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Left and Right-Libertarianism

ABSTRACT

In the paper I discuss theoretical differences between left and right-libertarianism. (I will skip the specific and practical issues which differ left and right-libertarians, including among others the minorities and immigration policies or affirmative action. I assume that practical solutions suggested by the followers of both positions stem from their theoretical assumptions.) I will focus on two issues which determine the fundamental difference between left and right-libertarianism. These are property and equality.

I compare standpoints of some left-libertarians with the positions of right-libertarians represented by Murray Rothbard, concerning property and equality. I conclude that the main and fundamental difference between left- and right-libertarians concerns equality. Left-libertarians are egalitarians whereas right-libertarians are anti-egalitarians. I also argue that egalitarian position is not compatible with the notion of full self-ownership, which left-libertarians advocate for.

Keywords:

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1. INTRODUCTION

Libertarianism is a theory of the contemporary political philosophy. In contrary to liberalism and communitarianism, which are based on the notions of liberty and community, libertarianism is a theory whose pivotal concept is property. One thinks about libertarians as neither rightist nor leftist. Libertarians, generally speaking, are conservative at economic level (they advocate low taxes and minimal or no state at all) and liberal at moral level (they allow for drugs and prostitution). Although libertarianism is perceived as coherent and distinctively different from liberalism and communitarianism, it is at the same time inherently diverse. We can distinguish left and right wings within it.

What is common to left- and right-libertarians is their attitude to self-ownership, property, and the state. Both of them argue that everyone (meaning an adult and a conscious person) is the owner of himself/herself, conceive property rights as the basic individual rights, and consider the state as the biggest threat to self-ownership and, consequently, private property. They differ with respect to equality and consequently to the scope of property. Left-libertarians are egalitarians and proponents of limited-property rights; whereas right-libertarians are anti-egalitarians and proponents of absolute property rights.

2. SELF-OWNERSHIP

The basic notion of left and right-libertarians, which differ them from liberals and communitarians is self-ownership.

Peter Vallentyne, left-libertarian² claims, that people have full ownership of themselves. Full self-ownership includes: “(1) full *control rights* over (...) the use of their persons, (2) full *rights to transfer* the rights they have to others (...), (3) full *payment immunities* for the possession and exercise of these rights (...)” (Vallentyne, 2000, p. 2).

Left-libertarians argue that everyone (an adult and a conscious person) has full right of control over one’s person (to decide what others can do with it) and full rights to the transfer of one’s rights (sale, loan, gift). Right-libertarians also accept the notion of full self-ownership and the dimensions of self-ownership.

² Left-libertarianism is represented by Peter Vallentyne, Hiller Steiner, James Grunebaum, Michel Otsuka, Philippe Van Parijs, Baruch Brody, and Alan Gibbard.

Murray Rothbard, right-libertarian defines right to self-ownership as “the absolute right of each man, by virtue of his (or her) being a human being, to «own» his or her own body; that is, to control that body free of coercive interference” (1985, p. 28). According to Rothbard natural ownership over his self is “the natural fact of his mind” (1998, p. 31).

Left- and right-libertarians agree that from the right to self-ownership one can derive the rights to external things.

Rothbard who derives rights to external things from the right to self-ownership, refers to the notion of projection. This position assumes that one becomes an owner of an external thing, when one mixes one’s labor in it.³ As in a case of a sculptor, who mixes his labor in the clay and transforms it. Rothbard argues that people are owners of themselves by virtue of being humans. And since they are not “floating wraiths” they need external things in order to survive. Thus, according to Rothbard, there are: “ownership of one’s own self, ownership of the previously unused resources which one has occupied and transformed; and ownership of all titles derived from that basic ownership – either through voluntary exchanges or voluntary gifts. These rules – which we might call the «rules of natural ownership» – can clearly be applied, and such ownership defended, regardless of the time or place, and regardless of the economic attainments of the society” (1998, p. 43).

Also Samuel Wheeler derives the rights to external things from the right to self-ownership. He argues that property rights can be derived from the rights, which people have with respect to use their bodies. These are natural rights. (These rights are, in turn, derived from the right which every person has to his existence) (2000, p. 241).⁴ “If a person has a natural right to move and use his body – writes Wheeler – then it is morally wrong for another to force him to move his body or for another to use his body in ways the person doesn’t choose, at least in standard cases” (2000, p. 229). Wheeler, contrary to Rothbard, offers incorporation argument, which holds, that derivation of property rights with respect to one’s body is derived from the fact that things, one has right to, can become part of one’s body. Then he argues that since there is nothing wrong with creating an artificial leg by using some “unwanted stuff from the dump”, so there is nothing wrong in “person’s incorporation of virtually anything” (2000, p. 236). Then he goes

³ Rothbard refers to Locke’s famous words: “(...) yet every man has a property in his own person. This no body has any right to but himself. The labour of his body, and the work of his hands, we may say, are properly his. Whatsoever then he removes out of the state of nature hath provided, and left in it, he hath mixed his labour with and joined to it something that is his own, and thereby makes it his property” (1982, p. 18).

⁴ Wheeler calls it the “right to agenthood” (2000, pp. 241–242).

on to say that “legitimately acquired clothing is for moral purposes artificial fur, i.e. an artificial and always detached body part [as artificial and detached leg – D.J.]” (2000, p. 236). Subsequently, he holds that homes which belong to individuals are similar to the “houses” which are possessed by turtles and snails, i.e. shells. Finally, he extends his argumentation to other external things⁵, arguing that any line between bodies and non-bodies cannot be drawn. An individual has transfer rights which are also derived from the right to use one’s body. Wheeler assumes that since we have the right to transfer our body parts, we can also have the right to transfer artificial body parts and, consequently, other external things. “Property – argues Wheeler – i.e. artificial body parts, can be just as important to our agency as «natural» body parts” (2000, p. 242). Thus there is no difference between “eliminating my ability to play softball by taking my knees away and eliminating my ability to play market by taking my money away” (2000, p. 242). Wheeler concludes that theft and taxation are only different forms of the same kind of violation of self-ownership rights (2000, p. 242).

Both left and right-libertarians assume that we should start our discussions of property from the notion of self-ownership. They argue that from the right to self-ownership the rights to external things can be derived. They both agree that every violation of self-ownership and property rights which are derived from self-ownership must be considered unjust and be punished.

3. PROPERTY

Although left- and right-libertarians maintain that the fundamental rights of individuals are property rights, which can be derived from the self-ownership, they differ with respect to natural resources. Left-libertarians assume that there is a fundamental difference between natural resources and things which are produced. According to left-libertarians, the ownership of the former is conditional and the ownership of the latter is not.

Left-libertarians believe that people do not have any substantial property rights. This means that people cannot be owners of the land and other natural resources, which they utilize and cultivate. According to them, people have only the right to use land and natural resources but not to their full ownership. Left-libertarians argue that natural resources are to be held in an egalitarian way. Thus they impose

⁵ “Since my pretty eyes are mine to move and to use as I please, your lavender sunglasses are likewise yours” (2000, p. 237).

some limitations on property rights, which boil down to that the natural resources that are not formed as a result of one's choice and that, at the same time, are essential for life, can be held only with the consent of other members of the community. (Possibly their possession must be compensated to other members of the community). Their use must also be compatible with certain conditions imposed by the community. Thus left-libertarians do not treat property rights as absolute rights, including rights to natural resources. They postulate a kind of substantive equality (Vallentyne, 2000, p. 1).⁶

Some left-libertarians believe that natural resources are owned jointly, which is intended to mean that the use of them, or their acquisition requires a joint decision (undertaken unanimously or by the majority) (Vallentyne, 2000, p. 6).⁷ This is a rather implausible standpoint. A more moderate position says that an individual can homestead or use of any unappropriated resources without the consent of others provided that he fulfils certain enforceable obligation imposed on him.

This view presents Baruch Brody, who argues that everyone has the right to use common resources. Although, private appropriation infringes upon the right, it may be justified provided that the benefits of such appropriation will be shared by all people. He writes: "Compensation is nevertheless due to those who have not gained sufficiently from the resulting system of property rights and the advances in civilization it makes possible. Regular redistribution of a limited nature is the payment of that compensation from those who owe it (the inheritors of the initial property rights) for those to whom it is owed (those who have not benefited sufficiently)" (2000, p. 41).

Brody argues that poor people who live nowadays should get compensation from those, whose ancestry made the original appropriation without compensation for others. He claims that property rights entail a violation of the rights of some people and unless they are compensated by redistributive programs the resulting property rights will not be legitimate (2000, p. 45).

⁶ "Killing, torturing, or enslaving innocent individuals without their consent is unjust no matter how effective these actions are as means to equality or other moral goals" (Vallentyne, 2000, p. 1).

⁷ In a similar vein argues James Grunebaum who writes: "It follows that forms of ownership which do not permit each person to participate in decisions about how land and resources are to be used are incompatible with the autonomy principle" (1987, p. 174). Vallentyne emphasizes that a more plausible theory would be that presented by Grotius and Pufendorf, holding that prior to any agreement justice permits agents to use natural resources in conformance with specified terms of common use, but they have no exclusive rights of use (no private ownership). (...) One has a right to use a resource (e.g. sit on it), but once one stops using it, one has no right to prevent others from using it" (2000, p. 6).

A similar view is shared by Steiner, who maintains that everyone is entitled to equal portions of resources. If someone appropriates more than he is entitled to, he should compensate for others for competitive value of the rights one claims (2000, p. 101). Steiner assumes that there are four ways to acquire just titles to things. These are appropriation, production, voluntary transfer, and redress (2000, p. 100). In the case of compensation we have to deal with the transfer of goods, in which only one party – the recipient – has a right to them. Thus this is a kind of a peculiar redress, restoring fair distribution (2000, p. 100).

Unjust distribution is the result of the appropriation by some people resources to which they had no rights. Steiner assumes that every individual has a right to things that are not originally anybody's property or to those that were in someone's property and then as a result of abandonment or the death of their owner became widely available. Everyone is entitled to an equal portion of these original resources, or to an equal share in the total value of the resource (2000, p. 103).⁸ Thus whoever appropriates more than the proportional part of these resources, must compensate to others. Steiner argues that the original appropriator has no right to the appropriated things if other people appear since these people automatically acquire the right to an equal share of resources.

Peter Vallentyne argues that the simple compensation for appropriation of natural resources is not enough, since the property rights which one acquires from the appropriation have also competitive values, which should be also compensated – either by a direct payment or in a form of rent.

Left-libertarians are generally followers of Henry George.⁹ Georgist libertarians argue that since everyone has the right only to what he has produced, no one has the right to the land itself, because no one is its creator.¹⁰ They claim also that individuals may appropriate unappropriated natural resources if and only if they “pay the competitive value of the rights they claim” (Vallentyne, 2000, p. 8). Georgist libertarians hold that once the individual has paid the competitive rent, he fully owns his resources or products.¹¹ Thus Georgists agree that one can profit from the appropriated resources as long as he pays the proper fee to others.

⁸ Steiner advocates for global redistribution (2000, p. 102).

⁹ Henry George (1839–1897) was American political economist and journalist who argued that natural resources should be owned in common.

¹⁰ “The Georgists argue that, while every man should own the goods which he produces or creates, since Nature or God created the land itself, no individual has the right to assume ownership of that land” (Rothbard, 1985, p. 34).

¹¹ “Most such egalitarians – writes Vallentyne – may grant that payment for competitive rent is a necessary condition for just appropriation, but they will deny it is a sufficient condition. A natural

Rothbard criticizes Georgists' and left-libertarians' positions. He argues, that "the justification for the ownership of ground land is the same as justification for the original ownership of all other property" (1985, p. 34).¹² He claims that there is no difference between homesteader and sculptor since they both are producers. Sculptor is the proper owner of the sculpture (and the iron) he has made even if he did not create the iron, from which he had made the sculpture. Rothbard also holds that when one assumes (as Georgists do) that land is given by God or Nature, one must also admit that people's talents, health, and beauty are also given by God or Nature. However, as Rothbard notes, all these things are given to particular individuals and not to the society or mankind. Thus, concludes Rothbard, the land should also be attributed to individuals. Only individuals can transform resources by their labor. "Therefore – writes Rothbard – if an individual cannot own original land, neither one can he in the full sense own any of the fruits of his labor. The farmer cannot own his wheat crop if he cannot own land on which the wheat grows. Now that his labor has been inextricably mixed with the land, he cannot be deprived without being deprived of the other" (1985, p. 35).

Rothbard can see no justification of the common *resp.* global ownership of natural resources. "Why – he asks – a newborn Pakistani baby should have a moral claim to a quotal share of ownership of a piece of Iowa land that someone has just transformed into wheatfield – and vice versa of course for an Iowan baby and Pakistani farm" (1985, p. 35). The last argument put forward by Rothbard against Georgists' theory of the land possession, is one which refers to a case of wild animals. These, argues Rothbard, are not produced by men, but by God or nature. Nobody, however, disagrees that domesticated animal is the property of the owner. Since the relation of domestication of the animal is similar to the relation of mixing one's labor into the land, the ownership of the land should be the same as ownership of the animal (1985, pp. 35–36).

The fundamental difference between left- and right-libertarians with respect to property consists in the fact, that right libertarians believe in full property rights, i.e. rights to products and natural resources as well, while left-libertarians hold that natural resources cannot be subject to ownership. They also claim that all natural resources should be owned in common by all people. Right-libertarians reject such a position and argue that property is by nature individual and not common.

way of modifying the Georgist position to take into account the above consideration is to hold that, in addition to paying the competitive rent, appropriators must pay a tax equal to up 100 per cent of the net benefits (net of the competitive rent) that they reap from appropriation" (2000, p. 8).

¹² Left-libertarians hold that the boundaries do not matter as regards the access to natural resources. They claim the all natural resources are owned by all agents.

4. EQUALITY AND EGALITARIANISM

The differences between left- and right-libertarians concerning property rights to natural resources stem from the most fundamental fact. Left-libertarians are egalitarians, while right-libertarians are not.

Left-libertarians base their concept of self-ownership, property rights, and society on the notion of equality. As Peter Vallentyne writes: “Libertarian theories [left-libertarian’s – D.J.] of justice hold that agents are full self-owners and that natural resources are owned in some egalitarian manner” (2000, p. 1). Left-libertarians want to reconcile full self-ownership with the principle of equality. They aim at society where differences in wealth will be abolished. They differ, however, as regards the way the egalitarian ideal should be attained, especially how social fund gained from taxation should be divided. There are three theories: (i) equal share, which holds that the fund should be divided equally among all people; (ii) equal gains in well being, according to which fund should be divided in the way which enable people to get equal gain in value of their opportunities; (iii) equality of opportunity for well-being, which holds that fund should be spent in such a way so as to promote equality of well-being. According to the last view, the fund should be spent only on those with unfavorable genetic and situational endowments (Vallentyne, 2000, pp. 10–11). Equal opportunities rely on transfers of funds from those whose children have better genetic equipment to those whose children have inferior genetic equipment.¹³

Rothbard criticizes egalitarianism as such and *eo ipso* left-libertarianism. According to him, egalitarians assume that the individual differences between people, the natural and the other, are not constitutive but only accidental thing. Therefore they consider these differences not only unnatural but harmful to humans. They demand, in one form or another, for their removal. They claim that certain inequalities (in income, social position, status) are undeserved and, as such, should be abolished. The way to dispose of these inequalities is the transfer of wealth from those who have more undeservedly to those who have less (but not necessarily undeservedly).

Egalitarians do not believe that such a thing as human nature exists. Therefore they claim that man as such can be shaped. Biological diversity between people is not an obstacle to their proclamation of universal equality. They try to explain inequalities referring to environment and the impact of culture and not to the very

¹³ Hillel Steiner writes: “(...) if Cain’s endowment is indeed inferior to Abel’s, the ownership of Abel is encumbered with a heavier global fund levy than is the ownership of Cain”. (2000, p. 107).

nature of things. They believe that “any and all group differences in status, prestige, or authority in society must be the result of unjust «oppression» and irrational «discrimination»” (Rothbard, 2000, p. 10).

Rothbard points out that: “At the heart of the egalitarian left is the pathological belief that there is no structure of reality; that all the world is a tabula rasa that can be changed at any moment in any desired direction by the mere exercise of human will – in short, that reality can be instantly transformed by the mere wish or whim of human beings” (2000, p. 17).

Rothbard claims that equality has been too long uncritically treated as an ethical ideal.¹⁴ According to him, egalitarianism is not and cannot be practical, because it is contrary to human nature. From the economic point of view, egalitarian assumptions undermine division of labor – everyone is doing what is good at and what is familiar with.

“An egalitarian society – writes Rothbard – can only hope to achieve its goals by totalitarian methods of coercion; and, even here, we all believe and hope the human spirit of individual man will rise up and thwart any such attempts to achieve an ant-heap world” (2000, p. 8).

5. CONCLUSIONS

Although left-libertarians emphasize the full-self-ownership for rational agents (Vallentyne, 2000, p. 1, 2), they *de facto* limit it, not allowing for the use of natural resources without permission or compensation for others. Egalitarian’s point of view forces them to applying such restrictions. Therefore in that case we can speak about part self-ownership instead of full self-ownership.¹⁵ The main problem with

¹⁴ “Thus, economists in favor of egalitarian programs have typically counterbalanced their uncriticized «ideal» against possible disincentive effects on economic productivity; but rarely has the ideal itself been questioned”. (2000, p. 5).

¹⁵ It seems that the left-libertarians’ position is closer to some liberal ones, than to the right-libertarians. For example to that presented by John Christman, who defends self-ownership principle and tries at the same time preserve egalitarian distribution. He divides self-ownership rights into two categories: rights to control and rights to income. He defines control rights as “aspects of the person’s independent powers over the thing owned; that is, these rights are not conditional on the consent of others, except perhaps the recipient to whom one alienates something or any other persons with whom one wants to use one’s property” (2000, p. 347). Income rights, in turn, he describes as “the right to gain extra benefits from a holding – benefits different from the use value of the object (...)” (2000, p. 347). He argues that the rights to control are crucial to autonomous self-governance, whereas rights to income are not and hence they can be restricted. He claims that an individual has a right to his labor but not to the products of that labor. Christman considers taxes as an instrument

left-libertarians is that they want to reconcile full-self-ownership with the idea of equality. It seems, however, that these two are irreconcilable.

As Vallentyne emphasizes most contemporary left-libertarians hold that all natural resources in the world are owned by all people. Therefore they should be shared equally among all individuals (2000, p. 12). In contrary to that, right-libertarians hold that every property should always have individualistic and not common character.

The problem with the position presented by left-libertarians consists in fair redistribution. The idea of equality of opportunity for well-being seems to be very problematic. It depends on the wealth of society. If we assume that all people should be treated equally, we can ask why, for example, people in Switzerland are treated better than people in Ukraine. Shouldn't Swiss share with Ukrainians, and Ukrainians with the people in Sudan? It seems that ideal of just redistribution can be realized only by world, central government, which is practically impossible.

The compensation is the other problem we face with respect to egalitarian redistribution. If, as left-libertarians assume, everybody is an owner of natural resources, it follows, that someone who appropriates some of these resources should compensate for all people. It is, however, impossible.

In the light of above arguments it seems that the position of right-libertarians is more coherent. They declare full self-ownership and consequently defend it. For them problems of compensation and distribution do not exist.

which does not violate income rights. He argues that "(...) persons who gain entitlements through embedded labor may enter into market, the very existence of which will serve to lower the costs of trade (due to the economies of scale, increased coordination, and the like); this process, in turn, serves to increase the net social product produced from those entitlements without demanding extra labor from individual traders (these savings automatically result from having any system of property at all). Thus, taxation which redistributes that extra product would not amount to a limitation of the ownership rights of the traders over the commodities in question, since they would *not* constitute an encroachment on the rights anyone has to her or his labor (since the product redistributed can come from the increased efficiencies of the market mechanism, and not increased labor)" (1994, p. 55). Thus, according to Christman, right to self-ownership as a whole is not absolute but limited. Similarly to Christman, left-libertarians in the name of equality assume that right to self-ownership is not homogenous but is a bundle of rights. In the case of Christman we have rights to control and rights to income, whereas in the case of left-libertarians we have to deal with rights to control, transfer and payment immunities on the one hand, and with the right to land and natural resources on the other. The separation of rights enables left-libertarians to apply different kind of justice to different parts of the bundle. Right-libertarians treat the right to self-ownership as a homogenous whole and *eo ipso* as absolute.

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