

“World Ownership, Self-Ownership, and Equality in Georgist Philosophy:” A Reply

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I. Introduction

In the paper “World Ownership, Self-Ownership, and Equality in Georgist Philosophy”¹ Darrell Moellendorf provides an analysis of Henry George’s social philosophy and of my elaboration of a variation on it. In this paper I respond to Moellendorf’s analysis on my own behalf, and, to the extent that I can, on behalf of George.

Moellendorf undertakes his analysis from the perspective of the “egalitarian liberal” tradition, a tradition that “abjures claims about natural property rights but is concerned that social and political institutions not create inequality on the basis of morally arbitrary differences between persons.”² In contrast, George’s social philosophy and mine begin with the postulates that people have rights to themselves and that all people have equal rights to natural opportunities. Thus my reply is in part an explanation of why I believe that the Georgist starting point is better than the egalitarian liberal starting point and in part an explanation of why George’s social philosophy and mine do not have the characteristics that Moellendorf attributes to them.

I do not regard Moellendorf’s comments as hostile. Quite the opposite. In reading his paper I came to understand that his perspective and mine are closer than I had thought. Many of his desiderata for a social philosophy are also mine. I can imagine that after reading this paper Moellendorf or someone with his perspective might find a Georgist social philosophy attractive.

In addition to responding to concerns of egalitarian liberals, those of us with a Georgist perspective must respond to concerns of right libertarians, who agree with Georgists that people have rights to themselves but assert, contrary to Georgists, that natural opportunities can be as fully owned privately as any good. Because Moellendorf does not stress the concerns that are offered from this perspective, they are not addressed in this paper.

¹ Available at the Web site www.schalkenbach.org/scholars-forum/WorldOwnership.pdf

² Moellendorf, “Equal Atmospheric Rights,” p. 2.

My social philosophy is strongly influenced by the ideas of Henry George, but it is not identical to George's social philosophy. Thus there are times when I need to answer separately for George and myself, and times when I am not certain how George would respond. Also, my own ideas are evolving. There aspects of my thinking where my views are different now than when I wrote the papers that Moellendorf cites.

II. Geoliberalism

“Geoliberalism” is the name I suggest for my framework, which is inspired by the ideas of Henry George. I suggest “liberalism” because of the connection of the framework with the liberal tradition of individual liberty and “geo” for the connection of the framework with land, with planetary concerns, and with the ideas of Henry George. The central tenets of geoliberalism are that people have rights to themselves and that all people have equal rights to natural opportunities.

These tenets also arise in a philosophy known as “left-libertarianism.” However, left-libertarians generally take positions that are different enough from mine that a different word is useful to distinguish my ideas from theirs.

Justice and morality

In my view, a theory of justice should be placed within a larger theory of morality. Justice describes why and under what circumstances the exercise of power is proper, within a framework of equal rights and evenhandedness. Morality describes the way good people behave. Good people are just. They limit their use of power and their endorsement of the use of power by others to circumstances in which justice permits power to be used. But that is only part of what good people do.

Good people recognize that their own well-being is no more or less important than the well-being of anyone else. Thus they act, within the constraints of justice, so as to achieve the greatest well-being of everyone.

Very few of us are so saintly that we are able to achieve the level of goodness that morality requires of us. Almost all of us allow ourselves to be less good than we can imagine being. One of the ways in which we achieve greater overall conformity with the requirements of morality is by establishing social norms of moral conduct, ways in which

everyone is expected to contribute to the common good. Then the question arises: How do we ensure that our efforts to promote the common good through social norms do not infringe on the rights of others? The answer: by doing what can reasonably be done to ensure that others have adequate opportunities both to move to places that express their own conceptions of good societies and to form new societies if they wish. When these opportunities are not fully present, we have obligations to be less parochial in our choices of social institutions.

Rights to selves

The first tenet of geoliberalism is that people have inalienable rights to themselves. I do not say, as some people such as Murray Rothbard do,³ that people own themselves, because that might suggest that they could sell themselves if they wished, since one can generally sell what one owns. If people were able to sell themselves, then there would be people who, having sold themselves, did not have rights to themselves. And people have inalienable rights to themselves. They can alienate (sell or give away) their labor services, but not their rights to the future exercise of their wills. They can make promises and put their wealth behind those promises, but they cannot justly be deprived of their liberty or have their bodies assaulted for having broken their promises.

The most fundamental feature of the rights that people have to themselves is the right to end their connections to those who have been their fellow citizens. When this right is exercised it is most commonly exercised by migration from one society to another. But migration requires that there be some existing society that will allow the potential migrant to join them. No society is obliged by justice to admit new migrants as citizens, because the rights that members of existing societies have to themselves include the right to decide with whom they will affiliate, and therefore to reject potential immigrants. Thus it cannot be guaranteed that a person who wishes to migrate will be able to do so. Therefore, the right to end one's connection to one's fellow citizens is given expression in a right to secede. But before that can be explained, some other components of the geoliberal framework must be explained.

³ *The Ethics of Liberty*, p. 31.

The extent of citizenship

Those who count as citizens with rights to themselves are those with whom we can have intelligent conversations (through translators, by sign language or by blinking an eye if necessary), in which we can reasonably rely on them to mean what they say. Persons who cannot pass this test, such as immature children, feeble-minded persons, insane persons, those temporarily disabled by alcohol or other drugs, and those who are senile, do not have rights to themselves. They must rely on the moral compassion of competent persons for their care.

Equal rights to natural opportunities

Citizens have equal rights to things of value that are provided by nature. These rights are not rights of ownership in perpetuity, but rather rights, while one is alive, to the use of opportunities that are provided by nature. There are several forms that equal rights can take, but the primary form is the right of each citizen to exclusive use of a combination of natural opportunities with the same market value as others are able to use. Thus each citizen has a right to the use each year of natural opportunities with a value equal to the total market value of the natural opportunities that are divided among citizens that year, divided by the number of citizens. People have an obligation to manage depletable resources, public investments and the growth of population in such a way that the per capita value of the opportunities that are available to citizens does not decline over time.

A natural opportunity is justly retained for common ownership or for common unspoiled appreciation, rather than divided, if a majority of the world's population would like the opportunity in question to provide collective rather than individual benefits. If a majority of the world's population wants to declare that some species of whales are to be regarded as congenial cousins rather than a tasty source of protein, then that majority can justly declare that no one may kill a whale of these species. The extent of the natural opportunities that can justly be subject to collective ownership limited by the obligation to ensure that enough natural opportunities are divided among citizens for the rights of citizens to themselves to be maintained.

The rights and obligations of nations

A nation claims exclusive use of the territory and resources within its borders. Such a claim is justified if either 1) the value per capita of the claim to natural opportunities is no greater than the global average value per capita or 2) the nation pays compensation to nations with less-than-average value per capita of natural opportunities, so that the net claim after compensation is no greater than the global average value per capita.

Every nation has an obligation in justice to provide refuge for all people who would otherwise lack a place where they can give expression to their rights to themselves. Refuge need not imply citizenship, however. The obligation to refugees is satisfied if a nation provides territory that the refugees can manage as they wish.

Every nation has an obligation to allow any citizen who wishes to emigrate to do so, and an obligation to allow any citizen or group of citizens that wishes to secede to do so. When a nation satisfies these obligations, it can justify any laws or regulations that its citizens choose, on the ground that the laws and regulations express its citizens' conception of a good society, which their rights to themselves permit them to express, and anyone who does not like those laws and regulations has an adequate opportunity to leave. The laws of the society thereby satisfy a condition of *consent*. This is not hypothetical consent, but rather *actual consent*.

The right to secede

For the rights that citizens have to be meaningful as rights to themselves, these rights must include the right to join with like-minded other citizens to form a society that expresses their shared conception of a good society, as long as they do not interfere with the rights of others. People are sometimes able to do this by emigrating, but the right to emigrate is not sufficient for those who can find no society they wish to join that is also willing to accept them. For such persons to have adequate rights to themselves, they must have access to territory representing their share of natural opportunities, on which they are able to make the rules. Since all land on earth that is suitable for habitation is already the territory of some nation, those who wish to form a new society can justly say to their fellow citizens, "The land that you and we have occupied has been justly yours and ours because it has not been more than our share. But now we have developed a

conception of a good society that is sufficiently different from yours that we would like to separate our claim to natural opportunities from yours. We wish to secede.” Their fellow citizens have an obligation to facilitate such a requested separation. The right to secede cannot be blocked by a lack of land rights because all people have equal, inalienable rights to the use of natural opportunities.

These are the principle components of geoliberalism.

III. Henry George’s Framework

Henry George uses a framework that differs from the one described above in several important ways. First, George did not regard people as having globally equal rights to land. He regarded the land and other natural opportunities of each nation as the common heritage of the citizens of that nation, so he saw no need for compensation among nations for inequalities in the value of natural opportunities per capita. Still, George was a globalist in the sense that he favored the elimination of all restrictions on trade and full economic integration of all nations.

George’s proposal for the recognition of the equal rights of all people to land was that the rent of land be collected publicly and used for public purposes. He did allow for the possibility of sharing part of the rent among the population:

Appropriate rent in the way I propose . . . and there would be at once a large surplus over and above what are now considered the legitimate expenses of government. We could divide this, if we wanted to, among the whole community, share and share alike. Or we could give every boy a small capital for a start when he came of age, every girl a dowry, every widow an annuity, every aged person a pension, out of this common estate. Or we could do with our great common fund many, many things that would be for the common benefit . . .⁴

But for George, if there was to be a division of the rent among the populace, it would be as a result of a democratic decision. A personal share of rent was not, for George, a birthright.

George argued that the rights of people to themselves required that all taxes except for a tax on land be abolished. He was so confident that the rent of land would far exceed

⁴ *The Land Question*, pp. 83-84.

the legitimate expenses of government that he did not consider the possibility that people might desire to live in societies with taxes beyond a tax on land, so that they might have public sectors that used more resources than what a tax on land can support.

George also did not discuss the possibility of a right to secede.

The distinction between justice and morality is sometimes present in George's writing, but it is not drawn carefully. In most other ways, George's framework and mine do not differ.

With these frameworks as background, I now discuss Moellendorf's critiques.

IV. Moellendorf's Critiques

A note on terminology

Moellendorf says that George's theory "comprises a revisionist account of classical liberalism, resting on the twin pillars of self-ownership and joint-ownership of natural resources." I describe the theory as resting on the tenets that 1) citizens have rights to themselves and 2) all citizens have equal rights to natural opportunities. There are differences in what people may understand by these alternative wordings that can be important.

Some writers who employ a principle of "self-ownership," such as Robert Nozick, say that a person can justly sell himself into slavery.⁵ Other writers who employ the same principle with the same terminology, such as Murray Rothbard, deny that slavery can ever be just.⁶ Thus there is an understandable ambiguity as to whether a principle of "self-ownership" is intended to include the possibility of a person selling himself into slavery. Henry George said, and I say, that slavery can never be just. Since people are generally able to sell the things that they own, and George and I say that people cannot sell themselves into slavery, I prefer not to say that people have rights of self-ownership, but rather that people have inalienable rights to themselves.

Moellendorf's description of the second tenet as "joint-ownership of natural resources" may be a slip of the pen. He is aware of two forms of equal rights to natural opportunities, which he calls "joint-ownership" and "several-ownership," and he is aware that George's views and mine are more consistent with the latter than the former. I will

⁵ *Anarchy, State and Utopia*, p. 331.

⁶ *The Ethics of Liberty*, p. 40.

explain below that there several forms that I believe equal rights to natural opportunities can justly take, but “joint-ownership” is not one of them. Thus I prefer to express the second tenet as the equal rights of all citizens to natural opportunities.

The form of equal rights to natural opportunities

Moellendorf considers the possibilities that equal rights to land might take the form of “joint-ownership” or “several-ownership.” Under joint ownership, the consent of all owners is required for any use of that which is owned. “Several-ownership” is Moellendorf’s term for group ownership in which each owner has a right to exclusive use of an equal share of the assets that the group owns. Moellendorf notes that George was aware of the possibility of joint-ownership, but rejected it. Moellendorf says:

George favors the view that I have been calling *several-ownership*. [footnote to *A Perplexed Philosopher*, pp. 27-28] And he is eager to reject the requirement that individual use requires the consent of other owners. But he is aware of the *prima facie* requirement of consensus decision-making for privatization according to the several-ownership account. [footnote to the footnote in *Progress and Poverty*, p. 340] Other than an antipathy for the requirement of consensus decision-making, it is unclear on what grounds George rejects joint-ownership.⁷

To me, the grounds on which George rejected self-ownership are clear. On page 29 of *A Perplexed Philosopher*, George describes joint-ownership as leading to “a *reductio ad absurdum*.” I take George’s meaning to be that life is too short to secure the consent of all people to anything. But even if there were only two people, the idea of land right as joint rights must be rejected if people are to have meaningful rights to themselves because, as the egalitarian social philosopher G.A. Cohen has noted, “joint world ownership renders self-ownership merely formal.”⁸ You can say that people have rights to themselves and then make those rights virtually meaningless by saying that people cannot use any land until they have secured the consent of everyone else. For “self-ownership” or “the rights of people to themselves” to be effective in securing individual liberty, the equal rights of citizens to land cannot be interpreted as joint rights. Since

⁷ “World Ownership,” p. 3.

⁸ *Self-Ownership, Freedom and Equality*, p. 98.

George regarded individual liberty as essential, he would have rejected joint rights to natural opportunities even if they had somehow been feasible. My view is the same.

The footnote on page 340 of *Progress and Poverty* to which Moellendorf refers says:

This natural and inalienable right to the equal use and enjoyment of land is so apparent that it has been recognized by men wherever force or habit has not blunted first perceptions. To give but one instance: The white settlers of New Zealand found themselves unable to get from the Maoris what the latter considered a complete title to land, because, although a whole tribe might have consented to a sale, they would still claim with every new child born among them an additional payment on the ground that they had parted with only their own rights, and could not sell those of the unborn. The government was obliged to step in and settle the matter by buying land for a tribal annuity, in which every child that is born acquires a share.

But this is not recognition of joint rights—the right of every person to veto individual use of land. Rather, it is recognition of the right of every person to compensation for private appropriation of land. George was saying that even if it happened that every member of the tribe agreed to the alienation of land from the tribe, the claims of those who were not yet born were not extinguished. They had rights to compensation for the diminution of their rights to land.

As I see it, there are not just two, but rather at least six different forms of equal rights to natural opportunities that might be entertained. Three of these are economically sensible for the world's natural opportunities in some circumstances. The other three are not. Joint-ownership is not sensible both because it is not possible to get the consent of 6.6 billion people to anything and because any form of joint-ownership of all opportunities eliminates the possibility of individual liberty. A second form of equal rights that makes no sense is equal division of every resource. There are too many different types of resources for such an effort to possibly provide people with resources that would be of use to them. The third form of equal rights that is not economically sensible is to divide resources into usable bundles of equal value. This is not sensible because some people are able to make good use of a full share of resources while others are not. Instead of delivering resources to people and requiring them to find buyers for any resources that they do not wish to use themselves, it is much more sensible to allow

unequal use of resources and collect fees from those with above-average use of resources, thereby generating funds with which to compensate those with below-average use.

The first form of equal rights that is sometimes economically sensible is what Moellendorf calls “several-ownership.” This entails allowing exclusive use of resources by individuals who pay market prices for their use, with the payments divided equally among all people. Equivalently, people can be required to pay only when the value of the natural opportunities they use exceeds the global average of what people use, with the proceeds providing compensation for those who use resources with less-than-average value.

The second form of equal ownership that is sometimes economically sensible is “common ownership,” permitting all citizens to use resources whenever they want. This is appropriate when it seems unimaginable that the resource would ever be scarce. Thus it is sensible to allow people to withdraw salt from the ocean without compensating the rest of humanity.

The third form of equal ownership that is sometimes economically sensible is common respectful non-use. Thus the people of the world may justly decide collectively that some rain forests should not be harvested or that some species of animals should not be hunted. Justice requires that the extent of the resources that are kept from private appropriation be limited, to avoid making life so circumscribed that the rights of people to themselves are compromised.

To summarize the nature of equal rights to natural opportunities, people have a right to use the opportunities provided by nature when they take adequate account of the equal rights of others. When people appropriate territory for their exclusive use and when they use up exhaustible natural opportunities, they have an obligation to ensure that they have left as much for others as they have taken themselves, or to provide compensation for their disproportionately great appropriations. If the world is not organized to measure the excess appropriations and distribute the compensation, individuals can still estimate the excess themselves and make payments to organizations that help the poorest people. When the world becomes organized to collect and distribute such payments, the task of compensating for one’s excess appropriations will be easier and just people will cooperate. And if a majority of people regard no compensation as adequate for the loss

of common rights to some resources, then those resources should not be subject to private appropriation, provided that the resources that remain for private appropriation are sufficient for people to have rights to themselves.

A note on Locke's proviso

Several of Moellendorf's comments involve *Locke's proviso*. I have come to a somewhat different understanding of Locke than I had when I wrote the things of mine that Moellendorf cites. Locke said:⁹

Though the earth, and all inferior creatures, be common to all men, 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 that nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property. It being by him removed from the common state nature hath placed it in, it hath by this labour something annexed to it, that excludes the common right of other men: for this labour being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to, at least where there is enough, and as good, left in common for others.

The last 14 words of this paragraph, "as least where there is enough, and as good, left in common for others," are known among philosophers as "Locke's proviso." I used to think that these words reflected support by Locke for the proposition that people have an obligation to leave as much land for others as they take for themselves. Now I see the proviso differently. What Locke's proviso actually says, I now see, is that equal rights that might prevent private appropriation will not do so if resources are not scarce.

Locke's argument, in other words, is that land belongs to everyone, but every person has a right to himself. Therefore, at least when the natural opportunities that are left in common for others are enough (as much as anyone might want) and of as good a quality, the things that people create by applying their labor to land are fully the property of the laborers. I agree with this proposition. It is what I would say about natural opportunities that are not scarce and should therefore be common property. But this proposition does not address the question of what should happen when natural opportunities *are* scarce.

⁹ Second Treatise of Government, Paragraph 27.

Locke addresses the question of what happens when natural opportunities are scarce in the next several pages of his *Second Treatise*, but he addresses the question in a way that is not satisfying. He claims that 99% of the value of land arises from labor that improved it (paragraph 40), and that treaties among nations have extinguished what would have been the claims of all humanity to all territory (paragraph 45). Thus I now believe that those of us who advocate equal rights to natural opportunities should not look to Locke for support.

Can people own land?

Moellendorf quotes my statement, “It should be obvious that no one can have claim to own land, because no one made the land,” and comments, “a missing premise of Tideman’s argument must be that productive activity *alone* confers private ownership.”¹⁰ This comment gives me a reason to elaborate my argument, changing it slightly.

I assume that people have rights to themselves. Because people have rights to themselves, they have rights to the value that results from their efforts, at least if assigning this value to them does not entail assigning other things to them (such as land) that they cannot claim on the basis of their rights to themselves. Since no one made the land, it is not possible to claim ownership of land when land is scarce, on the basis of people’s rights to themselves.

Might there be some other basis for claiming ownership of land? Discovery of a natural opportunity is economically equivalent to an improvement and generates a claim on the increase in value that results from advancing the time of discovery, similar to an improver’s claim on the value of an improvement. But simply being the first person to use a natural opportunity does not provide a coherent reason why a person should have a better claim on a scarce, known natural opportunity than someone who comes later.

The basic equality of people generates an obligation to explain why any one person should be able to exclude others from the use of natural opportunities. Two potentially acceptable possibilities are “I have left as much for each of the rest of you as I have appropriated for myself” and “I have provided adequate compensation for what I have

¹⁰ “World Ownership,” p. 3.

appropriated.” These generally suffice, but they can be trumped by, “Most of us want common rights to that particular resource rather than exclusive rights for one person.”

The obligation to explain to others why one’s appropriations are just, combined with the apparent impossibility of doing so if one has not left as much for them (in resources or compensation) as one has taken for oneself, makes it reasonable to declare that all people have equal rights to land and other natural opportunities.

While some claims to natural opportunities are consistent with equal rights to natural opportunities for all persons, because enough is left for others or because adequate compensation is paid, it is difficult if not impossible to make a claim of *ownership of a parcel of land in perpetuity* consistent with equal rights of all persons to natural opportunities, because of the present unobservability of the future value of the land and the future population size. Thus people can justly claim the use of land for as long as it is no more than their share, but they cannot justly claim ownership of land in perpetuity.¹¹

Leaving “enough and as good ... in common for others”

Moellendorf questions whether private possession of land under a land tax satisfies a Lockean requirement that there be “enough and as good left in common for others”¹² after land is appropriated.¹³ The question of what Locke meant by his proviso need not distract us here. The issue that Moellendorf raises is: Is private appropriation of land, when the appropriator pays market rent that is divided among the population, unjust because it deprives the populace of common use of land? My answer is somewhat involved: If the answer to this question is “always yes,” then it is impossible for people to have meaningful rights to themselves, because then no one could ever do anything without permission from everyone else. Therefore an answer of “always yes” is unacceptable. But the answer should not be “always no” either, because people can reasonably insist that resources be retained in common if they produce much less value when auctioned to the highest bidder for exclusive use than they would produce in common use or in common respectful non-use. So it is reasonable and consistent with justice for some

¹¹ In developing this argument I benefited from the opportunity to see a somewhat similar argument advanced by Joseph Mazor in a dissertation that he is writing in the Political Economy program at Harvard University.

¹² Locke, *Second Treatise of Government*, paragraph 27.

¹³ “World Ownership,” p. 6.

resources to not be available for exclusive access by any one rent-paying person. It is just for people to organize themselves and set aside some resources, by majority rule, for common use or common respectful non-use, as long as the resources set aside are not so extensive that people are thereby deprived of their rights to themselves.

The use of majority rule to set aside resources can be considered an extension of the idea that if people disagree about the right price for exchanging common rights for rent, it is reasonable to pick a price such that there are as many people who think the price should be lower as who think the price should be higher. This is a characteristic of majority-rule equilibrium. A resource is then retained for common use or common respectful non-use if a majority of people reject all offers (provided that the resources set aside are not so extensive that people are thereby deprived of their rights to themselves).

The possibility of land monopoly

Moellendorf says:

One of George's arguments against private property in natural resources involves the following example:

Place one hundred men on an island from which there is no escape, and whether you make one of these men the absolute owner of the other ninety-nine, or the absolute owner of the soil of the island, will make no difference to him or to them.

In the one case, as the other, the one will be the absolute master of the ninety-nine—his power extending even to life and death, for simply to refuse them permission to live upon the island would be to force them into the sea.¹⁴

Now, suppose the following island: The ninety-nine are not slaves but are devoid of resources. So they have no reasonable alternative but to work for the one who possesses all the productive resources and housing stock on the island. But democratic institutions exist on the island, and through these a land tax is instituted. The previous private owner must pay a tax equivalent to one hundred percent of the value of his property (as valued excluding developments), but no taxes on his factories, farm equipment, or the quarters that he leases to the workers. He is still the sole employer, the sole owner of housing stock, and the sole possessor of land.

¹⁴ *Progress and Poverty*, p. 347.

Are the ninety-nine significantly more free than they were prior to the institutions of the land tax? Despite the fact that each of the ninety-nine now has a revenue stream from the land rental that each did not possess previously, the former private owner of the land still has the power to prevent each worker from working and from lying down to bed at night. The rent does not provide them with a wider range of choices for living and working as long as the erstwhile owner legally controls all the natural resources.¹⁵

This example raises several interesting issues. First, there is the issue of rectification. If the autocrat became the sole owner of factories, farm equipment and housing through unjust exclusive control of land in the past, then a principle of rectification could be employed to require him to compensate the ninety-nine for the injustice they received in the past. That would give them resources with which to develop alternatives to dealing with him.

But the example need not entail this particular injustice. The autocrat might be an astute entrepreneur who has been renting the island from a land owner, who had been consuming all of the rent and has just died after selling title to the island to the autocrat. In this case there is no one from whom to seek rectification. Still, if the land is properly assessed the ninety-nine will now have alternatives to dealing with the autocrat. The rental value of a parcel of land (what the owner should pay in taxes on the land) is the amount of money that someone is willing to pay for use of the land. If the rental value of land is collected publicly and divided equally among the 100 residents of the island, each resident will have an income that is sufficient to pay the taxes on 1/100 of the island. And if he wants less than 1/100 of the island, he will have some income to spare. With all the rent of land collected publicly, the selling price of unimproved land should be approximately zero. If the autocrat is unwilling to part with any unimproved land at a nominal price, then the taxes are not high enough. Thus the 99 should have no problem in acquiring title to land, and therefore to cease being obliged to accept the dictates of the autocrat.

Even with out any capital, the residents will have alternatives to dealing with him. They can live temporarily in tents. They will be able establish businesses that provide services that require no capital, such as teaching, counseling, child care, house cleaning,

¹⁵ "World Ownership," pp. 7-8.

cooking, massage, entertainment, etc. With very small amounts of capital they can become traders, car mechanics, artists, carpenters, electricians, plumbers, gardeners, barbers etc.¹⁶ Once the land monopoly is broken they have alternatives.

I do not mean to suggest that the autocrat's position as the sole employer and sole owner of housing is innocuous. There are good economic reasons for not allowing monopolies. But people can have substantial rights to themselves despite the existence of monopolies, as long as the monopolists do not have complete control over a resource such as land that is essential for life.

Addressing morally relevant social inequality

Moellendorf challenges the adequacy of the principle of public collection of rent to address all of the sources of morally relevant social inequality. He addresses three aspects of inequality: educational inequality, social domination, and inequality of talent.

Educational inequality

With respect to educational inequality, Moellendorf says:

One of the features of Tideman's view that will surprise many egalitarians is his exclusive reliance on the moral principle of equality of opportunity to produce using natural resources. Although this is also the case with George, the latter's egalitarian vision is broad and demanding. Consider the role that George sees for the public sector:

This revenue arising from the common property could be applied to the common benefit, as were the revenues of Sparta. We might not establish public tables—they would be unnecessary; but we could establish public baths, museums, libraries, gardens, lecture rooms, music and dancing halls, theaters, universities, technical schools, shooting galleries, play grounds, gymnasiums, etc. Heat, light, and motive power, as well as water, might be conducted through our streets at public expense; our roads lined with fruit trees, discoverers and inventors rewarded, scientific investigations supported; and in a thousand ways the public revenues made to foster efforts for the public benefit.¹⁷

It is unclear whether George takes the provision of these public goods to be a matter of justice or desirable on other grounds. But such provision cannot, in any case, be justified on grounds that it equalizes opportunities to produce using natural resources.

¹⁶ I knew a fellow who walked across the country, making money when necessary cutting hair (expertly) with a pair of scissor that he kept in his pocket.

¹⁷ *Progress and Poverty*, p. 456.

(Parenthetically, it is noteworthy with respect to the discussion of section V that George does not seem to take self-ownership to require the assignment of intellectual property rights that ensure monopoly market rights for inventors.)

It is significant that Tideman is uncertain whether the provision of public education, and therefore equal educational opportunities, is required by justice, especially if a consensus cannot be developed to fund it. In the absence of public funding for education, the children of wealthy parents will generally receive superior educations and therefore will have significantly greater career and life opportunities than the children of poorer parents. Apparently equality of educational opportunity does not have the status in Tideman's view of justice that equality of opportunity to produce using natural resources does. One possible explanation for this invokes the principle of self-ownership. If persons are morally first and foremost self-owners, and if this status is not a developmental product, which is to say that it is not a condition that is nurtured by social and political arrangements (although it may be violated by these) as, for example, is the case with autonomy, then justice does not require institutions, such as an educational system, to facilitate the status.¹⁸

My views are closer to George's than Moellendorf seems to think, though I cannot be sure that George would accept all of my ideas. I agree with George that people could justly use the rent of land to "establish public baths, museums, libraries, gardens, lecture rooms, music and dancing halls, theaters, universities, technical schools, shooting galleries, play grounds, gymnasiums, etc." Any activity that people want to support publicly can justly be supported with the rent of land, as long as there is competition among jurisdictions and pre-development rent is shared on a global basis. I also claim that people would be acting justly (though boorishly and inefficiently) if they chose to support no public activities with the rent of land and instead divided the rent equally among themselves. My claim is that the right of people to themselves includes the right to have the kind of public sector that they want, including little or no public sector.

I would also stress the importance of maintaining the distinction between morality and justice. Moellendorf begins the quoted passage with a comment about morality and ends with a comment about justice. It is not clear when he means to write about morality and when about justice, or what he sees as the difference between the two.

¹⁸ "World Ownership," p. 9.

George might or might not have found a very small public sector acceptable. He did say,

Appropriate rent in the way I propose . . . and there would be at once a large surplus over and above what are now considered the legitimate expenses of government. We could divide this, if we wanted to, among the whole community, share and share alike.¹⁹

But this is consistent with a claim that a variety of “legitimate expenses of government” are mandatory.

Moellendorf seems to be startled that I could regard a society as behaving consistently with justice if education were not supported publicly. My answer is that I see no reason, in terms of justice, to place the cost of educating a child in a different category than the cost of feeding and clothing a child. The couple who choose to bring a child into the world cause all of these costs, so it is not unjust to require the couple to pay them. Many societies choose to give parents help with a variety of costs of raising children, and they should be free to do so if they wish, but I do not see the basis for a claim that justice requires social support for any costs of raising children. The natural response to this claim of mine is that poor people will be unable or unwilling to pay such costs, and that it would be unjust to try to induce them to not have the children whose costs they cannot afford. I reply that if there are people in undeserved poverty, then they should get more money. They should be free to spend whatever money they deserve on whatever they want. But having more children does not cause them to deserve more money.

“But what about the children?” it will be asked. Don’t they deserve to be educated? My answer is “No.” Good parents will see that their children get the upbringing they need to have reasonable prospects, and this will generally include substantial education. Good societies will step in when parents are unwilling or unable to fulfill their duties. But these actions come about because people understand their moral duties, and not because justice demands that children be educated. If the Amish want to establish a society in which children attend school only to the eighth grade (or less), they should be free to do so.²⁰

¹⁹ *The Land Question*, pp. 83-84.

²⁰ See *Wisconsin v. Yoder*, 406 U.S. 205 (1972)

I agree with Moellendorf that where inequality is permitted, the children of the rich will generally have better life prospects than the children of the poor. Still, a talented child of poor parents will often have better life prospects than an incompetent child of rich parents. People who don't like this are free to form societies in which parents may not pass wealth on to their children and/or prospective parents are required to buy insurance against the possibility that their children will be incompetent.

As Moellendorf suspected, I do see people "first and foremost [as] self-owners," though I would prefer to say that they have "rights to themselves." But this is not a "status;" it is a fact. Very little education is needed to impart this fact to children.

Social domination

Moellendorf says:

Inequalities of ownership of productive (non-natural) resources can lead to forms of domination. George was acutely aware of the problems of domination that private ownership of land might bring. "The strongest and most cunning easily acquire a superior share in this species of property, which is to be had, not by production, but by appropriation, and in becoming lords of the land they become necessarily lords of their fellow men." But similar problems of domination can arise from ownership of the non-natural means of production. The example in section III, in which ownership of the natural resources of the island were transferred to all one hundred inhabitants of the island, while one inhabitant maintained both possession of those resources and ownership of other forms of capital, illustrates the problem that when productive resources other than natural resources remain in private hands, and inaccessible by instruments of public policy such as income, wealth, and estate taxes, significant inequalities and forms of domination may remain. [Footnote: Tideman might seek to evade this problem by invoking the Henry George Theorem. ... The theorem assumes the ability for people to move costlessly, which the island example does not instantiate, and which in reality is not realizable.]

George asserts that if the revenue generated from land taxation were put to egalitarian ends, a positive dynamic for increased public revenue would be unleashed, as the public provision of services tends to increase land values. This is an attractive thesis that might help to allay concerns about the adequacy of the revenue generated from the land tax to provide publicly funded institutions that increase the range of persons' choices, but there remains the concern that domination may also derive from an unequal distribution of

ownership of non-natural resources in conjunction with unequal possession of natural resources. Suppose rental income is insufficient to provide the majority of persons with reasonable alternatives to working for the owners-of-non-natural resources who are also the possessors-of-natural-resources. The workers will enjoy neither the same income to purchase the goods that are not provided by public funding (which might include education for their children), nor the same access to leisure and meaningful productive activity, as the owners/possessors.²¹

I am not sure how Moellendorf distinguishes domination from inequality. I agree that market economies tend to have significant amounts of inequality; I do not see this as unjust when people have equal rights to natural opportunities. I also argue that people have the right to form societies with as much equality as they want, as long as they are willing to forego the participation of those who do not share their taste for equality and therefore leave. Moellendorf is close to right in guessing that I will invoke the “Henry George theorem.” This theorem says that worthwhile local public expenditures that are valued equally by the local population and do not provide benefits outside the boundaries of the locality that provides them will generally raise land rents by enough to pay for them if rent is collected publicly. But it is not the Henry George theorem itself that is relevant here. What is relevant is the idea of competition among cities that each provide the services that their citizen value, which is the impetus for the theorem.

When domination is understood not as inequality but rather as men becoming “lords of their fellow men,” then there are a number of ways that a market economy tends to inhibit such a development. First there is geographic mobility. We are not stuck on an island from which there is no escape. Even if moving is not costless, a very large proportion of people improve their circumstances by moving to other places. And even for those who choose not to move to a different region, there are many options about where to live and where to work. There are also the options of forming one’s own business and building one’s own house, which many choose. With shares of rent to help people through times of low income, the possibility of anything like true domination nearly disappears.

Unequal talent

Moellendorf says,

²¹ “World Ownership,” pp. 9-10.

Finally, people's talents and skills will be rewarded differentially in the market. The social system will as a rule benefit those whose skills and talents are demanded by others, at the expense of those with lesser abilities and talents. There might be efficiency-promoting reasons in favor of this systematic preference, but it is not at all morally neutral; nor is it obvious that those with greater abilities and talents deserve more simply in virtue of their talents and abilities....

Forms of inequality other than unequal opportunities to produce using natural resources significantly affect persons' prospects in political and economic communities. These inequalities result not from an unequal distribution of natural resources, but from an unequal distribution of productive resources and the non-morally-neutral character of the market. In order to address such inequalities many egalitarians turn to taxes on assets other than, but perhaps in addition to, natural resources, or to collective ownership of productive resources. But these remedies are justified only if persons are not necessarily entitled to full ownership of the products of their labor in virtue of their self-ownership.

The Georgist commitment to egalitarianism, expressed as a commitment to equality of opportunity to produce using natural resources, is limited in two ways by an apparently more fundamental commitment to the principle of self-ownership. First, self-ownership does not require ensuring equal conditions in which persons develop into autonomous adults. Second, it constrains the kinds of just institutional responses to inequalities.²²

Georgists agree with Moellendorf that inequality of talent generates unequal incomes but do not agree that high incomes of those with greater ability are "at the expense of those with lesser abilities and talents." Through some combination of luck, effort and inborn ability, people derive income from market activity. Georgists do not chose in favor of one group at the expense of another. Instead, they endorse non-interference with markets, at least if the markets are non-monopolistic.

Georgists would not express their commitment to the principle of equal rights to natural opportunities as a commitment to either egalitarianism or "equality of opportunity to produce using natural resources." If people want to use their equal rights for unproductive purposes they are free to do so. If they want to produce but lack the talent to be farmers (or anything else), Georgists would says that justice does not require intervention to try to make them productive.

²² "World Ownership," p. 10.

Moellendorf is right that the rights of people to themselves “[do] not require ensuring equal conditions in which persons develop into autonomous adults” and that they constrain the kinds institutional responses to inequalities that are consistent with justice, at least when people do not have adequate exit options.

The central issue

To return to the central issue of this section, in describing social justice Georgists are not concerned with “all of the sources of morally relevant social inequality.” They are concerned, rather, with the justifiable uses of power. Starting with the proposition that people have rights to themselves and that these rights cannot justly be nullified by giving everyone veto power over any use of land, they reach the conclusion that justice cannot undo all of the inequality among people that could be undone by a theory that did not assume that people have rights to themselves. The principle of public collection of rent does not address “all of the sources of morally relevant social inequality.” It addresses only those aspects of inequality that are matters of justice.

Income taxes and our rights to ourselves

Moellendorf argues that if the public has the land rights that George argues it has, then income taxes can be justified. He says:

Surprisingly, the concept of self-ownership is never extensively analyzed in the writings of George and Tideman, but the basic idea that both seem to have in mind is that if we fully own ourselves, then we fully own our labor power. This is a relatively strong version of the principle of self-ownership, which argues against any institutional means that puts a person’s labor power in the service of others by non-consensual means, such as income taxation.

In fact, however, whether libertarians can coherently criticize income taxation depends upon more than the principle of self-ownership. The criticism is on relatively firmer ground among those on the right, such as Nozick, who accept a principle of private appropriation of natural resources, than it is among those on the left, such as George and Tideman who reject private appropriation. For if a property owner may demand rent for usage, then she may demand that it be paid as a portion of the productive output of the natural resource utilized in work. If the landlord possesses monopoly ownership over natural resources, as the public does according to the Georgist view, then the payment

may be demanded upon pain of denial of any other opportunity for productive labor. Compare this to taxing productive labor at the same rate. In this case requiring rent payment that is proportional to productivity is extensionally equivalent to proportionally taxing income. The moral rationale may be different, but the policy is otherwise exactly the same.

Even if income tax were always proscribed on self-ownership grounds, reasoning backwards from the evils of income taxation to the thesis of self-ownership is not very convincing. One reason for this is that although with respect to one's own tax burden, income tax is rarely enthusiastically endorsed, a great many think that it has all-things-considered a much less morally problematic status than stealing.²³

Moellendorf is right, with respect to both George's framework and mine, that a person's right to the product of his labor derives from his right to himself.²⁴ The right of each person to himself is also the basis of George's assertion that income taxes are unjust (which I endorse when there is no adequate exit option). Moellendorf is also right in saying that the right to oneself can be rendered useless by land monopoly. Georgists find this a reason to prevent land monopoly.

A right to oneself is not advanced for its own sake, but rather for the sake of the individual liberty that it permits. One important aspect of individual liberty is the right of people to cooperate with one another for any mutually agreed purpose that does not intrude on the rights of others. Trade, including employment, is one such form of cooperation. Thus an income tax that cannot be escaped by an adequate exit option is inconsistent with recognition of individual liberty or the rights of people to themselves. Every society has an obligation to respect the rights of people to themselves, and therefore to refrain from using any monopoly power over land it might have to require people to pay a portion of their wages as a condition for using land, as long as there is not adequate exit option.

George did say,

All we need do to secure a just distribution of wealth, is to do that which all theories agree to be the primary function of government—to secure to each the free use of his own powers, limited only by the equal freedom of all others; to secure to each the full

²³ "World Ownership," p. 11.

²⁴ See *Progress and Poverty*, Book VII, Chapter 1.

enjoyment of his own earnings, limited only by such contributions as he may be fairly called upon to make for purposes of common benefit.²⁵

The words “such contributions as he may be fairly called upon to make for purposes of common benefit” might be interpreted by some people as permitting an income tax. But I believe that George’s call for the abolition of all taxes except for a tax on land should make it clear that he would *not* have included income taxes among the “contributions that [a person] may be fairly called upon to make for purposes of common benefit.”

My own thinking is somewhat different. As I see it, the right of people to themselves includes the right to form societies that tax incomes, if that is what they wish, provided that they do not impose that form of taxation on those who have other ideas about the nature of a good society. Anyone who regards an income tax as unacceptable has the right and should have the opportunity to join with like-minded people to form a society that does not tax incomes.

I agree that an income tax is generally not as serious an infringement on the rights of people to themselves as slavery or forced organ donations. Thus it is possible for people to not be inconsistent while endorsing an income tax but opposing slavery and forced organ donations. But the comparison of an income tax with more serious infringements on the rights of people to themselves is useful because, when people think about why they oppose slavery and forced organ donations they may find the principle of people’s rights to themselves attractive. An income tax that people cannot escape by moving is inconsistent with people’s rights to themselves, unless one removes all force from the idea of people’s rights to themselves by endorsing a public monopoly of land.

The “egalitarian liberal” tradition

Moellendorf identifies himself as operating in the “egalitarian liberal” tradition of John Rawls. He says:

“[F]or the purposes of distributive justice, [Rawls] takes natural talents as “in some respects a common asset.”... Although Rawls seeks to secure the natural assets of persons in the lexically first principle of justice covering basic liberties, in formulating his second principle of justice, which covers distributive justice, he rejects the idea that a

²⁵ *Social Problems*, Chapter 9, Paragraph 10.

social order should reward persons simply because they have been dealt a stronger hand by social or natural good fortune. His complete view rests then on two distinctions. One is between aspects of justice that concern liberty and aspects that concern distributions of wealth and income. The other is between the natural assets of persons and the products of those assets, most especially wealth and income. Rawls protects the assets themselves by principle of liberty, but defends, as a matter of distributive justice, distributing some of the products to persons other than the owners of the assets.

Rawls's view looks patently inconsistent through the lens of self-ownership, not so, however, through the lens of autonomy. In *Political Liberalism* Rawls attempts an account of the justification of his two principles of justice that rests squarely on conceptions of citizens as free and equal. Freedom, Rawls takes it, enables citizens to be autonomous in two distinct ways. Rational autonomy is exhibited in a person's intellectual and moral powers, in the "capacity to form, to revise, and to pursue a conception of the good, and to deliberate in accordance with it" and the "capacity to enter into agreement with others (when subject to reasonable constraints)." Full autonomy is exhibited in a person's conduct by complying with principles of justice, in other words by acting from them because they are just. The complex combination of mental powers and activity that Rawls takes to be characteristic of autonomy requires both forbearance and provision from the state. The state that values autonomy must not interfere with instances of autonomous agency, but it must also provide the conditions, in the form of protections, opportunities, and resources, that make such agency possible.²⁶

To me, Rawls's view looks inconsistent not only "through the lens of self-ownership," but also in terms of the meanings that words are ordinarily understood to have. If you were to tell a carpenter that he is fully the owner of his hammer (an asset), but if he wants to use his hammer he must pay you something because distributive justice requires "distributing some of the products [of assets] to persons other than the owners of the assets," then the carpenter would probably tell you that as far as he can tell you are contradicting yourself, because he can only understand the obligation to pay something for using "his" hammer as meaning that he is not fully the owner of "his" hammer. In the same way, requiring people to pay something to others if they use their talents is something that I can understand only in terms of a framework that denies that people are the owners of their talents.

²⁶ "World Ownership," pp. 11-12.

In this regard, I find the framework of the egalitarian social philosopher G.A. Cohen more coherent than that of Rawls and Moellendorf. Like Rawls and Moellendorf, Cohen takes autonomy as the goal for which societies should strive. And he argues that to promote autonomy, egalitarians should embrace the rejection of full self-ownership.²⁷ I would find the ideas of Rawls and Moellendorf easier to comprehend if, like Cohen, they stated explicitly that people should be denied full rights to themselves. If Moellendorf would like to make it easier for people to understand his position he might also refrain from calling it “liberal egalitarianism,” in favor of “egalitarianism” or “autonomism” or something else that does not include “liberal” and thereby suggest affirmation of people’s rights to themselves.

A question arises here that combines semantics and rhetoric. What does “liberal” mean? In the world of competing political philosophies, there is an advantage to being able to describe your philosophy as liberal. “Liberal” has good connotations. It is also true that the meanings of words often drift over time and sometimes veer away from the meanings associated with their etymological origins. Still, it seems to me attractive to have a convention that a liberal social philosophy is one that affirms the full rights of people to themselves. If that is unattainable, it would be helpful to the clarity of discourse if there were an explicit understanding that “liberal” social philosophies can incorporate substantial denials of the rights of people to themselves.

Do all states impair autonomy?

Moellendorf says:

A critic might reply that the demands of autonomy, at least as I have expressed them, are contradictory. Insofar as the state must not interfere with autonomous agency, it must not engage in the revenue generating activity of taxing income to be used to provide the protection, opportunities, and resources that facilitate autonomous agency. At the most general level, this reply is not very convincing. For even the libertarian state will interfere with agency insofar as it criminalizes certain kinds of conduct.²⁸

²⁷ *Self-ownership, Freedom, and Equality*, pp. 118-19.

²⁸ “World Ownership,” p. 12.

Actually, a geoliberal state need not revoke the rights of people to themselves for criminal conduct. If people have inalienable rights to themselves, then no socially disapproved conduct can destroy those rights. In a geoliberal society, immediate self-defense is the only possible justification for depriving a person of his liberty. No matter what his past conduct, a person who is not currently threatening has a right to himself and to an equal share of natural opportunities. But no one has a right to be trusted, and past conduct can reasonably lead a society to want to exclude a person. It is not an infringement on a person's right to himself if he is required to emigrate because his fellow citizens do not trust him or if, failing to find a society that will accept him, he is confined to his share of land.

A Georgist society does limit "autonomy" by limiting opportunities of people to threaten others or to appropriate more than their shares of natural opportunities. But I presume that this is not controversial.

What is the criterion?

Moellendorf says:

The important question to ask concerns the moral right of the person to act in the manner that the state prohibits. If autonomy does not entail that people have the right to work without having the state divert a percentage of their efforts for public ends by income taxation, then there is no inconsistency. Although the principle of self-ownership might forbid this (excepting the example [of public land monopoly]), the principle of respect for autonomy does not necessarily do so since respecting a person's autonomy and coercing them to follow just laws are not incompatible.

We respect the autonomy of persons by obtaining their consent in some form to the policies and institutions of the state. If the form of consent that is required is *actual* consent, then payment of income tax on pain of penalties is a violation of respect for the autonomy of persons. But this conception of consent is implausible. Many instances of actual consent are not autonomous; they are due to coercion, deception, and a lack of a complete understanding. A more suitable conception of consent is *hypothetical* consent. A proper account of when hypothetical consent occurs is an enormous philosophical task, a task that Rawls attempted in his account of the original position. For present dialectical purposes, nothing more needs to be said about the adequacy of any particular account of

the hypothetical consent. It suffices to point out that the fact a person does not actually consent to paying income taxes, does not necessarily entail that the law requiring the payment of the taxes fails to respect the person's autonomy.

I do not share Moellendorf's enthusiasm for hypothetical consent. I endorse the criticism of the Rawlsian framework that was made by Bruce Ackerman. Taking the voice of the advocate that framework, he says:

Despite my best efforts, I shall be defenseless ... the moment I try to make clear to another person why it is right that I, rather than he, should establish a claim over a disputed thing:

I: When I look into myself, I am sure that I would have insisted upon this right as a condition for entering into society with you.

You: You haven't the slightest idea of what you would have insisted on in a presocial state. You're simply using the idea of a potential entrant as a screen upon which you can project the deepest desires of your socialized self. But I too have desires; why should mine be sacrificed to yours? And if you insist, it is possible that I too may delve deep into my psyche and find a transcendent grounding for my desires.²⁹

In other words, there is a great danger that those with power will delude themselves about their objectivity when they justify a particular rule on the ground that the dissenters would have agreed to the rule if they did not know their personal circumstances.

Moellendorf says, "Many instances of actual consent are not autonomous; they are due to coercion, deception, and a lack of a complete understanding." I would say that where coercion and deception are present, there is no actual consent. Lack of complete understanding is different. Since we generally cannot know when we have complete understanding and when we do not, we need to be able to make decisions in the absence of complete understanding in order to have rights to ourselves. A virtue of geoliberalism in this regard is that no matter what people consent to at any one time, they are free to choose something else when they come to a new understanding.

The Rawlsian framework is intended to prevent people from gaining from undeserved advantages.³⁰ And talents, Rawls and Moellendorf say, are undeserved. That judgment seems to me unjustified. I do not understand how they can be confident that the

²⁹ Bruce Ackerman, *Social Justice in the Liberal State* (Yale, 1980), p. 331.

³⁰ Rawls, *Theory* (1971), p. 104.

opportunities that each person has in a particular life are not part of a pattern of opportunities that a soul has in many lifetimes that balance out appropriately. They can properly say that if there is a basis for believing that a person deserves his talents, that basis is not generally accessible to us. But that agnosticism suffices for the perspective I offer.

Citizens should see one another as moral equals. If there is any reason why some of us are born with more highly valued talents than others, we do not know the reason. But we can still respect the right of each person to pursue his or her own conception of a good life, as long as that pursuit does not intrude on the rights of others. We come into conflict over what this means and need a framework for coexisting despite these differences. The geoliberal framework suggests that we agree that when we cannot agree, we will be free to go our separate ways with equal rights to natural opportunities.

The Rawlsian framework presumes that there is no possibility of entry into or exit from the society under consideration.³¹ Going our separate ways is impossible. So those who want to shape society must impose their vision on all or be imposed on.

This presumption of an impossibility of migration or separation is unrealistic. The efforts in the U.S. and Europe to keep immigrants out and the world-wide activity of “separatist” movements are evidence of how artificial it is to preclude migration or separation. We should begin the discussion of social justice with a shared understanding of how to respect one another when we do not agree, by recognizing our rights to ourselves and our equal rights to the earth.

³¹ *Theory*, p. 8.