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Left-Libertarianism as a Promising Form of Liberal Egalitarianism

Peter Vallentyne

Left-libertarianism is a theory of justice that is committed to full self-ownership and to an egalitarian sharing of the value of natural resources. It is, I shall suggest, a promising way of capturing the liberal egalitarian values of liberty, security, equality, and prosperity.¹

1. Justice

Left-libertarianism is normally understood as a theory of justice, but what is justice? The term “justice” is used in many different ways, but I shall use it to mean “the moral duties that we owe each other”. So understood, justice is not concerned with what is morally desirable to do. It is only concerned with what morality *requires* us to do or not do. It may be morally desirable to help one’s neighbor, but justice may nonetheless permit one not to do so. Moreover, justice in this sense is not concerned with all moral requirements. It is only concerned with avoiding *interpersonal wrongs* (i.e., actions that violate someone’s rights). It does not address *impersonal wrongs* (i.e., actions that are wrong whether or not they wrong anyone; e.g., perhaps, destroying cultural relics when no one is harmed and everyone consents). As long as rights are understood broadly as perhaps pro tanto and highly conditional constraints protecting the holder’s interest or her will, justice in this sense is a broad topic. It is sensitive to all moral issues affecting the moral permissibility of actions, except those issues that are relevant only to impersonal duties (which, by definition, are not sensitive to the interests or wills of individuals).

I now identify five background assumptions that frame my views on justice. These are controversial and revisable assumptions, but years of thinking about justice have led me to conclude that an adequate theory of justice must be compatible with these assumptions.

Justice, I assume, is concerned, in part, with the promotion of some sort of *material equality*. It is, that is, not merely concerned with formal equality (e.g., equal rights), but also with some kind of equality of condition – such as equal wellbeing or equally valuable life prospects. I assume, however, that the concern of justice with equality is constrained in several ways by other concerns of justice. First, justice is also concerned with *liberty* (freedom of action) in the sense that it leaves us morally free to pursue a wide variety of life-paths. It thus does not require that we *maximize* equality or some other goal. At most, it requires us to *satisfice* (i.e., promote to some adequate level). Second, justice is also concerned

with *security* (protection from interference from others). It prohibits killing, assaulting, and various other ways of interfering with the lives of others. It thus places restrictions on the permissible means of promoting equality (e.g., against forcibly removing eyes). Third, justice is also concerned with *accountability for choices*. Individuals who foreseeably impose costs on themselves or others normally should bear those costs and not shift them onto others. Such accountability requires sensitivity to the past (what choices were made) and thereby rules out requiring outcome equality. Instead, the relevant equality must be some kind of equality of opportunity or life prospects. Finally, justice is also concerned with the *promotion of individual prosperity* of some sort. At a bare minimum, justice does not require – indeed prohibits – promoting equality by leveling down (i.e., by making some worse off and no one better off). Instead, equality is relevant only as a way prioritizing how to benefit people.

Together these assumptions specify a pluralistic liberal egalitarian framework. It is egalitarian because it recognizes a (limited) duty to promote equality of life prospects when this benefits someone. It is liberal because it takes freedom of action seriously, endorses some kind of rights against interference from others, and holds agents accountable for their choices. Each assumption is highly controversial, but I shall not attempt to defend any of them here. Instead, I shall simply assume them and formulate a compatible version of libertarian theory. Those who do not share these assumptions will find little promising in the libertarian theory that I formulate.

1. Libertarianism

Libertarianism is sometimes advocated as a derivative set of rules (e.g., on the basis of rule utilitarianism or contractarianism). Here, however, we shall focus on the natural rights doctrine that agents initially *fully own themselves* in a sense that I shall clarify below. All forms of libertarianism endorse full self-ownership. They differ with respect to the moral powers that individuals have to acquire ownership of natural resources. The best-known versions of libertarianism are *right-libertarian* theories (e.g. that of Nozick 1974), which hold that agents have a robust moral power to acquire full private property in natural resources (e.g., space, land, minerals, air, and water) without the consent of, or any significant payment to, other members of society. *Left-libertarianism*, by contrast, holds that the value of natural resources belongs to everyone in some egalitarian manner and thus appropriation is subject to some stronger constraints.

I shall first examine the content and defend the plausibility of full self-ownership. Following that, I shall discuss the moral powers that agents have to appropriate unowned resources. I shall suggest – but without elaborate defense – that a version of left-libertarianism offers the most plausible account of these

moral powers.

2. Full Self-Ownership

Libertarianism is committed to the thesis of full self-ownership (for agents), according to which each agent, at least initially (e.g., prior to any wrongdoings or contractual agreements), morally fully owns herself. The rough idea of full self-ownership is that of having all the moral rights over oneself that an owner of an inanimate thing (e.g., a car) has over it under the strongest form of private ownership of inanimate things. The rough idea is also that a full self-owner *morally* has all the rights over herself that a slave-owner *legally* has over a slave under the strongest possible legal form of private slave-ownership.²

Throughout, we are concerned with *moral* self-ownership as opposed to legal self-ownership. We are concerned, that is, with a particular set of moral rights independently of whether these are recognized by any legal system. The slaves of the antebellum U.S.A. were legal slaves, but morally speaking, on the libertarian view, they fully owned themselves. Indeed, it is because they morally fully owned themselves that legal involuntary slavery was such a great injustice.

An agent has full self-ownership just in case she fully owns herself. This is simply the special case of full ownership, where the owner and the entity owned are the same. Assuming that one's body is part of oneself, this entails that one owns one's body.

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* (when 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.

Full ownership, like ownership generally, is a bundle of particular rights. It is simply the *logically strongest* set of ownership rights over a thing. Ownership can come in various degrees and forms and few, if any, legal systems recognize full ownership in this sense. One can, for example, have full control rights over a thing without having rights to transfer those rights. The thesis of *full self-ownership* does not claim that ownership is either all or nothing. It claims that, as a matter of normative fact, agents *fully* own themselves as opposed to something weaker.

So far, we have considered the *content* of the concept of full self-ownership.

Let us now consider its *plausibility*. I should emphasize that my goal is very modest: to provide a reasonably plausible rationale for endorsing full self-ownership. As with all fundamental moral principles, it is impossible to provide a *compelling* justification. My goal is simply to provide enough defense of full self-ownership to establish that it needs to be taken seriously as a moral principle.

Most people accept some form of *partial* self-ownership. It can be partial in the sense that only some of the above types of rights are present (e.g., no right to transfer your rights to others). It can also be partial in the sense that the *force* of the rights, for a given element, is less than full. The right might be a merely *pro tanto* (all else being equal), as opposed to a conclusive, right; or it might be conditional in various ways (e.g., on there being no social catastrophe at issue). I shall attempt to defend *full* self-ownership (conclusive and unconditional rights for each of the four elements). A fallback position is to defend some form of partial self-ownership (e.g., control self-ownership in some *pro tanto* and/or conditional form). This, however, would be a departure from libertarianism in the strict sense.

We shall consider the security rights, liberty rights, and transfer rights, that are part of full self-ownership. (Here we leave aside the compensation rights, enforcement rights, immunities to loss, since there is indeterminacy with respect to these in the concept of full ownership.³) Consider first, the *security rights* that are part of the control rights of ownership. These are claim-rights against interference with one's person. The security rights of self-ownership are, I claim, a plausible constraint on how agents may be treated by others. Agents are not merely objects in the world. They have moral standing and are capable of autonomous choices. As a result, they have a kind of moral protection against interference that limits how they may be used. For example, it is unjust to kill or torture innocent people against their will – no matter how much it promotes other important moral goals (equality, total utility, or whatever). The security rights of full self-ownership reflect this special status that agents have.

Of course, some deny – as act consequentialists do – that there are any non-goal-based constraints on how individuals may be treated. Even if one agrees that there are some such constraints, however, one might still deny that individuals have any rights against being so treated. Instead, one might hold that there is simply an *impersonal duty* (owed to no one) not to treat people in certain ways. It is certainly possible (indeed held by some) to hold that all constraints are impersonal constraints, but it is a very illiberal view. First, it fails to recognize that certain forms of treatment (such as killing or assault) are not merely wrong – they wrong the individuals so treated. Second (and closely related), it fails to recognize that the valid consent (or alternatively non-set-back of the interests) of an individual to be treated in various ways (e.g., be killed or touched) is sufficient to remove the moral force of that constraint. The purpose of constraints is to

protect individuals from certain kinds of interference in their lives. If a person has validly (e.g., informedly and freely) consented to a certain treatment (e.g., being punched as part of a boxing match), then there is nothing morally wrong with such treatment if others are not adversely affected. The constraints protecting individuals, that is, are rights-based, rather than impersonal constraints.

Even if one agrees that individuals have all the rights of self-ownership, one might still insist that the rights have only a pro tanto (all else being equal) force and/or are only conditional (e.g., when no social catastrophe is involved). Libertarianism (of the standard sort here considered), however, holds that rights are conclusive (absolute) and unconditional.⁴ So understood, the thesis of full self-ownership is subject to the powerful objection that it entails that it is unjust to slightly injure a person in order to save millions of lives. This is indeed an implication of the view and it is admittedly very difficult to swallow. Clearly, reasonable and decent people would typically infringe the security rights of self-ownership in such cases. This does not, however, establish that it is just to do so. It may simply be that it is reasonable to behave unjustly in such extreme circumstances. Indeed, this is what I claim. For in such cases, all the usual concomitants of injustice are still present. Guilt is appropriate for what one did to the sacrificed individuals. Compensation is owed to the individual. And so on. As long as we recognize, as I think we should, that reasonable and decent people sometimes act unjustly when the stakes are sufficiently great, the admitted counter-intuitiveness of recognizing conclusive and unconditional security rights of self-ownership need not be a conclusive objection. Of course, it remains a significant counterintuitive implication, but all theories have some such counterintuitive implications. The real test of a theory is its overall plausibility – both in the abstract and in application over a broad range of cases. Sometimes intuitive judgements about concrete cases must be rejected in light of plausible abstract principled considerations. My claim is that those intuitions that conflict with the thesis of full self-ownership should be rejected.

So far, we have considered the *security rights* that are part of the control rights of full self-ownership. Let us now consider the *liberty rights* that are the other part of these control rights. A full self-owner has a full liberty right to use her person. This does not mean that justice permits her to do anything that she wants with her person. Clearly, using her fist to punch you in the nose is not permitted. Having a liberty right to use one's person only means that no one else has any claim-right on one's use of one's person *as such*. Thus, although I need your permission for it to be just to *use the car* that you own, I don't need to get anyone's permission to justly use *my person* to drive the car (as a full slave would, and a partial slave might). The full ownership liberty rights over oneself, that is, give one a full liberty to use one's person, but, since every action involves the use of other resources (land, air, etc.), it leaves open (depending on the ownership

of the other resources) what actions are just.

The liberty rights of initial full self-ownership reflect the view that others initially have no claim against us concerning the use of our person. Initially, we do not require their permission, nor are their interests relevant, in order for us to permissibly use our person as such — although, of course, we need their permission to use resources that they own.

Having full liberty rights to use one's person has the counterintuitive implication that we have no (initial) duty to provide personal assistance to others. The most problematic case is where we could avert a *social catastrophe* (e.g., the death millions of people) at only a small personal cost (e.g., push a button so that a terrorist bomb does not go off). (Unlike the security rights issue above, the issue here concerns the duties of the agent to provide personal services, whereas the security rights issue concerned the permissibility of others using the agent's person). A very significant, but somewhat less dramatic case is one where one could provide a great benefit to a single person (e.g., save her life) at only a small personal sacrifice. Less significant, but still troublesome, are cases where one could provide a small benefit to others at a smaller cost to oneself as part of a cooperative enterprise that generally benefits all. Again, in the extreme cases, these are indeed powerful objections. Nonetheless, I believe that their force can be weakened enough to make them palatable — given the general plausibility of the view that we are initially at liberty to use our person as we please. Let me explain.

There are several well-known ways of softening this objection. One is to agree that it is highly morally desirable that one help in these cases, but to insist that one has no obligation to do so. We all agree that there is something morally flawed about not providing personal services when this would greatly benefit others and impose only a small cost on oneself. Not all moral flaws, however, involve wrongdoing. Failing to help an elderly neighbor carry her groceries when she is having difficulty and we could do so easily is not morally ideal, but it is not typically morally wrong.

A second way of softening the objection is to grant that it may be wrong to fail to provide personal services to others in need (etc.), but deny that they have any *right* to such help. If they have no right — and no one else does either — then there is no injustice in failing to provide the services in question. It is an impersonal duty, but not a duty owed to anyone. Given that we are here concerned only with the theory of justice — the duties we owe each other — failure to recognize impersonal duties is not a defect. The topic of impersonal duties is simply a topic that is not being addressed. Because I believe (but shall not here argue) that there are no impersonal duties, this reply does not seem promising to me. Nonetheless, it is open to those who believe that there are impersonal duties.

Yet another way to soften the objection against full liberties to use one's person is to point out the radical implications of recognizing an obligation to

others to help even in the special cases where the benefit to them is great and the cost to one is small. For there are typically a great number of people (poor people, severely disabled people, orphans, etc.) that would greatly benefit from an hour's personal service each week. Most of us deny that we have a duty to provide such service.

A final and important way to soften the objection against having full liberties to use one's person is to note that the claim is that individuals only have this full liberty *initially* (e.g., at the start of adult life). It can be weakened or lost by our choices over time. For example, if, as I shall suggest below, the use or appropriation of more than one's share of natural resources generates a limited duty to promote equality of effective opportunity, then some of the full liberty rights of self-ownership will be lost when one uses or appropriates more than one's share. The more general point here is that the implications of full self-ownership cannot be determined without knowing how other things are owned.

It must be admitted that the security rights and the liberty rights of full self-ownership have some significant counterintuitive implications. On the other hand, all theories have some such implications, and the normative separateness of persons reflected in full security rights and full liberty rights has great theoretical appeal. Although it is highly controversial, I claim, that on balance the thesis of full *control* self-ownership is sufficiently plausible to be taken seriously.

Even if agents have full control self-ownership (full liberty rights and full security rights) over themselves, it does not follow that agents fully own themselves. The determinate core of full self-ownership includes one additional right that must be defended: the full power to transfer those rights to others. This means that one has the moral power to sell, rent, loan, or give away one's rights over oneself. This includes, as an extreme case, the right to sell (or donate) oneself into slavery. *Involuntary* enslavement, of course, is a gross violation of full self-ownership, but *voluntary* enslavement is something that full self-ownership allows. Intuitively, of course, this seems problematic.

One objection to the right of self-enslavement is that there is no such right, since it is *impossible* to transfer one's agency (control of one's person) to another.⁵ The core idea is that it is impossible to alienate one's will. This is true but irrelevant. Only you can exercise your agency, but that leaves open whether someone else has *moral authority* over your agency (i.e., whether you have a moral duty to obey someone else's commands). You cannot transfer agency, but you can transfer rights over that agency and thereby transfer the authorizing power of consent concerning the use of the person. When I sign a contract to mow your lawn, I give you some moral authority over the exercise of my agency. It becomes wrong for me to fail to mow your lawn as contracted without your consent. The issue concerns transfers of rights – not of agency. So a different argument is needed if the rights of self-ownership are to be non-transferable.

Another objection to voluntary enslavement is that it makes one “a mere tool of someone else’s will”.⁶ The idea here is that a slave has no moral agency, but no agent (no being that has the psychological capacity for agency) can be without moral agency (moral responsibility). Hence, morally legitimate enslavement is not possible. The first premiss of this argument, however, is false. Slaves are still moral agents. First, slaves may own external property. A slave is someone who is owned by someone else. This is compatible with the slave owning some things (although admittedly his use of those things will be subject to his owner’s will). Second, slaves still have moral duties. For example, they have moral obligations to their owners. Moreover, slaves have all the normal duties to other people (e.g., not to kill them). A person can transfer some of her *rights* to someone else, but she can’t transfer her *duties to others* unless the person to whom the duty is owed consents. In typical cases, the people to whom the duties are owed do not consent to any transfer of duties and, hence, typically slaves have all the normal duties to others. Slaves have fewer rights, but they do not automatically have fewer duties.

Finally, it is not clear that the moral possibility of voluntary enslavement is so implausible. If one thinks that a main concern of justice is to protect the *having* of effective autonomy, or to *promote* the having, or exercise, of effective autonomy, then voluntary enslavement will indeed seem problematic. On the other hand, if one thinks that a main concern of justice is to protect the *exercise* of autonomy, it is not. A well-informed decision to sell oneself into slavery (e.g., for a large sum of money to help one’s needy family) is an exercise of autonomy. Indeed, under desperate conditions it may even represent an extremely important way of exercising one’s autonomy. The parallel with suicide is relevant here. In both cases an agent makes a decision that has the result that she ceases to have any moral autonomy and thus ceases to exercise any. In both cases it will typically be one of the most important choices in the agent’s life. Surely, assuming no conflicting commitments, protecting the agent’s *exercise* of her autonomy in such a case overrides any concern for protecting or promoting her *continued possession* of moral autonomy. One has the right to choose to cease to be autonomous (by dying or by losing rights of control). Thus, genuine voluntary enslavement is not problematic. It is simply the limiting case of the sorts of partial voluntary enslavement that occurs when we make binding commitments and agreements (e.g., to join the military).⁷

I conclude, then, that the thesis that agents initially fully own themselves is sufficiently plausible to be taken seriously. All forms of libertarianism are committed to full self-ownership. They differ with respect to the moral powers that agents have to use and appropriate natural resources. Below, I shall defend a form of left-libertarianism, which holds that natural resources are to be used

to promote effective equality of opportunity for a good life.

3. Natural Resources: Liberty Rights to Use and Moral Powers to appropriate

Full self-ownership gives agents certain rights over themselves. This leaves open, however, what rights agents have to use or appropriate natural resources. *Natural resources* are those things that have no moral standing (e.g., are not sentient) and have not been transformed by any non-divine agent. Thus, land, seas, air, minerals, etc. in their original (humanly unimproved) states are natural resources, whereas such things as chairs, buildings, and land cleared for farming are *artifacts* (composed partly of natural resources). All left-libertarians agree that the ownership of natural resources is governed by an egalitarian principle, but there are, we shall see, different views about the form of this egalitarianism.

One (crazy) possible view holds that initially no one has any liberty right to use, or any moral power to appropriate, natural resources. A radical version of *joint-ownership left-libertarianism*, for example, holds that individuals may use natural resources only with the collective (e.g., majority or unanimous) consent of the members of society. Given that all action requires the use of some natural resources (land, air, etc.), this leaves agents no freedom of action (except with the permission of others), and this is clearly implausible. A less radical version of joint-ownership left-libertarianism allows that agents are at liberty to use natural resources but holds that they have no moral power to *appropriate* natural resources without the collective consent of the members of society (e.g., Grunebaum 1987). Although this leaves agents a significant range of freedom of action, it leaves them inadequate security in their plans of action. They have the security that others are not permitted to use their person (e.g., assault them) without their consent, but they have only limited security in their possessions of external things (except with the consent of others). Agents are permitted to cultivate and gather apples, but others are permitted to take them when this violates no rights of self-ownership (e.g., when they can simply take them from the collected pile).

Given the central importance of security with respect to some external resources, it is implausible that agents have no power to appropriate without the consent of others. More specifically, it is most implausible to hold that the consent of others is required for appropriation when communication with others is impossible, extremely difficult, or expensive (as it almost always is). And even when communication is relatively easy and costless, there is no need for the consent of others as long as one appropriates no more than one's fair share.⁸ Joint-ownership left-libertarianism is thus implausible.

A plausible account of liberty rights and powers of appropriation over natural resources must, I claim, be *unilateralist* in the sense that, under a broad range of

circumstances (although perhaps subject to various conditions), (1) agents are initially permitted to *use* natural resources without anyone's consent, and (2) agent initially have the power to *appropriate* (acquire rights over) natural resources without anyone's consent. This is just to say that initially natural resources are not protected by a property rule (requiring consent for permissible use or appropriation).

According to a unilateralist conception of the power to appropriate, agents who first claim rights over a natural resource acquire those rights – perhaps provided that certain other conditions are met. These additional conditions may include some kind of an interaction constraint (such as that the agent “mixed her labor” with the resource or that she was the first to discover the resource) and some kind of “fair share” constraint. In what follows, for simplicity, I shall ignore the interaction constraint and focus on the fair share constraint.⁹

Let us, then, consider some unilateralist versions of libertarianism. *Radical right libertarianism* – such as that of Rothbard (1978, 1982), Narveson (1988, ch. 7; 1999), and Feser (2005) – holds that that there are no fair share constraints on use or appropriation. Agents may destroy whatever natural resources they want (as long as they violate no one's self-ownership) and they have the power to appropriate whatever natural resources they first claim. On this view, natural resources are initially not merely unprotected by a property rule; they are also unprotected by a compensation liability rule. This view, however, is implausible. No human agent created natural resources, and there is no reason that the lucky person who first claims rights over a natural resource should reap all the benefit that the resource provides. Nor is there any reason to think the individuals are morally permitted to ruin or monopolize natural resources as they please. Some sort of fair share condition restricts use and appropriation.

The standard fair share condition on appropriation is the *Lockean proviso*, which requires that “enough and as good be left for others”.¹⁰ Indeed, as long as this clause is allowed to be interpreted loosely (as we shall), the Lockean proviso simply is the requirement that some kind of fair share condition be satisfied. Throughout, we'll interpret the Lockean proviso (following Nozick) to allow that individuals may appropriate more than their fair share of natural resources as long as they compensate others for their loss from the excess appropriation. The Lockean proviso, that is, is a requirement that a fair share of the *value* of natural resources be left for others.

The Lockean proviso is often interpreted as applying only to acts of appropriation (and not to mere use) and as imposing a condition that only needs to be met at the time of appropriation. I, however, shall interpret it more broadly. A fair share requirement is just as plausible when applied to mere use. One is not at liberty to use natural resources any way that one wants. Others have some claims to enough and as good being left for them. One is not permitted, for example, to destroy, ruin, or monopolize more than her fair share of natural resources – even if one

makes no claims of ownership. Moreover, with respect to appropriation, it is not sufficient to satisfy the fair share condition merely at the time of appropriation. The fair share condition is an on-going requirement for continued ownership. Suppose, for example, that there are just two people in the world and they divide natural resources between themselves in a fair way. Ten years later, two more people pop into existence (but not as a result of any choices the first two people made). It is implausible to think that the division of rights over natural resources remains fair just because it was initially fair. Instead, the Lockean proviso (or fair share test) should be understood as an on-going requirement that can be initially satisfied but then fail to be satisfied due to later brute luck changes in the total value of natural resources or the number agents in the world.¹¹

Let us now consider *Lockean libertarianism*, which allows unilateral use and appropriation but requires that some version of the Lockean proviso be satisfied. It views natural resources as initially unprotected by any property rule (no consent is needed for use or appropriation) but as protected by a compensation liability rule. Those who use natural resources, or claim rights over them, owe compensation to others for any costs (relative to a specified baseline) imposed but such use or appropriation.

Nozickean right-libertarianism interprets the Lockean proviso as requiring that no individual be made worse off by the use or appropriation compared with non-use or non-appropriation. This, I would argue, sets the compensation payment too low. It bases compensation on each person's *reservation price*, which is the *lowest* payment that would leave the individual indifferent with non-use or non-appropriation. Use or appropriation of natural resources typically brings significant benefits even after providing such compensation. There is little reason to hold that those who first use or claim rights over a natural resource should reap all the excess benefits that the resource provides.

Let us now consider *left-libertarianism*.¹² It holds that natural resources initially belong to everyone in some egalitarian manner. We have already rejected one version – joint-ownership left-libertarianism – for failing to be unilateralist (i.e., because it requires the permission of others for use or appropriation of unowned natural resources). We shall now focus on Lockean (and hence unilateralist) versions of left-libertarianism.

Equal share left-libertarianism – such as that of Henry George (1879) and Hillel Steiner (1994) – interprets the Lockean proviso as requiring that one leave an equally valuable per capita share of the value of natural resources for others. Individuals are morally free to use or appropriate natural resources, but those who use or appropriate more their per capita share – based on the *competitive value* (based on demand and supply; e.g., market clearing price or auction price) under morally relevant conditions – owe others compensation for their excess share.

Equal share libertarianism is, I would argue, not sufficiently egalitarian.

Although it requires that the competitive value of natural resources be distributed equally, it does nothing to offset disadvantages in unchosen internal endowments (e.g., the effects of genes or childhood environment). Equal share libertarianism is thus compatible with radically unequal life prospects.

Consider, then, *equal opportunity left-libertarianism* such as that of Otsuka (2003).¹³ It interprets the Lockean proviso as requiring that one leave enough for others to have an opportunity for wellbeing that is at least as good as the opportunity for wellbeing that one obtained in using or appropriating natural resources. Individuals who leave less than this are required to pay the full competitive value of their excess share to those deprived of their fair share. Unlike the equal share view, those whose initial internal endowments provide less favorable effective opportunities for wellbeing are entitled to larger shares of natural resources.

I claim that equal opportunity left-libertarianism is the most plausible version of libertarianism. All versions of libertarianism give agents a significant amount of liberty and security. The main issue at hand concerns requirements for some kind of material equality of agents (equality of life prospects). According to equal opportunity left-libertarianism, one has the power to use or appropriate natural resources as long as one pays for the competitive value of the use or rights in excess of one's equality of opportunity for wellbeing share. The payment is owed to those who have been left with less than equal opportunity for wellbeing. Thus, equal opportunity left-libertarianism holds that there is a *limited* duty to promote equality. One does not need to do everything possible to promote equality. One has no duty at all to promote equality if one has not used up or appropriated more than one's equality of opportunity share of natural resources. If one uses up or appropriates more, then one acquires a duty to promote equality of effective opportunity for wellbeing, but that duty is limited to what can be efficiently achieved with the payment that one owes.

Obviously, the importance of equality in general, and equality of life prospects (effective opportunity for wellbeing) in particular, are highly controversial, but I shall not attempt a defense here.

4. Conclusion

Full self-ownership, I have suggested, captures important aspects of liberty and security in the theory of justice. To make this liberty and security effective (and not merely formal), a plausible version of libertarianism must be unilateralist and permit the use and appropriation of natural resources without the consent of others. If one also grants the importance of equality of life prospects, then equal opportunity left-libertarianism is, I claim, the most plausible version of libertarianism.

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Notes

¹ This paper draws heavily from Vallentyne (2008).

² For insightful analysis of the notion of ownership, see Christman (1994). For a superb analysis of the concept of self-ownership, upon which I build, see Cohen (1995), especially ch. 9.

³ For a defense of the view that full ownership is determinate with respect to control rights and transfer rights, but indeterminate with respect to compensation rights, enforcement rights, and immunity to loss, see Vallentyne, Steiner, and Otsuka (2005). For criticism, see Fried (2004, 2005).

⁴ An important possible exception is Nozick (1974), who, in the note on p. 30, leaves open the possibility that it may be permissible to infringe rights in order to avoid moral catastrophe.

⁵ This objection is made by Rothbard (1982, p. 40, p. 134), Barnett (1998, pp. 77-82).

⁶ In an otherwise excellent article, Kuflik (1984, p. 286) makes this mistaken claim.

⁷ For further defense for the right of voluntary enslavement see: Steiner (1994, pp. 232-34), Feinberg (1986), ch. 19, and Nozick (1974, p. 331).

⁸ For elaborations of this criticism, see, for example, Fressola (1981) and Cohen (1995).

⁹ Given greater space, I would argue that no interaction constraint is needed. All the agent needs to do is to *claim* rights over unowned resources and satisfy the fair share constraint.

¹⁰ Locke (1689) was not a Lockean libertarian in a strict sense. He disallowed appropriation that would lead to spoilage, he rejected the right of voluntary self-enslavement, and he held that one had a duty to provide the means of subsistence to those unable to provide for themselves.

¹¹ The need for an on-going proviso that also applies to mere use is forcefully and insightfully defended by Mack (1995) – although he defends a very weak proviso. Roark (2006) defends the need for a proviso on use and not merely on appropriation.

¹² Left-libertarian theories have been propounded for over three centuries. For selections of the writings of historical and contemporary writings, see Vallentyne and Steiner (2001a, 2001b).

¹³ Van Parijs (1995) is in the same spirit as equal opportunity left-libertarianism – although with significant twists on gifts and job rents.