

# Libertarian Socialism: A Better Reconciliation Between Self-Ownership and Equality\*

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This essay discusses libertarian socialism in the light of recent debate in moral and political philosophy. It proposes two principles—affirmed by the pioneers of nineteenth-century libertarianism—and reconstructs them on the basis of arguments that have figured prominently in the vibrant, non-socialist, left-libertarian debate. My purpose is to put forward, and try to defend, a socialist reconciliation between self-ownership and equality that works as an alternative to the left-libertarian reconciliation.<sup>1</sup>

The pair of libertarian socialist principles I shall discuss concern economic structures. These principles define the rights people would have over their person and the external world in a just socialist society. They comprise the principle of effective self-ownership (promising substantive autonomy), and the principle of joint ownership in the means of production (promising substantive equality of condition). If my argument is sound, then libertarianism has, in a sense, come full circle: the inegalitarian libertarians of the twentieth century, such as Nozick and Rothbard, draw their concepts and categories from a long tradition of thought, which includes the communist libertarians of the nineteenth-century, such as Proudhon and Kropotkin, and many non-egalitarians, like Max Stirner and Benjamin Tucker. Left-libertarians like Peter Vallentyne and Michael Otsuka in turn draw upon Nozick and Rothbard with a view to transforming libertarianism into an equality-sensitive political philosophy. The present paper shows why the nineteenth-century egalitarian

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<sup>1</sup> I will not take a position on the controversial question whether there is any merit to the idea of self-ownership: the argument canvassed here is intended as immanent to the libertarian conceptual scheme.

libertarians were not misguided in thinking that a thoroughly libertarian form of communism is possible at the level of principle.

I shall begin by outlining the principles of self-ownership and joint world ownership (section 1). I will then argue, against prominent left-libertarians, that socialist forms of joint ownership are consistent with the self-ownership that libertarians prize. In order to show how this is possible, I will sketch a libertarian socialist constitution that involves joint ownership of the means of production, combined with pockets of private ownership which guarantee and protect effective individual self-ownership (sections 2 and 3). I will then put forward two arguments inspired from common stock socialist argument, one from economic democracy and one from fraternity, as to why the socialist reconciliation may be preferable to the left-libertarian one (section 4).

## 1

This section briefly sketches two moral principles that libertarian socialists must assert and which underpin their commitment to individual autonomy and to equality of condition, respectively. One locus of libertarian argument from Proudhon to Kropotkin centers on the protection of the individual from coercion or compulsion—particularly from, but not limited to, the state.<sup>2</sup> Coercion, in the context of this debate, is defined in terms of claims held against the state and other parties. These claims are purported to give meaning to some notion of individual “self-sovereignty”, and can, plausibly, be spelled out in terms of a set of rights to self-ownership, involving:

- (1) a very stringent right of control over the use of one’s mind and body that bars others from intentionally using one as a means by forcing one to sacrifice life, limb or labour, where such force operates by means of incursions or threats of incursions upon one’s mind and body . . . [and] (2) a very stringent right to all of the income that one can gain from one’s mind and body (including one’s labour) either on one’s own or through unregulated voluntary exchanges with other individuals.<sup>3</sup>

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<sup>2</sup> For Proudhon’s famous tirade against the state and his declarations in favor of autonomy and against impingements on individual self-sovereignty see Pierre-Joseph Proudhon, *General Idea of the Revolution in the Nineteenth Century*, trans. John Beverly Robinson (London: Freedom Press, 1923), pp. 293-294 and *Les confessions d’un révolutionnaire* (Paris: Adamant, 2002), pp. 17ff. For Kropotkin see “Anarchist Communism” in *The Conquest of Bread* (Cambridge: Cambridge University Press, 1995). Similar pronouncements can be found in the works of Mikhail Bakunin, Errico Malatesta, Emma Goldman, and other anarchist thinkers.

<sup>3</sup> Michael Otsuka, *Libertarianism without Inequality* (Oxford: Oxford University Press, 2005), p. 15. The reconstruction of libertarian socialism that follows draws inspiration from Otsuka, who offers the most up to date and elaborate defence of an egalitarian libertarianism.

It is important, at this stage, to distinguish between formal and effective variants of self-ownership.<sup>4</sup> Contrasted with formal self-ownership, the effective self-ownership principle enunciates effective autonomy, or control over one's goals in life and the means by which to attain them. This principle requires that the person not be forced,<sup>5</sup> by circumstances or third parties, to sacrifice life, limb, or labor for others.<sup>6</sup> It therefore requires that every individual have, or be provided with, adequate living space, access to food, shelter, and other basic necessities. Fulfillment of effective self-ownership thus removes a major source of exploitation, pervasive under capitalism, which exercises egalitarians of all stripes.<sup>7</sup>

A second commitment central to socialist thought in general, and to libertarian socialist thought, in particular, is to some principle of joint, or communal, or collective, ownership of the means of production. Call any commitment to joint ownership the socialist principle.<sup>8</sup> According to this principle, all the members of a community have a claim-right to an equal say in the disposal and distribution of natural and produced worldly resources.<sup>9</sup> Oil, land and air are instances of natural resources, while cars, books and hammers are instances of produced resources.<sup>10</sup>

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<sup>4</sup> For development of this distinction in the context of a polemic against Robert Nozick, see G.A. Cohen, "Self-Ownership, World-Ownership, and Equality," in *Self-Ownership, Freedom and Equality* (Cambridge: Cambridge University Press, 1995), pp. 67-92.

<sup>5</sup> A is forced to do X if and only if A has no reasonable or acceptable alternative to doing X.

<sup>6</sup> This is, more or less, Otsuka's characterization of effective (he calls it "robust") self-ownership. See Otsuka, pp. 32-33 and pp. 97-98.

<sup>7</sup> Lack of access to necessities is, for Kropotkin, Malatesta, and other anarchist communists, the chief source of exploitation under capitalist property relations. See Kropotkin's "Expropriation," in *Conquest of Bread* and Malatesta's *Anarchy* (London: Freedom Press, 1974), pp. 41ff.

<sup>8</sup> Much of the late nineteenth-century debate in anarchist circles fluctuated around the distinction between "collective" and "communist" property, where the former involved remuneration according to labour time, if only for the period of transition to full communism. For a discussion of the collectivist position, see Bakunin, "Revolutionary Catechism" in Sam Dolgoff (ed.), *Bakunin on Anarchy* (London: Black Rose Books, 1996) and see Kropotkin, "Anarchist Communism," for the communist position.

<sup>9</sup> A is a joint owner of X if A has a Hohfeldian claim-right to the use and possession of X, but no Hohfeldian liberty to such use and possession without appropriate authorization by others.

<sup>10</sup> The socialist principle is sometimes spelled out as joint ownership in the means of production. A natural or produced resource is a means of production if and only if production can occur directly as a result of its use. A hammer that can be used to produce chairs is therefore a means of production. But socialists do not, in general, believe that each hammer should be common property, for a number of reasons (principled and practical—see below). Rather, they believe that hammer factories, to take but one example, should be common property. For it is large-scale ("generalised commodity") production that gives rise, under capitalism, to exploitation, alienation, inequality and so on. They therefore wish to socialize the "major" means of production, where "major" denotes those resources capable of production on such a scale. The producing unit's scale may, in turn, be defined in terms of material productive capacity relative to the individual hammer producer (who does not employ labourers), or in terms of the value of its fixed or variable capital, and so on. To keep things simple, I shall refer principally to worldly resources, instead of means of production, for the rest of this essay.

The conjunction of the effective self-ownership and the socialist principles implies an economic constitution that promises both effective individual autonomy and substantive equality of condition. Sections 2 and 3 discuss the congruence of these two principles and argue that they form a set of compossible rights. This set furnishes a socialist, rather than left-libertarian, way of reconciling autonomy with equality. Section 4 suggests reasons why the socialist reconciliation might be better than the left-libertarian one.

## 2

In much recent work, left-libertarians such as Hillel Steiner and Peter Vallentyne have claimed that self-ownership, and the (formal) rights vested therein, is irreconcilable with joint world ownership, and therefore with the socialist principle. They sometimes take their cue from an argument, originally put forward by G. A. Cohen,<sup>11</sup> to the effect that joint ownership undermines effective autonomy, since joint world ownership—where “world” is construed broadly enough to include physical space—signals absence of a prerogative to exercise one’s core capabilities or, indeed, to physical space required for such exercise, without the consent of others. Cohen wants to show that even strong forms of joint ownership are consistent with the formal rights of self-ownership espoused by right-libertarians such as Nozick. For, if Cohen is right, it would follow that (Nozickian) self-ownership is consistent with substantive, joint-ownership-mandated, equality of condition. Libertarians on the right, says Cohen,

could not both reject a jointly owned (and thoroughly egalitarian) world on the ground that it drains self-ownership of its substance and defend an unmodified capitalist economy, in which the self-ownership of many people is no less insubstantial.<sup>12</sup>

Cohen does not say that every form of joint world ownership would deprive individuals of their effective self-ownership, or necessarily render the latter nugatory. All he asserts, and brilliantly demonstrates, is that self-ownership need not be in itself inegalitarian: it only becomes inegalitarian when conjoined with some inegalitarian premise about world ownership. It therefore does not follow that, in general:

In circumstances of joint ownership, libertarian self-ownership would . . . be rendered virtually worthless, since one would be permitted to consume and bit of food or water, or move, stand or rest on any bit of land only with the collective permission of all.<sup>13</sup>

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<sup>11</sup> See Cohen’s “Self-Ownership, World-Ownership, and Equality.”

<sup>12</sup> Cohen, “Introduction,” in *Self-Ownership*, p. 14.

<sup>13</sup> Otsuka, *Libertarianism without Inequality*, p. 30, n. 50.

In a similar vein, Hillel Steiner and Peter Vallentyne describe a form of joint-ownership libertarianism “which holds that natural resources belong to everyone collectively” and assert:

Because it allows no appropriation without the consent of others, it is not a very plausible form of libertarianism: it is doubtful that self-ownership can have much meaning under conditions where each person’s access to natural resources requires collective consent.<sup>14</sup>

But joint-ownership libertarianism need not be so restrictive. In what follows, I sketch a property rights structure that shows effective self-ownership to be consistent with the socialist principle.

Imagine Able and Infirm living alone on an abandoned island. They have access to three huge coconut trees (resources) which provide them with coconuts (welfare). Able is strong and healthy, and can therefore work long hours, each day, on more than one tree. Infirm can only work a limited number of hours per day and cannot climb up the trees for coconuts. His (opportunity for) welfare is therefore limited to coconuts immediately accessible on the ground. The non-socialist, left-libertarian strategy for achieving justice in distribution<sup>15</sup> between Able and Infirm involves giving Infirm a private property share in the coconut trees sufficient to induce Able to engage in unforced, uncoerced, voluntary exchange with Infirm, in a way that produces (appropriately construed) equality between the two. At the same time, Able must be guaranteed effective self-ownership, so that he is not forced to sacrifice life, limb or labour for Infirm.<sup>16</sup> To this end, Able is granted private ownership rights over an adequate amount of physical space and over one coconut tree. Infirm is granted property rights to two coconut trees. We may call Able’s original self-ownership-guaranteeing endowment his subsistence shell. The

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<sup>14</sup> Hillel Steiner and Peter Vallentyne, “Libertarian Theories of Intergenerational Justice,” in Axel Gosseries and Lukas H. Meyer (eds.), *Intergenerational Justice* (Oxford: Oxford University Press, 2009): 50-76, p. 52.

<sup>15</sup> Different philosophers will conceive distributive equality in different ways: Otsuka and Vallentyne construe it as equal opportunity for welfare (very roughly, the view that inequalities of welfare are just if, and only if, they reflect differences in agents’ choice or responsibility sets), while Steiner as equality in (the value of) worldly resource endowments. I shall assume, with Otsuka, that some form of equal opportunity for welfare is the appropriate currency of justice. The core of the argument proffered here would go through, I think, for a variety of distributive equalisanda and, indeed, for a number of nonegalitarian accounts of distributive justice (such as prioritarianism).

<sup>16</sup> This is the strategy pursued by Otsuka in *Libertarianism without Inequality*. Otsuka is the first left-libertarian to have realized that inequalities in both personal and worldly resources can be neutralized by sufficient redistribution in the latter. Vallentyne and Steiner have not themselves pursued this strategy, so for the rest of this section I will concern myself mainly with Otsuka. The form of argument put forward here, however, and the conclusions that follow, are general enough to cover virtually any left-libertarian constitution.

existence of a subsistence shell ensures that Able will not be forced to sacrifice life, limb or labor in order to provide for Infirm. But this arrangement is not the whole story. Both Able and Infirm would be better off if Able did some work on Infirm's coconut trees and paid the latter rent for using them, since, ex hypothesi, Infirm can work only on one of his two trees. Thus, by granting Infirm private ownership to a bundle much more valuable than that granted to Able, the latter comes to Infirm's aid in a way congenial to equality without any encroachments to the (formal or effective) self-ownership of either.

We may formalize the structure of Able's and Infirm's interaction as follows. For both agents there exists a resource bundle,  $R_A$  for Able, and  $R_I$  for Infirm, that gives each effective self-ownership: this bundle represents each person's subsistence shell. In the case of the island economy—and certainly in the case of an advanced capitalist economy—the total amount of worldly resources available (natural and produced resources,  $R_{TOT}$ ) will be more than enough to cover the subsistence needs of all its members, and thus provide for each person's effective self-ownership, such that  $R_{TOT} \gg R_A + R_I$ . Define  $S$ , the resource surplus, as the difference between  $R_{TOT}$  and the sum of subsistence-shell resources,  $R_A + R_I$ . To the extent that both Able and Infirm can achieve effective self-ownership for themselves through access to only one tree, and there are three trees in total, the resource surplus is equal to one coconut tree. Left-libertarians wish to grant this surplus tree to Infirm as private property. The surplus tree thus generates free and mutually beneficial trade with Able, which in turn produces substantive equality of condition between the two.

Unlike left-libertarians, libertarian socialists would not endorse private ownership of  $S$ . Indeed, they would want both the ownership and allocation of  $S$  to proceed from the joint decisions of Able and Infirm:  $S$  should be jointly owned.<sup>17</sup> This joint ownership constitution is therefore the modernizing conceptual grandson of nineteenth-century "collectivist" principles espoused by the founders of anarchist communism. But is the modernizing socialist principle consistent with (effective) self-ownership?

Recall that the set of rights comprising self-ownership, outlined in section 1, involves, first, "a very stringent right of control over the use of one's mind and body that bars others from intentionally using one as a means by forcing one to sacrifice life, limb or labour, where such force operates by means of incursions or threats of incursions upon one's mind and body"; and, second,

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<sup>17</sup> Allocation is relevant here, since abolition of private property is not eo ipso sufficient for abolition of market relationships and since many libertarian socialists, such as Kropotkin, were not merely anti-private-property, but also anti-market (see footnote 32 for the relevant sense of "market"). If the socialist principle is interpreted narrowly, as recommending only joint ownership of the means of production, then it is consistent with market forms of socialism. If, on the other hand, it is interpreted broadly, as recommending joint allocation of the means of production, in addition to joint ownership, then it is by definition inconsistent with markets. I shall argue, in section 4, that one of the presumptive advantages of the socialist over the left-libertarian strategy is that the former naturally allows for economic democracy.

“a very stringent right to all of the income that one can gain from one’s mind and body (including one’s labour) either on one’s own or through unregulated voluntary exchanges with other individuals.” Clearly the first condition is consistent with the socialist principle, for if Able does not want his resources to be pooled with others’, or does not want to work for Infirm, he can always waive his right of access to  $S$  and retreat into his subsistence shell  $R_A$  which, *ex hypothesi*, guarantees (effective) self-ownership.<sup>18</sup> What about Able’s (and Infirm’s) right to labour income? In a footnote to the conditions for self-ownership rehearsed in the first sentence of this paragraph, Otsuka writes “these [two] rights must be exercised within the confines of our rights to world-ownership.”<sup>19</sup> Assume Able and Infirm jointly own the island and the coconut trees. Able can, with Infirm’s permission, make something useful out of a piece of wood within the island. He does not, however, have the right to keep it, without the consent of Infirm: to do so would be to exercise some self-ownership-based prerogative outside the “confines of [relevant] rights to world-ownership”. It would therefore not constitute a violation of Able’s self-ownership if, say, Infirm denies him a right to exclusive use of what Able has made. And it may also not constitute a violation of Able’s self-ownership if he is required, by Infirm, to pay a rent for the resources he has effectively leased.<sup>20</sup> These possibilities are explored below.

It is possible to characterise a self-ownership-consistent transfer as an exchange that meets the following three conditions: the transfer must be (i) unregulated, (ii) untaxed, (iii) voluntary. Take, first, condition (i). The libertarian socialist constitution, by assumption, enforces a series of constraints on the use and disposal of physical resources: neither  $R_A$  or  $R_I$ , nor any part of  $S$  may be destroyed, or (fully) bequeathed to other people. These constraints on ownership under the socialist principle, however, are equivalent to similar constraints under private ownership—such as the impermissibility of passing over resources in the form of gifts or bequests.<sup>21</sup> To see this, assume that Able is granted a plot of land, and told he can freely cultivate it, but only on condition that he shares the product with Infirm. Once Able signs this contract, it presents no violation of his self-ownership that he is required to share out

<sup>18</sup> Both Kropotkin and Malatesta are in favour of providing those who do not wish to do productive work with “the necessaries of life” while allowing them to “look for other conditions elsewhere in the wide world”. This effectively amounts to exclusion from access to  $S$ . See Kropotkin, “Objections” in *The Conquest of Bread* and Malatesta, *A Talk about Anarchist Communism between Two Workers* (London: C.M. Wilson, 1890), pp. 28-29.

<sup>19</sup> Otsuka, *Libertarianism without Inequality*, p. 15.

<sup>20</sup> The socialist constitution outlined here is structurally consistent with a (sufficiency-oriented) constitution sketched by Cécile Fabre. See her “Justice, Fairness, and World-Ownership”, *Law and Philosophy* 21 (2002): 249-274.

<sup>21</sup> I am here appealing to the familiar left-libertarian argumentative strategy which implies that rights to worldly resources are much less full, or restrictive in scope, than are (self-ownership) rights to the person. No left-libertarian argument gets off the ground without such a discrepancy in the stringency of rights-contents.

his product with Infirm. Or at least this prospect implies no such violation if Able has the exit option of retreating to a sphere of effective self-ownership, should he choose not to sign. This is just what the libertarian socialist constitution requires. It follows that the exchange(s) taking place under the aegis of the socialist principle are as (un)regulated as similar self-ownership-consistent exchanges taking place under systems of private property. Both remaining conditions, (ii) and (iii), are amenable to reconciliation with the socialist principle in similar fashion. The contract that Able enters into is taxed, in the sense that he must give a percentage of his production to Infirm. But it is untaxed, in the sense that this transaction is, in all relevant respects, like Infirm renting out his own property to Able. Under the libertarian socialist strategy, there is no private property, of course, apart from that circumscribed by peoples' subsistence shells: this is what differentiates it from the left-libertarian strategy. It is the people as a whole that must cooperatively decide how to dispose of its collective property, not isolated individuals. Thus (iii) seems no less tricky than (i) and (ii): insofar as Able can waive his rights over access to *S*, any decision to co-produce is voluntary, in the sense that Able can do otherwise (not co-produce) without having to suffer intolerable costs, or a loss in (effective) self-ownership. It follows that the three conditions for a self-ownership-consistent transfer are met under the libertarian socialist constitution: (effective) self-ownership is consistent with the socialist principle.

If I am right, then the constitution just sketched generates a set of compossible normative elements which forms an alternative to the left-libertarian constitutions broached in the recent literature. The compossibility is achieved by allowing each individual a private subsistence share, which gives autonomy sufficient sway, while making the (rest of the) means of production common property.<sup>22</sup>

### 3

One common charge levelled against libertarian socialist economic structures is that they rely too much on altruistic preferences, or strongly altruistic dispositions. David Miller, for example, has argued that the main reason why thinkers like Kropotkin and Malatesta have been so sanguine about the prospects of their vision of communism is that they are unduly optimistic about human (post-revolutionary) solidarity. Their vision of a stateless, non-coercive society of fraternity and mutual aid thus relies explicitly on unrealistic premises about human motivation and the disposition to cooperate. Miller writes:

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<sup>22</sup> In private communication, Peter Vallentyne has pointed out that more "individualistic" precursors of contemporary left-libertarianism would limit *S* to natural, rather than natural and produced resources.



The [libertarian] communists assume that, because of natural human solidarity, very few persons will wish to be independent of the collective organization of production, and so communist arrangements need not be enforced.<sup>23</sup>

It is, furthermore, this “natural altruism” of the communist society’s members which removes standard difficulties “in motivating individuals to contribute to projects whose benefits are enjoyed by everyone.”<sup>24</sup>

There is, no doubt, much truth in what Miller says: most of the pioneers of libertarian socialism seem to have attached singular importance to the rise of voluntary forms of social organization which only survive in vegetative conditions under state-propelled capitalism.<sup>25</sup> But the constitution sketched in section 2 shows, I think, that libertarian socialism may actually incorporate incentives for individuals to actively participate in common projects and produce jointly with others –and for others- without recourse to strong altruistic assumptions. As long as *S* remains large enough, both Able and Infirm will have much to gain from cooperation and joint production, and much to lose by waiving their rights of access to *S*, by withdrawing into their subsistence shells.<sup>26</sup>

Another objection against the libertarian socialist constitution admits that self-ownership and joint world ownership are compossible, but claims that libertarian socialism does not allow autonomy sufficient sway. For, on the one hand, the (nonformal) self-ownership implied by the socialist constitution only suffices to satisfy basic human needs (physical space, food, clothing, shelter) while, on the other hand, joint ownership deprives individuals of the

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<sup>23</sup> Miller, D., *Anarchism* (London: J.M Dent, 1984), p. 58.

<sup>24</sup> *Ibid.*, p. 55.

<sup>25</sup> Hence the emphases on institutions like the Red Cross and the British Lifeboat Association, for example. See chapter 8 of Kropotkin’s *Mutual Aid* (London: Heinemann, 1902).

<sup>26</sup> In the left-libertarian constitution *S*, the third tree, is owned by Infirm. Able therefore works for Infirm, producing, say, an extra 2 coconuts a day for himself, paying 8 coconuts a day to Infirm as rent for access to Infirm’s extra tree. This way they both end up with, say, 12 coconuts at the end of each day. (Otsuka’s argument in this connection is that endowing Infirm with scarce, and therefore dear, resources will elicit fully voluntary exchanges with Able. But if Able is a miser, or a very shrewd self-seeker, there is little guarantee the reconciliation strategy will work. And even when Able declines to work for access to Infirm’s more valuable resources, at some cost to himself, only because he prefers seeing Infirm suffer and die, self-ownership permits no interference with Able’s limb or labour. This may be reason enough to reject self-ownership altogether.) (12, 12) is, let’s assume, the distribution mandated by justice. Under capitalism these 8 coconuts translate as an 80 percent marginal tax rate on post-subsistence income (assuming subsistence income is not taxed). The efficiency question is whether the libertarian socialist constitution is more, less, or equally likely to achieve equality at this high level of coconut output, or whether, given incentive structures, it will have to settle for equality at a lower level of coconut production, such as (10, 10). I do not know how to attack this question, let alone answer it: my aim here is merely to argue that some libertarian socialist economic constitution may be defensible on grounds of justice, democracy and fraternity, not that it is inferior or superior to capitalism in terms of efficiency. These questions have received very little attention by economists and political scientists, and their input is now more than necessary.

right to appropriate worldly resources unless others also benefit from such appropriation.<sup>27</sup> But surely what we must do is not try to maximize autonomy tout court, but rather try to maximize it, if maximization is in order, fairly. Libertarian socialism requires an objective function with fairness as (one of its) constraint(s). In this it does not differ from left-libertarianism. Indeed, given the tendency of large-scale private property to generate pernicious outcomes in terms of the effective autonomy of a large number of human beings (through exploitation, poverty, unemployment, alienation, and so on) left-libertarianism may well be taken to task for not attaching as much importance to autonomy as its socialist cousin. The main principled difference between libertarian socialism and left-libertarianism, however, may yet lie in the former constitution's commitment to a set of values (partly) distinct from fairness, such as those of democracy and fraternity.

I next turn to an argument as to why the socialist reconciliation between effective self-ownership and equality may be superior to the left-libertarian one.

#### 4

Two common-stock socialist arguments are, I think, crucial to demonstrating the superiority of socialist over left-libertarian reconciliations of autonomy with equality. The first is an argument from economic democracy, and the second an argument from community or fraternity. Not everyone will be drawn to these ideals. But those who are drawn to them will have stronger reason to opt for the socialist, rather than the left-libertarian, constitution.

The precursors of contemporary libertarianism, particularly Kropotkin and Malatesta, were wont to point out the vagaries of statist capitalism, even in the presence—perhaps especially in the presence—of a welfare state. For the latter tends to increase and encourage dependence of vulnerable individuals on, morally non-innocuous, institutional structures, structures over which they have no say or control. Moreover, welfare states serve to institutionally entrench forms of ex post contribution to individual welfare (i.e. after misfortune hits), which might in itself be detrimental to the recipient's self-respect. A system that gave everyone equal ex ante access to worldly resources and an active say over the allocation and distribution of these resources would diminish uncertainty, reduce dependence on the state, and be more respectful of individual agency. I will try to clarify some of these sketchy remarks by appeal to the idea of economic democracy.

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<sup>27</sup> This constitution may be implementable by an economy with (i) a relatively high unconditional basic income, guaranteeing effective autonomy, and (ii) joint ownership of the means of production, guaranteeing equality of condition. For penetrating and imaginative discussion on basic income, in the context of the debate on the (un)justifiability of capitalism, see Philippe Van Parijs, *Real Freedom for All* (Oxford: Oxford University Press, 1995).

Economic democracy is about extending democratic procedures, forms of deliberation and decision making, to economic structures. An advantage of the socialist constitution sketched in sections 2 and 3 is that it is naturally congenial to economic democracy. For only under the socialist constitution can people democratically choose what they produce and how they produce it: under the socialist constitution the means of production remain under collective democratic control. In the context of advanced industrial societies, the socialist constitution can therefore realize economic structures ranging from worker-managed firms to full scale economic planning.<sup>28</sup> Under left-libertarian private property, on the other hand, the allocation of the social surplus, the division of labour, the size of the working day, and other concerns of capital importance to peoples' lives, are effectively delegated to decision by market processes. In the island scenario, the state redistributes coconuts after both nature and the market have made their moves. Justice is therefore essentially compensatory for misfortune suffered in a process over which individuals retain no active say, and where the state retains a central, ex post, "redistributionist" role.

If an extension of democracy to the economy is desirable, then the socialist strategy looks like the only way it can be achieved. Indeed, such extension may be required by a public conception of justice. Yet democratic theorists have been largely unconcerned with this question in recent years.<sup>29</sup> In his influential study in democratic theory, for example, Thomas Christiano scarcely mentions the idea of economic democracy.<sup>30</sup> He elsewhere proposes to deal with the "uneasy relationship" between democracy and capital by ascribing duties to capitalists to "cooperate with a democratic assembly and government in the pursuit of the aims of a democratic assembly even when this implies some diminution of . . . profits."<sup>31</sup> Now, capitalist markets<sup>32</sup> and capitalist private property structures, more generally, undermine democracy in a variety of ways. They undermine it indirectly, through their tendency to skew outcomes in favour of the economically powerful. These undemocratic features relate principally to the patterns of influence inegalitarian structures

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<sup>28</sup> David Schweickart has defended a system of worker-managed firms in *After Capitalism* (Lanham, Md.: Rowman & Littlefield, 2002), while Pat Devine has defended a democratic system of comprehensive planning through "negotiated coordination" in *Democracy and Economic Planning: The Political Economy of a Self-Governing Society* (Cambridge: Polity Press, 1988).

<sup>29</sup> Prominent exceptions are Nien-h Hsieh's "Justice in Production", in *Journal of Political Philosophy* 16 (2008): 72-100, and the contributions on workplace democracy to Axel Gosseries and Gregory Ponthire (eds.), *Revue de Philosophie Economique* 9 (2008).

<sup>30</sup> See Thomas Christiano, *Rule of the Many* (London: Westview Press, 1996) and *The Constitution of Equality* (Oxford: Oxford University Press, 2008).

<sup>31</sup> Christiano, "The Uneasy Relationship between Democracy and Capital," *Social Philosophy and Policy* 27 (2010): 195-217, p. 196.

<sup>32</sup> The term "market" is multiply ambiguous. I mean by it, not some innocuous forum for exchange of goods and services, but what Marxists call "generalised commodity production," i.e., a system of production in which use values, including labour power, are bought and sold in the pursuit of profit.

of economic power generate. But these structures also undermine democracy more directly, because they allow capitalists an “extra say in what aims are to be brought about”. For

If we suppose that the legislative process is egalitarian, then the realization of the aim, as long as it is feasible, is required by the principle of an equal say over the outcome. If, subsequent to the decision, a person or group of persons in the society knowingly act so as to undermine the achievement of the aim then, by the above principle, they have necessarily appropriated a special exercise of political power for themselves.<sup>33</sup>

As with most systems of private property, the left-libertarian constitution has an inherent tendency to produce inequality. This can, of course, be remedied through redistribution, the flagship distinguishing feature of social democracy. That may go some way towards fixing the problem of economic distribution, but would not satisfy the advocate of economic democracy. For it would not remove the incongruence between private property and true democratization of the economy, where “economy” is defined, in part, with reference to the ownership of the means of production. As long as individuals cannot collectively decide, through democratic means, what proportion of society’s resources are to be allocated to health and education, rather than, say, nail-polish, or how many hours per week they will work, markets will hold sway over their lives. Pure instrumentalists, i.e. those who believe that the case for democracy is exhausted in its tendency to produce good outcomes—perhaps including justice—might reject this claim. They might say that private ownership of worldly resources produces economic results, and this is all that matters. But those, like Christiano, who ascribe non-instrumental value to democracy, ought to take it very seriously. For if the “democratic division of labour” consists in “assigning citizens the task of choosing the aims of the society while politicians, interest groups and administrators are assigned the tasks of selecting the means by which these aims are achieved”<sup>34</sup> then who is to say that the aforementioned concerns do not form legitimate democratic aims? If we take democracy seriously then we must augment its mandate to include

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<sup>33</sup> Christiano, “Uneasy Relationship,” p. 203. Christiano’s own solution, that of ascribing (legal?) duties to capitalists to cooperate with democratic assemblies is both utopian and misleading. It is utopian, because it is unfeasible: most capitalists would rather flee a country than suffer substantial reduction in profit margins, even when that is morally expedient. In such cases capital would have to be socialized, that is, pass into joint ownership. Christiano’s solution is misleading, because it makes it look as if market despotism is a remediable aspect of capitalist economic structures. Two centuries of capitalism have taught us better: if you want to avoid arson you do not charge a pyromaniac with—unenforceable—duties to use fire “cooperatively” (this is what Christiano proposes to do). It’s far better to ensure he has no access to it. Capitalists are, in relevant respects, like the pyromaniac, not by choice, but by vocation.

<sup>34</sup> Christiano, “Uneasy Relationship,” pp. 199-200.

an active individual say on the allocation and distribution of the means of production: this way economic democracy crowds out market despotism.<sup>35</sup>

I turn now to the second value elicited by the socialist reconciliation between equality and autonomy, that of justificatory community. Justificatory community consists in the idea that social institutions and modes of interaction among citizens be deliberatively or dialogically acceptable, i.e. acceptable when put forward in second-personal terms.<sup>36</sup> Here's an illustration of the general idea:

I am rich, you are poor, because of regrettable bad choices... and not therefore because of lack of equality of opportunity. You have to ride the crowded bus every day, whereas I pass you by in my comfortable car. One day, however, I must take the bus, because my wife needs the car. I can reasonably complain about that to a fellow car-driver, but not to you. I can't say to you: "It's awful that I have to take the bus today." There's a lack of community between us of just the sort that naturally obtains between me and the fellow car driver.<sup>37</sup>

It follows, says Cohen, that "we cannot enjoy full community, you and I, if you make, and keep, say, ten times as much money as I do, because my life will then labour under challenges that you will never face, challenges that you could help me cope with, but do not, because you keep your money."<sup>38</sup> That is, even if justice does not pass judgement on the inequality that ensues between us, that inequality may nevertheless be condemned on grounds of community or fraternity (this follows from what Cohen says on equality of opportunity in the previous passage). How are we, then, to judge which inequalities encroach upon these values? Cohen's answer is framed in terms of what he calls the "interpersonal test," which asks

how robust a policy argument is by subjecting it to variation with respect to who is speaking and/or who is listening when the argument is presented. The test asks whether the argument could serve

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<sup>35</sup> One might claim that I am here putting the cart before the horse. For surely people should have a second-order say as to whether they want to have an economic democracy. Two responses are in order: first, the question of self-abrogation is itself controversial, as the example of self-enslavement amply illustrates. It is not obvious that people have a right not to be free, individually or collectively. Second, it is significant in this context that no capitalist societies have, to this day, put a worked-out option of economic democracy on the political agenda.

<sup>36</sup> The idea of justificatory community has been defended by G. A. Cohen in his 1992 Tanner Lectures, entitled "Incentives, Inequality and Community," published as "The Incentives Argument" in his *Rescuing Justice and Equality* (Cambridge, Mass.: Harvard University Press, 2008). He returned to this idea in *Why not Socialism?* (Princeton: Princeton University Press, 2009).

<sup>37</sup> Cohen, *Why not Socialism?* pp. 35-6.

<sup>38</sup> *Ibid.*, p. 35.

as a justification of a mooted policy when uttered by any member of society to any other member.<sup>39</sup>

The left-libertarian strategy is not, in principle, inconsistent with justificatory community. But community is practically unachievable under left-libertarianism, since it is unthinkable that each property owner will be expected to justify his private property holdings to everyone else, or to some (democratic) assembly in the context of a populous pluralistic economy, or indeed to anyone who asked for justification.<sup>40</sup> The socialist strategy avoids this practical impossibility by socializing salient dialogical relationships, that is, by enforcing norms of justification vis-à-vis the disposal of collective, rather than private, property. Once the resource surplus is collectivized there no longer exist massive chunks of private property, and therefore large resource inequalities, crying out for justification on a case-to-case basis.<sup>41</sup> What still calls for justification is the way the surplus will distribute benefits and burdens across the members of a polity, a task that would have to be accomplished through democratic procedures, circumscribed by adequate constitutional safeguards. Libertarian socialism may thus be able to realise the demand for interpersonal justification of economic position by radically democratizing its social content, that is, by democratizing the structure of property rights to worldly resources—subject to important side-constraints implied by the principle of effective self-ownership and the rights entailed by it.

I have argued that there exist reasons of democracy and community to

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<sup>39</sup> Cohen, *Rescuing Justice and Equality*, p. 42. There are obvious links here, on the one hand with Steven Darwall's work in moral philosophy (particularly his recent book *The Second-Person Standpoint* (Cambridge, Mass.: Harvard University Press, 2006)) and, on the other hand, with Jürgen Habermas's discourse ethics (for example *Moral Consciousness and Communicative Action* (Cambridge, Mass.: MIT Press, 2001)). These are certainly promising avenues for future research. For further elaboration of Cohen's views on community, and a more general sketch of his political philosophy, see my "G. A. Cohen's Vision of Socialism," *Journal of Ethics* 14 (2010): 185-216.

<sup>40</sup> Moreover, it seems positively undesirable that he does so since, under the left-libertarian schema, a social norm of second-personal justification for economic inequality would mean that Infirm has to prove publicly that he is less capable or talented than Able. This is, after all, the reason why some left-libertarians believe Infirm's private property holdings ought to be greater than Able's. The stigmatization attached to "means-testing" of the sort has been criticised by, among others, Jonathan Wolff, in "Fairness, Respect, and the Egalitarian Ethos," *Philosophy and Public Affairs* 27 (1998): 97-122, and by Elizabeth Anderson in "What is the Point of Equality?" *Ethics* 109 (1999): 287-337. The stigmatization argument is a reason to fundamentally equalize people much earlier than left-libertarians—or, for that matter, egalitarian liberals or social democrats—are prepared to allow. The problem for social democrats is not that justice involves stigmatization, but rather that, under their favoured property relations (private property), justice must always arrive too late, if at all.

<sup>41</sup> Peter Vallentyne points out (in private communication) that, even in such an economy, one might still encounter massive chunks of consumer goods accumulating in individuals' backyards. This is possible, and might be sufficient reason to tax the possession of consumer goods at a progressive rate. The point here is that a socialist constitution could, unlike private ownership, eliminate inequalities issuing at the point of production (due to, say, high rates of exploitation and unemployment) in ways congenial to democracy and fraternity.

opt for a socialist, rather than a left-libertarian, reconciliation between self-ownership and equality. In doing so, I have not touched upon important dimensions of the more general libertarian critique of the state. That critique asserts a consent-based theory of legitimacy, and infers that no state can claim the right to be obeyed in the absence of free, rational and informed individual consent.<sup>42</sup> I have not taken this route because I do not believe it succeeds.<sup>43</sup> But socialists, especially those interested in building a truly democratic form of egalitarian society, can learn from libertarian socialism's commitment to the abolition of political hierarchies, just as they can learn from its consistent emphasis on protecting and fostering effective autonomy.

## Concluding remarks

Socialists believe that equality, community and economic democracy can only be achieved by a system of joint ownership in the means of production. These property rights do not, as such, pass judgement as to what rights individuals have to their own person. Libertarians believe that individual liberty and autonomy are only coextensive with a set of stringent rights to the person and its powers. These property rights do not, as such, pass judgement as to what rights individuals have to the external world. Bringing libertarianism and socialism together is therefore, in principle, possible. Indeed, one of the major innovations of left-libertarians has been to show how libertarianism can itself be rendered consistent with substantive equality of condition, without taking the further step towards socialism. This paper is an attempt to take this further step, in a way that reconciles individual autonomy and radical equality of opportunity consistently with values prized by socialists. To those libertarians drawn to socialist values (such as the pioneers of nineteenth-century anarchism), the paper offers a reconciliation that is arguably more true to these values than left-libertarianism. To those socialists drawn to libertarian values, it offers an alternative to left-libertarianism that avoids the pitfalls of statist redistributionism. The extent to which a socialist, rather than left-libertarian, reconciliation between autonomy and equality is desirable turns on controversial questions, which have hardly been debated in contemporary political philosophy. There is strong reason to attack them head on.

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<sup>42</sup> This is also the strategy pursued by Michael Otsuka, which is, in turn, informed by the long tradition of philosophical anarchist thought. See R.P. Wolff's *In Defence of Anarchism* (Berkeley: University of California Press, 1998) for an influential account.

<sup>43</sup> See Joseph Raz, *The Authority of Law* (Oxford: Clarendon Press, 1979), p. 27, for an important critique of R.P. Wolff's argument against authority.