, 2011; Kinsella, 2003, 2006, 2009A, 2009B, 2009C; Locke, 1948; Paul, 1987; Pufendorf, 1673; Rothbard, 1973, 32; Rozeff, 2005; Watner, 1982

² For the case in favor of voluntary slavery see Andersson, 2007; Block, 1969, 1979, 1988, 1999, 2001, 2002C, 2003, 2004, 2005, 2006, 2007A, 2007B, 2009A, 2009B; Boldrin and Levine, 2008; Frederick, 2014; Kershnar, 2003; Lester, 2000; Mosquito, 2014; Nozick, 1974, pp. 58, 283, 331; Steiner, 1994, pp. 232; Thomson, 1990, pp. 283-84. In the view of Boldrin and Levine, 2008, p. 254: „Take the case of slavery. Why should people not be allowed to sign private contracts binding them to slavery? In fact economists have consistently argued against slavery – during the 19th century David Ricardo and John Stuart Mill engaged in a heated public debate with literary luminaries such as Charles Dickens, with the economists opposing slavery, and the literary giants arguing in favor.”

³ I owe this latter cite, and much else, to Lukasz Dominiak.

The analysis

How do we come to own ourselves, given that we are created from, consist of nothing but, property owned by our parents?⁴ To wit, this includes their sperm and egg, respectively, plus all of the food and other life's necessities that they also owned, and freely gave to us. Of course, the problem could be put back to a preceding generation, and, all the way back to the beginning of, if not time, then of the appearance of the first human beings. Every generation, in effect, is in the "same boat" with regard to these considerations.

It is all too easy to say that each generation makes a free gift of their children's bodies to them. That is that parents give ownership of themselves to their children. Each parent says in effect to each child, Even though every bit of you, each and every particle of you, was owned by us, we freely give to you all this material. Hence, you are now the owner of yourselves. The only problem with this answer is that yes, it applies to, probably, 99.99 percent of all parents, who want nothing more than for their children to be independent of them, able to stand on their own feet, and, certainly, not to be slaves of their parents. But, what of the other .01 percent of them, totalitarian dictators, who would like nothing more than to deny this "gift" to their progeny. Our theory must take them, too, into account, lest it be seriously deficient.

The answer, it seems to me is that human beings are unique creatures. We are the only ones, so far known to anyone, who can petition for our rights not to be invaded, and, also, respect these self-same rights of other people. That is, we, and only we, can purpose-

⁴ Filmer (1949, p. 57, footnotes omitted) posed this challenge:

"I come now to examine that argument which is used by Bellarmine, and is the one and only argument I can find produced by any author for the proof of the natural liberty of the people. It is thus framed: That God hath given or ordained power, is evident by Scripture; but God hath given it to no particular man, because by nature all men are equal; therefore he hath given power to the people or multitude.

To answer this reason, drawn from the equality of mankind by nature, I will first use the help of Bellarmine himself, whose words are these: 'If many men had been created out of the earth, all they ought to have been Princes over their posterity.' In these words we have an evident confession, that creation made man Prince of his posterity. And indeed not only Adam, but the succeeding Patriarchs had, by right of fatherhood, royal authority over their children. Nor dares Bellarmine deny this also. 'That the patriarchs' (saith he) 'were endowed with Kingly power, their deeds do testify.' For as Adam was lord of his children, so his children under him had a command over their own children, but still with subordination to the first parent, who is lord paramount over his children's children to all generations, as being the grandfather of his-people.

I see not then how the children of Adam, or of any man else, can be free from subjection to their parents. And this subordination of children is the fountain of all regal authority, by the ordination of God himself. From whence it follows, that civil power, not only in general is by Divine institution, but even the assigning of it specifically to the eldest parent. Which quite takes away that new and common distinction which refers only power universal or absolute to God, but power respective in regard of the special form of government to the choice of the people. Nor leaves it any place for such imaginary pactions between Kings and their people as many dream of."

fully accept and live by, the non-aggression principle (NAP) of libertarianism, eschewing such behavior as murder, rape, theft, kidnapping, etc.⁵ Therefore, it would be improper for our parents⁶ to claim that they own us, since we, ourselves are rights-bearing creatures, capable of embracing the NAP.

Posit the following. I create a boy out of sticks and stones, and “snips and snails, and puppy dogs tails,” or a girl out of “cabbages and kings” and “sugar and spice and everything nice.” These are just robots. They can walk and talk, but have no souls. They are no more human than is a computer. I own them, lock, stock and barrel. If I kill them, it is no more murder than if I trash my television set. But, then, one day, these two “wake up” like Geppetto’s little boy Pinocchio. They start initiating actions, not waiting for me to order them about. And, mirabile ducto, they petition for their rights. Am I still their owner? What is the case in favor of still considering them my property, to do with exactly as I please? It is that I created them out of physical matter, and “fed” them what they needed to perambulate (oil, electricity, etc), all of which I had clear property rights in. I owned these inputs lock, stock and barrel, and, therefore, I owned them. What is the case against my continued ownership? It is that they are now “human” and our fellow creatures cannot be, may not be, owned⁷.

In the view of Rothbard (1998), “What of the “Martian” problem? If we should ever discover and make contact with beings from other planets, could *they* be said to have the rights of human beings? It would depend on their nature. If our hypothetical “Martians” were like human beings — conscious, rational, able to communicate with us and participate in the division of labor — then presumably they too would possess the rights now confined to “earthbound” humans.”

This “boy” and “girl” that I just created and who just “woke up” are in the same position as Rothbard’s “Martians.” If they can pass the tests mentioned by that author, they are rights-bearing human beings, if not, then not.

But if this applies to “people” created in this artificial manner, my “boy” and my “girl,” then, a fortiori, does this apply to all of us? After all, we are “human” human beings, not artificially concocted ones, as in my examples. So, if the latter can attain self-

⁵ Of course, there are some criminals amongst us who do not live up to these standards. But, most of us do. This is in sharp contradistinction to our colleagues of field and stream who are not capable of living up to any such standards. None of them.

⁶ or their parents to them.

⁷ Unless, as adults, they sell themselves to others. See fn 2, supra.

ownership, then, even more so, may we all. And this is despite the fact that we all consist of nothing but the property initially owned by others, e.g., our parents.

But there is one relevant difference. Suppose a “regular” human child is born and grows up so mentally handicapped that he can neither petition for, nor respect the rights of others. May he be owned by his parents? Of course not. He sneaks in as a rights bearing person based on his membership in our species. Suppose now, that the “boy” I created is the robot equivalent of such a handicapped person, but the “girls” functions normally. That is, as a normal human being, albeit artificially constructed. Then she, but not he, has the protection of the NAP.

However, it cannot be denied, there is still at least a bit of tension not to say down-right logical contradiction, between the private property rights of parents in their children (since the latter consist of nothing but material “given” to them by the former) on the one hand, and on the other, the fact that all human beings are by their very nature free, and self owners. When push comes to shove, if push comes to shove (I am not sure the two principles are contrary to each other), I opt for the latter. That is, human freedom comes before “mere” private property rights. Ordinarily, the two do not contradict one another at all. That is, human rights are property rights; we each have property rights in ourselves. It is only in the case of unique challenges of this sort that the two, possibly, unravel from one another. My claim is the freedom is the “dog” and property rights are only the “tail”. The former wags the latter, not the other way around. I am comforted by the fact that the entire point of property rights is to uphold human beings, not the reverse.

Conclusion

I conclude that we all own ourselves based on the consideration that it is illegitimate to withhold such status from any human being. Therefore, we do not own ourselves because our parents gave freedom to us as a gift. Freedom is, rather, a natural right, one that cannot be given to us by our parents or anyone else. As for those .01 percent of parents who wish it were otherwise, well, “if wishes here horses, then beggars would ride.”

Have I nailed this issue? Possibly, not; no, probably, not. Why then, publish? Is it not premature to do so when even an author thinks his contribution may well be incomplete? No. Publishing an article in a refereed journal does not mean it is that last word on any given topic. That is nice, but cannot always be attained. Another goal is to make a contribution; any contribution. To move the ball forward, as they say in many sports. Hope-

fully, this effort of mine will help in the process of explaining, definitively, why we own ourselves even though we consist, solely, of material initially owned by others. All scholars have to help each other in endeavors of this sort, and this is my attempt to get us one more millionth of an inch closer to the Truth, with a capital T.

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