

Feminism and Libertarian Self-Ownership¹

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1 INTRODUCTION

Liberal feminists have an ambivalent attraction to libertarianism. On the one hand, libertarian political theory offers the prospect of freedom from lopsided, unchosen obligations, such as the majority of family responsibilities, that have been unfairly laid upon women. On the other hand, libertarian economic freedoms place few obligations on the state to care for those who cannot care for themselves, which leaves many women with a bad set of options. Women's traditional upbringing puts them in a poor bargaining position when it comes to dividing up shares of otherwise unmet needs by dependent others. Women have been conditioned to see and respond to needs and often find it difficult not to respond when the state or someone else does not fulfill those needs. But by offering care in the breach, so to speak, it seems (or can be made to seem) to be voluntary and uncoerced. Furthermore, women are themselves sometimes in need of care, and in the libertarian state would not be able to receive it as a matter of right.

The normative foundation for asserting this radical freedom from the claims of others is the idea that individuals are sovereign over their own bodies and therefore cannot be made to use their bodies for any purpose that they do not choose. Eric Mack defines self-ownership as "the thesis that each individual possesses original moral rights over her own body, faculties, talents, and energies." He explains that it is a moral thesis about "the moral inviolability of persons—an inviolability that is manifested in the wrongfulness of unprovoked acts of killing, maiming, imprisoning, enslaving, and extracting labor from other individuals. ... the rights of self-ownership provide individuals with the moral immunities appropriate to beings whose lives and well-being are of separate and irreplaceable moral importance" (Mack 2002: 76).

Libertarians assert the thesis of self-ownership as both a moral and political ideal. The self-ownership thesis connects persons to property rights, asserting that agents have, initially, all of the rights over themselves—their bodies, ideas, and thoughts—that one

can have over external things. Such rights include the right to use, control, and benefit from one's self, as well as the right to transfer and enforce these rights. Beginning from the right of self-ownership, along with some other assumptions about our rights to the common stock of goods in the world, libertarians then claim to be able to derive exclusive rights to property in other things as well as negative rights against interference by government. While so-called left and right libertarians differ on how the goods will be shared, most agree with the thesis of self-ownership.

The self-ownership thesis thus described has been criticized for not allowing trivial infringements (e.g., minor pollution) or infringements that produce great moral good for very small sacrifices (Sobel 2012; Wall 2009). These objections question the strength of the rights involved with ownership in a world in which there are vulnerable others in need of temporary assistance. Although there are many things to say about property rights and especially property rights in persons, I am not going to wade into debates about ownership here, because I believe that both sides grant a more fundamental assumption that has not been sufficiently interrogated, of which feminists are most skeptical. In particular, I want to examine the metaphysics of the *self* that is being assumed in the libertarian concept of self-ownership. Namely, I want to examine the claim that the self is metaphysically separable from others completely and throughout its life. I will argue that the self is essentially, metaphysically constituted by its connections with other selves. If the human self cannot be neatly separated from other selves, what implications would that have for the thesis of self-ownership and libertarianism?

The metaphysics of the person that is assumed by libertarians is an atomistic individual. Take Murray Rothbard's (1998) discussion of the Robinson Crusoe model of the self in the *Ethics of Liberty*. Crusoe is imagined to have landed on an island with amnesia, so that he has to learn or relearn everything completely on his own (Rothbard 1998: ch.6). Such a view portrays individuals as if, in Hobbes's colorful metaphor, "sprung up like mushrooms": born from spores flung off by ancestor mushrooms, independent of any efforts of other beings. Human individuals are also seen as rational without any training complete and competent to survive in themselves, and able to enter voluntary relations on a footing of relative equality. All of their relations with others are treated as if consciously chosen. But persons and relationships are not really like that; we come into the world through the great effort and pain of others, utterly dependent, and as we develop we find ourselves enmeshed in relations with others that we cannot choose to have nor readily leave. Now the libertarian will grant these facts and yet hold that this model of the atomistic self, while it is literally false, makes the individual person the proper subject of moral theory. But I do not see how this can be done in a non-question-begging way. Furthermore, by assuming persons are or can be that atomistic individual, we dismiss a significant portion of our lives in which we are dependent on others and undervalue the great efforts of those who have mothered and nurtured us. We undermine the freedom and dignity of those whose lives cannot achieve such independence and the obligations we have to them.

In this chapter, I critique the libertarian self of the self-ownership thesis and offer a feminist and relational understanding of the metaphysics of the self that recognizes our dependence on and connection with others. I argue that self-ownership, as a basic concept, need not reject unchosen obligations to others. Finally, I propose a version of self-ownership that accepts these obligations and also clarifies our ability to consciously

reject attributed identities that we wish to abjure. This version of self-ownership, which might be called “connected self-ownership,” is, I argue, a version that could ground a libertarianism that is plausibly feminist.

2 LIBERTARIAN SELF-OWNERSHIP: WHAT IS OWNERSHIP?

Work on libertarian understandings of self-ownership has focused on clarifying the ownership rights that an individual must be granted. In their *Stanford Encyclopedia of Philosophy* article on libertarianism, Peter Vallentyne and Bas van der Vossen specify what they call full ownership rights. They write:

Full ownership of an entity consists of a full set of the following ownership rights: (1) *control rights* over the use of the entity: both a liberty-right to use it and a claim-right that others not use it, (2) *rights to compensation* if someone uses the entity without one’s permission, (3) *enforcement rights* (e.g., rights of prior restraint if someone is about to violate these rights), (4) *rights to transfer* these rights to others (by sale, rental, gift, or loan), and (5) *immunities to the non-consensual loss* of these rights.

(Vallentyne and van der Vossen 2014)

By granting all of these rights, they claim that we can be sure that individuals thereby have the maximal set of rights over whatever they own. Vallentyne and van der Vossen go on to list a number of objections that have been raised to libertarianism that they claim follow from the understanding of ownership and the strictness of the idea that self-ownership entails the maximal set of ownership rights. Although ownership and maximal ownership is not the concept I will focus on, it is worth considering a few of these objections here in order to see what might be gained by rejecting the libertarian self-ownership thesis.

The libertarian self-ownership thesis asserts this maximal set of rights by a self over, as G. A. Cohen (1995: 214) puts it, “a particular body, by the person whose body (in the natural sense) it is.” The self thus by right controls its body and has a claim right against others using it. It has compensation rights if anyone uses the self’s body against her permission and enforcement rights to protect and defend these rights against incursion. The self has the right to transfer these rights to others by sale, rent, gift, or transfer and immunities to the non-consensual loss of these rights. Many would argue that these are too extensive and that, for example, a self ought not have the right to transfer ownership rights to others, to enslave itself. But the libertarian who wishes to uphold the maximal set of rights is hard pressed to reject the right to enslave oneself without having to make *ad hoc* restrictions on the set of rights.

Steven Wall (2009) objects to self-ownership on the grounds that it does not permit very plausibly allowable violations of the strict boundaries it draws around the self. He explains that libertarian self-ownership asserts rights that are both stringent and extensive and cannot be overridden by welfarist or perfectionist considerations. “Libertarians hold that self-ownership rights are stringent in that they are never (or only rarely) overrideable by these considerations.” Furthermore, “the rights included in the self-ownership set might cover just a few aspects of the person or a mere sampling of his powers.

By contrast, libertarians hold that the set of self-ownership rights to which they are committed is very extensive" (Wall 2009: 400). He then offers the example of the drowning child, who is in shallow water where a passerby could easily wade in to save it. According to the strict libertarian self-ownership thesis, the passerby could not have an enforceable moral obligation to save the child. Even if one is willing to bite the bullet to accept this outcome, the stringency of self-ownership entails that even very small inadvertent trespasses against someone would be ruled out, regardless of the benefits that might be attained. As Vallentyne, Steiner, and Otsuka point out, "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" (Vallentyne, Steiner, and Otsuka 2005: 211). Worse, Wall argues, the self-ownership thesis does not permit even soft paternalism, the sort that works to move persons in the direction of their own best interests through sub-intentional nudges by well-meaning others. Self-ownership, interpreted by the libertarian, is subject to these plausible objections because of its stringent and extensive understanding of ownership rights.

Although the above-mentioned list of rights constitutes the maximal set of negative rights, it is not necessarily the maximal set of rights or freedoms if positive rights or capabilities are considered to be equally important aspects of freedom. Differences in abilities, disabilities, talents, and starting endowments of many kinds will confer different sets of things or opportunities that one has a right to access. There will be those selves who need assistance if they are to be able to exercise any of their rights, even the basic right of control over their bodies, much less the right of enforcement. Unless there are persons who will gift the uses of their bodies to such vulnerable persons, they will have no ability to survive, let alone thrive as a member of a community.

The libertarian may well say that such is the price of liberty. Given that we are separate selves who have abilities to choose our actions and obligations, to have that power taken away from us is to enslave us against our wills; our liberty depends on our being able to enforce our separate boundaries. In other words, the libertarian is forced to bite some ill-tasting and dangerous bullets to withstand the pain of these objections, because the self and its rights are the moral fixed points for this theory. But if libertarianism has the wrong conception of the self, then this may also be the wrong conception of liberty.

3 LIBERTARIAN SELF-OWNERSHIP: WHAT IS THE SELF THAT OWNS?

In the libertarian literature, there is little discussion of the ontology of the self within the community of other selves. The question of what is the self that owns has been taken up from the perspective of standard metaphysical theories of personal identity in Feser (2005). His examination still takes for granted that there is an individual self that can be isolated from its community, the assumption that I will bring into question here. The self is taken for granted to be a separable individual with no essential ties to other things, including other selves. That is, it is a thing that thinks and acts in and of itself. The self is understood as a primitive ontological entity, whose attributes and boundaries have a naturalistic interpretation: "the person whose body (in the natural sense) it is" (Cohen 1995: 214). But this is question-begging. Why should we understand the self as constituted by "its" (itself a question-begging possessive) body?

In their article "Self-Ownership," Douglas Den Uyl and Douglas Rasmussen offer the closest thing to an argument for this atomistic constitution of the self. They offer three statements for the reader to "consider":

- "This is my body."
- "These are my faculties, talents, and energies. I possess them."
- "This body, these faculties, talents, and energies are mine, not yours."

They infer: "It is evident that one has *de facto* possession and, to some extent, control over one's body, faculties, talents, and energies—that is to say, 'one's constitutive ontological properties'" (Den Uyl and Rasmussen 2003: 50). The argument is not entirely clear. One interpretation is that *because* the self "has *de facto* possession, and to some extent, control" over the self's "body, faculties, talents, and energies," these latter things are the constitutive ontological properties of the self. But one could also have *de facto* possession and to some extent control over a house, and that does not make the house ontologically constitutive of the self. Another interpretation is that the argument hangs on the consideration of the statements themselves. In that case, the argument for what the self is rests on the use of the possessive "my" and "mine" to name the self that possesses. But this is either unhelpful because it may not be the atomistic self that is being named, or question-begging because merely offering a name is not to answer the question of what the thing is. So we cannot take this to be a valid argument for the atomistic ontology of the self but rather a mere description of it.

The atomistic self is seen as complete and whole in itself, with boundaries that separate it from its social and natural environment. This atomistic separation has at least two distinct aspects: causal and definitional. By *causal*, I mean self-sufficient without the need for other selves to feed or otherwise nurture it. This is important for the atomistic conception that supports the libertarian self-owner because of the connection with labor and ownership. If the self is not self-sufficient, and it relies on the labor of others, then it does not self-evidently own itself. By *definitional* I mean that the self's body can be delineated as a unique thing with its own traceable boundary. This is important simply to be able to name a self that is separate from other selves. If its boundary is vague and bleeds over onto the territory of other selves, then there is at least part of it that is shared with other selves. Thus the self of the libertarian self-ownership thesis requires a clear, delineatable boundary.

While there are points in the life of the individual body that make it appear self-contained and self-sufficient, there are many other points in the life of that individual that are neither causally nor definitionally separable. The self comes about through a process that intimately involves other selves and is enmeshed in a social world and socially constructed environment that combines with a person's genetic makeup to create their specific attributes. At any given point, a body cannot be neatly and uniquely picked out as separate from its surroundings. It is in constant interaction and negotiation with its environment in ways that change and constitute it as a living and continuously changing being.

Naturalistically, a human individual body begins to take a definite identity in the bodies of others as a sperm and an ovum that come together and attach to the body of another individual who is already a self. The development of this embryonic self is determined

not only partially by the genetic code inside it, but also partially epigenetically. The developing self is determined by the epigenetic expressions caused by its somewhat plastic genetic makeup as it reacts to the exterior environment it faces, first as it develops in utero within the body of a person who is living, breathing, facing social and emotion challenges, and taking in nutrition in a social world, and then independently in the external, socially effected world. Thus, even the natural genetic makeup of the human individual is in part socially constituted.

The self who can be a self-owner is a person, not a mere thing. Persons come into being through natural and social processes of development, the completion point of which is not precisely determinate but is socially influenced. The point at which this developing individual is said to be a person, complete in itself as an identifiable person, is also socially determined. Some communities identify personhood at the point at which there is a complete human genetic code, which means that the ability to think or even move let alone labor, is essential to persons, and its being inside and completely dependent on others is inconsequential for its ontological existence. Other communities identify the point at which a human individual is physically viable outside of another body, and still others the point at which it has learned attributes such as the ability to respond to others intentionally. Given the fundamental, ontological changes to the being at each of the points, it makes little sense to argue that there is one that must be chosen as the necessary beginning of personhood: it is a socially determined point for social purposes of defining the morally significant self. The point of personhood, at which ownership rights are attributable to it, is thus socially determined. Therefore, we must inevitably choose how to define the self to whom we assign ownership.

The libertarian self of self-ownership emerges only when it is possible to distinguish and define it clearly, and when it can be causally self-sufficient in at least the most minimal sense. This comes at a later point of human development than the three points just mentioned. Selves are not reducible to or even definable by the naturalistic definition of their bodies. Persons have mental states, including ideas that could also be said to at least partially constitute their personal identity, and these ideas can conflict with aspects of the bodily reality. Transgender persons, for instance, self-identify as a gender different from what has been attributed to them by a naturalistic understanding of their bodies. Thus, their ideas or mental states contradict their natural bodily identities. While we once privileged the latter in identifying these persons, now it is commonplace and, many would argue, morally required that we privilege the former. Gender is a socially defined attribute, connected no doubt to natural attributes of bodies and natural reproductive functions but not reducible to or determined by those natural attributes. This means that there is a mentally and socially determined aspect of the self in addition to the bodily aspect of the self. If we say veridically of some person that she owns herself, we are necessarily invoking both mental and social aspects of her self in addition to bodily ones. The self is not only her naturalistic body but also a socially determined and mentally encoded understanding of that body.

Even setting aside self-identification issues, like gender or race, that are necessarily social, there is more to the sociality of the self than just the fact that its body needs others to help care for and nourish it, though those are socially and morally important factors. There is a more ontologically important aspect of the embeddedness of selves who can be choosing subjects. Because the self is in part constituted by its mental states, soc

connection is fundamental to its constitution. Families and communities provide the structure within which we understand the world through the language, institutions, and social norms they provide for us. Although individuals respond to these structures in individual and unique ways, those reactions make sense only within and through the senses and meanings that these structures allow. To put it another way, our choices only become choices rather than just random behaviors through the meanings that social structures provide (Heidegger 1962; Winch 1958; Taylor 1989). Social institutions are always already there; we then take them and make our individual contributions to the norms and institutions we live with that alter them for our collective future, but we are not subjects without them.

There is much philosophical work on what a person is, what a self is, and this work should be brought to bear in understanding the self-ownership thesis just as the work on ownership has been. Feminist thought offers alternative theories of the human self as ontologically connected rather than separate (Willett, Anderson, and Meyers 2015). Feminists have pointed to the importance of considering central and defining experiences of human life involve being dependent on others for physical care and mental and emotional development and, reciprocally, giving this kind of care to others. Thinking about dependency and care shows us that atomistic individualism is a mistaken ontology of the self. Dependence is a basic fact of human life at least in the beginning and often in the end and at points in the middle (Kittay 1999). For most of us, much of our lives are spent in empathic connection with others, taking and giving help and care in a symbiotic relationship. The independence depicted in the libertarian self-ownership thesis is at best a temporary achievement.

Self-ownership is a socially privileged identity that is not achievable by all. The self-owner must own some things aside from a body and have some skills or abilities in order to live as an owner. Those who do not are not able to exercise their rights of ownership over their bodies. Those who are weak or disabled cannot exercise their right of enforcement over incursions against their rights. The independent self-owner needs to be free of charges who lay claim upon them and disrupt their ability to choose a course of action. One cannot be the cause of one's own life if one is constantly having to change course midstream to respond to the needs of others. Those who are vulnerable to being pregnant can have their ability to define their own identities taken away. Libertarians have rarely considered this as an affront to self-ownership, but surely it is, and the neglect of enforced pregnancy by libertarians belies an androcentric privilege.²

The ideal life of the self-owners contrasts sharply with the lives of the oppressed. Oppressed persons uphold the self-ownership of the privileged by appearing inferior or doing their bidding. The oppressed do not own their bodies but rather must make their bodies available for the privileged at a cost much less than if they were social equals. The oppressed make the privileged feel like self-owners who control their own bodies and guide their own lives. Oppression often involves labor that upholds the self-ownership of the privileged, whether in the form of physical or emotional labor.

In addition to being androcentric and privileged, the ideal of self-ownership is illusory. Thinking of oneself as owning oneself or authoring one's own life is a *false belief* of the privileged. No-one comes into the world as a complete and capable self or even as a person at all. As we have seen, there is a physical and material aspect and a linguistic and metaphysical aspect to this claim. Everyone needs both great personal care and constant

attention in order to survive childhood to become a thinking, choosing, investing being. Everyone needs others to learn a language, even to have a language to learn. There can be no thinking, choosing, trading, or investing without meaningful choices that are rendered such only by a language and social norms. There is no person or human self without others. The self-owner cannot own the self without owing others a great debt for its very existence as well as for its choices.

The libertarian might respond that while the atomistic individual is a literal falsehood, we can take it to be an ideal concept for our theory of justice. But in what sense is the atomistic individual an ideal? We can take this idealization in either an epistemic sense, in which the ideal is a kind of model or simplified theory that aids explanation; or in a moral sense, in which the ideal is something to be aimed for. Some epistemic ideals provide us with simpler forms that are literally false but allow tractable models to be constructed, and their value is to be seen in the explanations that the resulting theory allows. Interpreted in this way, the value of the atomistic individual ideal is to be seen in the value of the overall picture it provides for us to understand social and political life. But since the falsity of the atomistic individual is precisely that it ignores connections to others, we cannot take the resulting libertarian theory's rejection of the importance of unchosen connections to the understanding of the self. The moral sense of the ideal is even more question-begging when applied to the atomistic self of the self-ownership thesis, since it is precisely the atomism that is appealed to in justifying the rejection of unchosen obligations to others.

The libertarian might also reject the idea that the self can owe a debt when the self did not voluntarily choose to come into being. But this voluntarist model relies on a liability model of responsibility, which holds that we are only responsible for those events that we caused in the past. On a voluntarist model of obligation, we only owe a debt for those actions for which we are responsible in this way. It is necessarily backwards looking. Since the self did not cause the actions that gave rise to it, the self cannot be responsible for them and therefore owes no obligation to those who created them. The social connection model of responsibility, developed by Iris Young (2003; 2006), recognizes that we live in an interconnected social world, in which individuals are constrained but also constituted by social and structural forces that no one of us can construct or alter. As we become acting selves, our actions contribute to these forces, in the sense that if enough of us acted differently, they would change. Since collectively we will inevitably create these forces going forward, we ground responsibilities for individuals to act collectively. In this way, the social connection model becomes forward looking, obligating us to take shared responsibility for collective action to create a just future for the current and future selves that will come into existence.

The ground for responsibility on the liability model is causal efficacy. The liability model requires the actor held responsible to have been a necessary link in the causal chain from action to harm. It requires that the counterfactual—that had the actor not so acted, the precise harm would not have occurred—be true. The social connection model grounds responsibility on the contribution that our actions inevitably and even involuntarily make to existing conditions and social norms as a result of our social connections to each other. Contribution is quite a bit weaker than causation, since the individual contribution is not necessary for the injustice to occur. But there is a connection to causation in the sense that the contributions of the collective of individuals cause the injustice

We could say that a contributing action is an individually insufficient and unnecessary part of a necessary and jointly sufficient set of conditions for the injustice to occur. The relevant aspect of causation involved in social connection is the hypothetical and forward-looking aspect: the insight that by working collectively, we could change conditions. Thus, we could say that one is responsible on the social connection model when one could act collectively with others to create just conditions or halt a social injustice.

The self who owns is a self in debt to its family and community, but it is a prospective debt to be paid looking forward. One could not bargain, trade, or even ask for the care one needs as an embryo or an infant to become a self, yet this care makes possible everything that comes after. Selves are enmeshed in their social world from the beginning, owing debts to their families or community who created the conditions that physically nurtured them and to the larger society that gives their actions and desires meaning. It may be suggested that if we all owe such debts, perhaps we can collectively forgive them. Each individual who pays it forward to the next generation is the one who must forgive the debt of its offspring, and this can be done collectively. While this is perhaps a good idea for moving forward, it is not the libertarian starting point of the atomistic self-owner.

4 A FEMINIST CONCEPTION OF SELF-OWNERSHIP: CONNECTED SELF OWNERSHIP

Despite the androcentrism and metaphysical confusion surrounding the ideals of self-ownership, liberal feminists are still somewhat attracted to this ideal because of its implications for bodily autonomy. After all, if one owns one's natural body, then at the very least one has a right not to have it violated against one's will or to be subjected involuntarily to violence and trauma. For women, who reasonably fear rape and domestic violence, or men who are members of vulnerable social groups, bodily integrity and autonomy are paramount concerns. Bodily autonomy implies at a minimum the ability to avoid invasion of or violence to one's body. Women are too often the victims of violence, rape, and sexual harassment, all of which violate bodily autonomy at a fundamental level. For women and therefore also for feminists, a political philosophy must respect bodily autonomy as a fundamental value.

One of the most immediately appealing aspects of libertarian self-ownership is that it appears to enshrine bodily autonomy as a fundamental value (McElwee 2010). However, taking bodily autonomy to be a type of ownership right that is the same kind of rights that we have over things can serve to reduce the strictness of rights to bodily integrity that feminists demand. Libertarian debates over what self-ownership entails do not seem to uphold bodily autonomy as a bright line when, for example, the strategy of cross and compensate is contemplated (Nozick 1974; Sobel 2012). Cross and compensate is the strategy of violating some right and compensating for the trespass afterwards. Allowing the trespasser to cross one's field and then compensate one for the damage or use makes sense in order to increase freedom and allow for someone in urgent need to preserve themselves. This strategy makes sense when we are talking about a cabin in the wilderness but not when we are talking about a person's body. While a cabin can be cleaned up, restocked, and repaired (or even rebuilt) without loss, a person may not be able to be compensated for a violation of bodily integrity. This is most obvious if the person is killed or violated

so grievously that they lose consciousness. For another thing, a forcible violation of one's body can so damage one's psyche that the future is diminished in quality. We each have only one life, and within that life, the moments are irreplaceable. Although some might choose to sell or give away some of those moments, having them forcibly taken away is not something that the trespasser can assume anyone would allow or could be fully compensated for at any price. Finally, forcible violations of bodily autonomy can make difficult or impossible to maintain the social connections that partly constitute the self. Given the importance of bodily autonomy, the ownership rights of self-ownership that permit after-the-fact compensation may not be stringent enough to protect a basic need of a connected self, that is, to be able to feel secure in one's body.

Guarantee of bodily autonomy is an important protection for a self that is connected because it is crucial for persons to be free of violence in order to trust in others. Trust is foundational to being able to connect with others, for without trust one cannot fully engage empathically with others; every interaction becomes strategic. Furthermore, the self's body cannot be equated with other objects that are owned—there is a special relation that one holds to one's body, as we have seen, which makes possible the connected self. A connected self realizes its identity in and through its engagement with others. In social interaction, we act according to norms that give our actions meaning, and in turn we hold others to these norms by agreeing, endorsing, and supporting their actions or disagreeing with, criticizing, or cajoling them for what we see as wrong, inapt, discordant. Such interaction, to be affirming, requires trusting relations. We must assume that others are basically reacting authentically, truthfully, and non-violently.

The thesis of connected self-ownership is the claim that the individuals, who are inevitably enmeshed in their social relations, have the maximal set of rights over their bodies that is consistent with maintaining social connection, and with other selves having like rights over their bodies. This thesis puts the connected self at the center of moral and political legitimacy, and protects bodily autonomy in a way that a feminist can support. It also places mutual obligations on each other to create community and share in the burden of care for other selves.

5 A PLAUSIBLY FEMINIST LIBERTARIANISM

If we begin with this interpretation of self-ownership as involving a connected self and the self who owns its body and assert the thesis of connected self-ownership, then we can devise a libertarianism that is plausibly feminist. Maximal connected self-ownership rights look somewhat different, however, from the standard libertarian version of maximal atomistic self-ownership. The basic strategy for delimiting the rights of a connected self-owner is to find the minimum constraints on a person's bodily autonomy consistent with there being a community that upholds the norms necessary for connection. And these rights must be consistent with similar rights for others.

The connected self must control its body in the sense that it must be able to preserve its bodily integrity against all forcible incursions; it must have the right but also the means to do so. But the debts that the connected self owes for its physical development means that it cannot have an unassailable claim right against others using it. While the connected self must be permitted to choose how to contribute, it owes a contribution. To maintain social

connection, the connected self must be seen to do its part, but it has latitude in choosing how to do its part, because its bodily autonomy must be respected, too. The connected self thus has non-voluntary imperfect obligations to contribute. Such obligations are difficult to enforce, but I would not say it is impossible or impermissible to do so. A long period of free-riding on the contributions of others should garner one social opprobrium at the least, and quite possibly taxes or fines, though perhaps not directly forced labor out of respect for bodily autonomy.

It might be objected that if these non-voluntary obligations are enforceable, then bodily autonomy is being sacrificed to community whenever the obligation is enforced. Social opprobrium is coercive, after all, and so are taxes and fines. While this level of violation of bodily autonomy does seem inevitable, there are two reasons that connected self-ownership is nonetheless still to be preferred to atomistic self-ownership on this point: first, because atomistic self-ownership maintains a false metaphysical theory of the self; and second, because the atomistic self-ownership theory leads also to violations of bodily autonomy by omission rather than commission. That is, some persons in need of care will either be neglected or coercion will play a role in determining who will provide care. Where no-one will provide care, it falls to the one whose oppressive upbringing and social power makes her the most subservient and dutiful. Caregivers who thus step into the breach when no-one else will provide care are doing so under duress, not voluntarily. While the atomistic self-owner theory will call this voluntary care, feminist work has enabled us to see that it is in fact a non-voluntary response to an unequal, socially created sense of duty (Folbre 1994).

Other aspects of the maximal set of rights are similar to those of the self-owner ideal. The connected self has compensation rights if anyone violates the self's bodily autonomy against her permission and enforcement rights to protect and defend these rights against incursion. The connected self has the right to transfer these rights to others by sale, rent, gift, or transfer and immunities to the non-consensual loss of these rights. The connected self will incur greater obligation to help others in their protection and enforcement of these rights, however, since the connection to others means that the loss of rights for one means a loss of rights for others as well.

Such a libertarianism of connected selves, if generally accepted, will give up the apparent freedom of isolation but in return will gain the ability to count on the help of others by motivating in the community a broader-based sense of obligation and desire to uphold a community as essential for the connected self's very existence. So it could avoid the problem of the drowning child, because there are affirmative obligations that a connected self must perform. To leave the drowning child to drown destroys trust within a community and undermines the connections that constitute selves within it. This obligation to uphold trust must have its limits, which are set by the imperative to uphold bodily autonomy. But exploring those limits is beyond the scope of what I can do here.

The problem of trivial infringements likewise could be solved with the libertarianism of connected selves because of this balancing of right and obligation. Trivial infringements do not seriously undermine bodily autonomy, and yet it is arguably necessary to tolerate them in order for there to be a workable social order. Take the example of putting out a fire that sends a small bit of stone 100 yards away, where it lightly flicks my hand. This is a minor infringement of my bodily autonomy that must be tolerated in order for there to be people willing to help or even interact with each other.

My goal in this chapter has not been to argue for or against libertarianism but rather to critique the atomistic self of the libertarian self-ownership thesis and to ask whether there is a conception of self-ownership that could be metaphysically sound, acceptable to a feminist, and still support libertarianism. This final section of the paper has merely gestured in the direction of the latter task. I have argued that a metaphysically sound, feminist conception of self requires that we see the self as inevitably and essentially connected to others rather than as an atomistic, complete individual free of all debts to any others or society. A libertarianism of connected selves needs further consideration to decide whether this could be a form of libertarianism at all or whether it is better viewed as a negation of libertarianism. However, it may be the case that accepting the thesis of connected self-ownership not only fulfills the first two goals but also could have benefits in defending libertarianism against some of its common objections.

NOTES

1. An early version of this paper was presented at the Central States Philosophical Association meeting in Lexington, KY on 6 November 2015. I am grateful for comments from the audience and especially to Anita Superson for the opportunity to present the paper as the keynote. I am also grateful to Rafael Martin for help with the initial research for this paper.
2. It is telling, I think, that Vallentyne and van der Vossen (2014) list compulsory military service but not rape or enforced pregnancy as kinds of slavery that self-ownership rights protect against. Rothbard is an exception to this rule. He argues that the right to abort is implied by self-ownership (1998: 98).

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