**The Social Individual and Her Property: A Feminist Critique of Libertarianism**

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“Every man has a *property* in his own *person*: this nobody has any right to but himself. The *labour* of his body, and the *work* of his hands, we may say, are properly his” (Locke, [1689] 1980, II. 27).

“A person, perhaps, is best seen as one who was long enough dependent upon other persons to acquire the essential arts of personhood. Persons essentially are *second* persons, who grow up with other persons” (Baier, 1981, p. 180).

“Individuals have rights, and there are things no person or group may do to them (without violating their rights)” (Nozick, 1974, p. ix). So reads the first line of Robert Nozick’s classic text *Anarchy, State, and Utopia*. Since its publication in 1974, libertarianism has become a powerful intellectual force, particularly in North America. On the right, libertarianism constitutes the intellectual core of much of the reigning anti-tax sentiment (as well as animating large social movements like the Tea Party). And since the heart of progressive politics requires taxation to achieve its aims – less inequality, more opportunity, better public services, etc. – libertarian politics have troubling implications. If taxes cannot be levied due to a strong belief in libertarian self-ownership, then progressive aims are doomed to stagnate. Libertarianism has become so influential that its core tenets have even been taken up by a number of prominent philosophers on the left, forming the school of Left-Libertarianism (Otsuka, 2003; Vallentyne & Steiner, 2000).

While there has been much critique of libertarianism in the philosophical literature there has been little direct feminist engagement.[[1]](#footnote-1) Amazingly, there is not a single mention of feminism in the index of either of the two major anthologies on libertarianism (Bader & Meadowcroft, 2011; Vallentyne & Steiner, 2000). This is unfortunate because feminist theory provides valuable insights into the human condition that serve to problematize the entire libertarian enterprise.

The libertarian view of individual property rights, and its resulting anti-tax stance, has been commonly critiqued from two main directions. The first approach, which we might call “socialist,” argues that property should not be seen as purely individual because income and wealth derive from extensive social cooperation as well as an immense historical accumulation of factors of production (Alperovitz & Daly, 2008; Kropotkin, [1892] 2007; Marx, [1867] 1933). The second approach, which we might call “institutionalist,” argues that property cannot be seen as purely individual because property rights and the market itself only exist by virtue of a whole set of legal and political institutions that define, protect, shape, and regulate it (Murphy & Nagel, 2002; Polanyi, [1944] 2001).[[2]](#footnote-2) Although both of these critiques are powerful, they are still too shallow. It is not that the critiques are superficial (they are not) but that the problem with libertarianism lies even deeper: the very beings that form the foundation of libertarian theory are too individualistic to believe in. The essential flaw in libertarianism, common to both its left and right variety, is that we are, at root, *not* simply individuals with rights. We are also social beings with obligations.

The purpose of this paper is to use feminist insights – in particular, recent work by Ethic of Care feminists (e.g., Engster, 2007; Fineman, 2004; Kittay, 1999; Tronto, 2013) – to show that the very core of libertarianism, the atomistic individual, is rotten. Feminist theory in general, and Ethic of Care feminism in particular, provide a rich resource for this critique because it is at the cutting edge of philosophical thinking about human relationality. Feminists have long pointed out that we are not purely individuals, we are also social, *interdependent* beings – beings who are created out of the care and support provided by others. But they have not yet adequately fleshed out the consequences of this ontological perspective vis-à-vis libertarianism. The central argument of this paper is that taking a feminist view of the self seriously has profound consequences.[[3]](#footnote-3) These are, first, that as social beings, everything that we create, everything that is the work of our hands (as Locke would say) contains a trace of the social; there is therefore no inherent right to private property. Second, as interdependent beings, we have inextinguishable obligations to the community that created us. Taken together this means that we should reject the libertarian idea of inviolable individual property rights. Taxation, at least in the context of a democratic community, is not theft; it is reciprocation and mutual support.

In the first section, I sketch the core features of libertarianism, taking Nozick and Michael Otsuka to be representative of the right and left traditions respectively. I then show that libertarian ideas about property and obligation flow from a certain ontological conception of the individual, which, I argue, is deeply problematic. This libertarian ontology is then contrasted with a more realistic feminist conception of the self. This feminist ontology implies a very different understanding of property and obligations, which are explored in the final section.

**1. Libertarianism**

The heart of Nozick’s theory of justice is what he calls the entitlement theory: whatever one has acquired justly, either through just acquisition or just exchange, one is entitled to. (Things that have been acquired unjustly require rectification).[[4]](#footnote-4) Nozick sees every exchange of property, which is not the result of theft or fraud, as an exchange of full property rights. If I have acquired my apple justly, the state many not tax a slice of it; and if I give it to you the full property rights go with it, so the state may not tax you either. So the real question is how do these strong property rights get acquired in the first place? Nozick answers this question by drawing on Locke. Locke thought of individual rights as emerging in a state of nature: “we must consider what state all men are naturally in, and that is, a *state of perfect freedom* to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man” (Locke, [1689] 1980, II. 4). For Locke, the individual, as naturally free and independent, may simply take parts of the world for himself with the proviso that “enough, and as good” is left over for others. Nozick shares the general Lockean perspective that private appropriation is perfectly just so long as it doesn’t worsen the situation of others. He interprets Locke’s proviso in this way: “a process normally giving rise to a permanent bequeathable property right in a previously unowned thing will not do so if the position of others no longer at liberty to use the thing is thereby worsened” (1974, p. 178). Nozick believes that most property in contemporary capitalism can be justified in this way. In other words, he denies that there is an open question as to *who* should get the property that exists in the world, the fundamental question of distributive justice, rather, “things come into the world already attached to people having entitlements over them” (1974, p. 160).

The upshot is that taxation is a deep violation of people’s rights. Nozick implies, and other libertarians have been more forthright, that taxation of property is akin to the forced redistribution of body parts. Indeed, Nozick famously (infamously?) equates taxation with slavery: “Taxation of earnings from labour is on a par with forced labour” (1974, p. 169). In Nozick’s view the individual is under no obligation whatsoever to aid the poor, the disabled, or the starving. Such actions may be praiseworthy, but they can only be voluntary, there can be no talk of moral obligation. To be forced to contribute to another’s welfare is a violation of rights. Individuals may not be “used for the achieving of other ends without their consent” (1974, pp. 30-31). To compel a rich person to give to the poor or disabled is to turn him into a slave, it is to make the society a “partial owner” of him and violate his inherent rights of self-ownership.

Otsuka writes from the other side of the political spectrum, but like other libertarians he bases his theory on the Lockean premise that self-ownership is fundamental. The cornerstone of his theory is Locke’s notion that “every man has a *property* in his own *person*: this nobody has any right to but himself. The *labour* of his body, and the *work* of his hands, we may say, are properly his” (qtd in Otsuka, 2003, p. 12). Otsuka defines a ‘libertarian right of self-ownership’ as one that encompasses two rights. First, “a very stringent right of control over and use of one’s mind and body.” And second, “a very stringent right to all of the income that one can gain from one’s mind and body (including one’s labour)” (2003, p. 15). So far, so Nozick. Where Otsuka differs from Nozick is in thinking that self-ownership is compatible with an egalitarian distribution of worldly resources.

Otsuka points out that property can arise in two ways. In the first case, property can theoretically arise from non-worldly resources. He asks us to “imagine a highly artificial ‘society’ of two strangers, each of whom will freeze to death unless clothed” (2003, p. 18). The only available material is human hair. One of the individuals is hirsute (and able to weave her hair to make clothes), the other is bald. In such a case, Otsuka claims, Nozick’s position is correct: if the state taxes the weaver to provide hair for the bald person, then the state is effectively forcing the weaver to part with what is rightfully hers – her body parts – for the sake of the non-weaver; this violates the weaver’s self-ownership rights and makes her into a partial slave.

However, by far the more general case is when property arises through use of worldly resources. Otsuka claims that in such a case Nozick’s argument does not work because individuals do not have rights over worldly resources in the same strong way that they have over their bodies. Worldly resources must be distributed in an egalitarian manner. He does this by insisting that one draw the Lockean proviso more stringently than Nozick does. Otsuka’s version of the proviso is that “you may acquire previously unowned worldly resources if and only if you leave enough so that everyone else can acquire an equally advantageous share of unowned worldly resources” (2003, p. 24). The intuitive idea here is that if we arrange the distribution of worldly resources in such a way as to give disabled adults valuable land (Otsuka uses the example of seaside property), and simultaneously give each able-bodied adult a small plot of farm land, then every adult can enjoy full rights of self-ownership (the state cannot tax any income away, the fruit of one’s labour remains entirely yours, and you have no obligations to help anyone else), but because the disabled have so much valuable land they can sell parts of it whenever they want so that they have just as much opportunity for welfare as anyone else. In such an arrangement there would be full rights of self-ownership *and* equal opportunity of welfare.

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Instead of critiquing these arguments head on, I want to approach the issue indirectly by examining the ontological presuppositions on which libertarianism is based. It is a truism, though one that is too often neglected, that every political philosophy presupposes a human ontology. Every conception of ethics and justice is built on top of an implicit foundation of the individual beings that will populate it. Ontological assumptions of what individuals *are* and *can be* constitute the background necessary to foreground the discussion of what such individuals *should or* *should not* *do*.

The first point I want to make (made many times by feminists and others before me) is that the ontological essence of the human being for libertarians is an *atomistic* and *self-sufficient* individual.

Nozick and Otsuka, like all the classical liberals, build their theories from the basis of the state of nature, where individuals are conceived as solitary figures, working on their own isolated plots of land and seeking to advance their self-interest. Seyla Benhabib puts it well when she remarks that “the varying content of this [state of nature] metaphor is less significant than its simple and profound message: in the beginning man was alone” (1992, p. 156). We see this atomism particularly explicitly in Hobbes: “Let us return again to the state of nature, and consider men as if but even now sprung out of the earth, and suddainly (like Mushromes) *come to full maturity without all kind of engagement to each other*” ([1642] 1983, p. 117, my emphasis). Nozick echoes this atomism in his insistence that there is no social entity worth considering; “there are only individual people, different individual people, with their own individual lives” (1974, pp. 32-33). Samuel Wheeler concurs: “‘person *qua* person’ is a notion which is metaphysically independent of ‘society’” (1980, p. 190). Otsuka too depicts the essence of the individual through state-of-nature scenarios. He asks us to think about “hypothetical cases in which childless adults with no worldly resources on their persons have washed ashore on an uninhabited and undiscovered … island” (2003, p. 22). And again: “imagine that a number of equally talented individuals find themselves on a previously undiscovered and forested island” (2003, p. 37). The essential message of such metaphors is that the human individual is defined at the deepest level by atomism. He (and it’s almost always a “he”) is fundamentally unattached and free from social relationships. One doesn’t inherently require society. Though one may choose it, the essential character of human ontology is profoundly individual.

If the first implication of the state of nature metaphor is that individuals are alone, the second is that they are *self-sufficient* – they do not require anybody else and are already empowered in various ways. For instance, recall Locke’s description of our natural state: “we must consider what state all men are naturally in, and that is, a *state of perfect freedom* to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man” ([1689] 1980, II. 4). Note the implication of self-sufficiency here: the free person already has possessions, and is not dependent on anybody else. In addition, consider the metaphor of Robinson Crusoe, which is a modern variant of the state of nature, and appears countless times in libertarian thought (Grapard, 1995). For example, Milton Friedman describes the free society in this way: “in its simplest form, such a society consists of a number of independent households – a collection of Robinson Crusoes, as it were” ([1962] 2002, p. 13). Likewise Murray Rothbard explicitly builds his political philosophy on an assumption of self-sufficiency modeled on Robinson Crusoe, a model which he claims has “important and even indispensable uses.” Not only does it provide the “indispensable groundwork for the entire structure of economics,” it is also vital for thinking about politics (1982, p. 29). Otsuka doesn’t mention Crusoe explicitly but he does frequently use the equivalent metaphor of an able-bodied farmer, for example when he asks us to imagine “an individual who lives alone on a self-governed plot of land…” (2003, p. 101). The important thing to recognize about Crusoe (and Otsuka’s farmer) is that he doesn’t need anybody. The Crusoe model is a paradigm of self-sufficiency. Crusoe provides for himself – he finds his own food, looks after himself, cares for himself, nurtures himself, cleans himself, entertains himself, learns by himself, thinks and understands by himself.

The point is not that libertarians believe we are literally Robinson Crusoes, or that we are literally mushrooms. The point is that in describing the self through metaphors of the state of nature, deserted islands, virgin forests, mushrooms, Robinson Crusoe and solo farmers, libertarians are implicitly endorsing a view of the human self as fundamentally atomistic and self-sufficient.

What follows, morally and politically, from this ontological perspective? First, this ontology implies a view of freedom as independence and non-interference. For atomistic individuals who are self-sufficient, who already have the things they need and already possess the ability to pursue their goals, it follows naturally that freedom will be understood in the standard negative sense of simply being left alone.[[5]](#footnote-5) Second, this ontology implies a perspective on obligations. Atomistic, self-sufficient individuals neither need others nor are needed by others. Hence they have no inherent obligations to others. To oblige individuals to care about others would be to violate the inviolability of the individual (Nozick, 1974, p. 31). In a typical passage Otsuka asks us to imagine what he sees as a normal scenario of adult individuals who “are able to engage in productive labour yet lack the desire to engage in any productive labour beyond that which is necessary for their *own* subsistence” (2003, p. 42, my emphasis). The assumption is that we human beings naturally look out only for number one, and recognize no inherent obligations to others. I suspect that it is this assumption which explains the remarkable absence of children, elderly people, people with disabilities, severely dependent individuals, parents, caregivers, teachers, support workers, mothers, and women more generally from libertarian theory. Such people are unmistakably caught up in webs of non-contractual obligations – relations which are not recognized by libertarians as having any inherent force – and so are sidelined from consideration. A third implication of libertarian ontology is a belief that individuals have very strong if not absolute rights over their property. Atomistic individuals are those with thick walls between them, demarcating their rights. In Nozick’s words, “a line (or hyper-plane) circumscribes an area in moral space around an individual. Locke holds that this line is determined by an individual’s natural rights, which limit the actions of others” (1974, p. 57). This moral space, this sphere of rights, encompasses *both* an individual’s body *and* her property, which is why taxation is seen as such an evil – it represents a piercing of the sphere of rights, which is just as reprehensible as if it were an infringement on the body itself. This explains why libertarians endow such strong rights to the ownership of private property: any threat to property threatens the deepest rights of the individual.

In order to critique these views I want to make the case that the libertarian conception of the self is deeply problematic. It is empirically unrealistic and normatively suspect. To begin to see why, consider three examples as intuition pumps.

(i) Recall Otsuka’s example of “two strangers” in the wilderness, one bald and one hirsute, “each of whom will freeze to death unless clothed” (2003, p. 18). Notice that the example only works in favour of libertarianism if we allow Otsuka’s premise that the two are *strangers*. It is this presumption of atomism that obliterates any sense of obligation. As soon as we relax this presumption our intuitions change. Imagine that the bald person is actually the father of the hirsute person (and his genes are entirely responsible for her long, thick hair). Imagine that the father was also her teacher, so that she would be physically incapable of weaving hair were it not for him. In this scenario we see that the weaver’s ability to weave hair is a direct result of past social facts and social relations, and therefore it seems obvious that she has some (at least minimal) reciprocal obligations to her father/teacher. What exactly does justice demand in this case? Is the weaver obliged to provide just the minimal amount of clothing to prevent her father from freezing? Is she obliged to provide more than that? It is not clear, because the weaver has rights too, which must somehow be balanced against her obligations.[[6]](#footnote-6) Nevertheless, it seems right to insist that *some* non-zero tax rate is just; calling the weaver a “self-owner” is problematic because such language privileges rights and ignores obligations.

(ii) Consider the case of the Solipsistic Villager. A child is born into a village of corn farmers. The villagers raise her. They teach her how to walk, talk, understand and interact with the world. The villagers also teach her how to farm – how to plant the crops, use the tools, repel pests, fertilize the soil, and so on. At the age of 18 the villagers encourage her to farm a plot of land all by herself. However, by harvest time she has finished reading Nozick, and so turns to the villagers and refuses to share. She declares herself a self-owner, with no obligations to them, and insists that any attempt to share her corn would be theft and slavery…. How should the villagers respond? They might well admonish her for being so heartless.[[7]](#footnote-7) At a deeper level, they could point to the profound unfairness of her position. They could point out that she is refusing to acknowledge the truth of her social condition – the fact that she acquired the very ability to grow corn through the community – which thereby places obligations upon her. The villagers can legitimately say, “This corn is not simply *yours*. We have a claim on it because we made you.”

(iii) Finally, consider the example of the Selfish Son. A single mother decides to forfeit her career so as to be the primary caregiver for her son. She devotes her life to him – cleaning him, caring for him, loving him, supporting him, nurturing him, teaching him. As the years go by the mother’s health deteriorates. By sixty she is poor, living off welfare, and suffering from diseases which have left her body frail and weak. She turns to her son for aid, but he spurns her saying, “I signed no contract to help you and so I have no obligation to you. Your sad state is your concern alone. To make me support you is to turn me into a slave.” As a consistent libertarian he firmly rejects any non-contractual obligation as a reprehensible infringement on his rights of self-ownership.

Reflecting on these examples helps us see some of the problems with the libertarian ontology. Empirically, viewing the human being as atomistic and self-sufficient is deeply inaccurate if not simply false. Real human beings are fragile, vulnerable, and deeply dependent on others. Our abilities to walk, talk, think, indeed to do most anything at all, are the result of extensive social support and socialization.[[8]](#footnote-8) Perhaps the most striking evidence against atomism and self-sufficiency is to recall examples of people like Genie – the child locked in isolation by her father from the age of 20 months to 13 years (Cherry, 2014). Her isolation left her severely disabled, incontinent, and unable to speak or make any noise beyond a croaking sound. Although she has now had over forty years of attempted rehabilitation, she continues to live as a ward of the state and, according to recent reports, is still speechless and severely impaired. Such examples show that Locke, and the libertarians that follow him, are wrong to see independence as the essence of the human condition. Feminists like Eva Kittay, on the other hand, are right: “independence, except in some particular actions and functions, is a fiction” (Kittay, 2002, p. 268). The inescapable truth of human ontology is that we are deeply social beings. This is why metaphors of the state of nature, deserted islands, and Robinson Crusoe are such bad metaphors for human beings – they invisibilize the social nature of individuals, and so present a highly misleading view of the human condition. Indeed, any philosophy which is built from the grounds of “an independent fully-functioning man on a deserted island meets another independent fully-functioning man…” is not an appropriate metaphor for real human beings. It is true that philosophy often requires the use of simple models in order to get to the heart of issues without being distracted by irrelevant phenomena. This is right and good. But in thinking about the basic facts of human existence philosophers should reflect on examples that are nonetheless real – such as the smallvillage. Libertarians do not do this, because if they did – if they actually looked at historical and anthropological studies of real villages, from the indigenous peoples in North America to the Ju/'hoansi (!Kung) Bushmen of Southern Africa – what they would find is not Robinson Crusoe, but communities tied together by (culturally-specific) codes of obligation (e.g., Barnard, 1993; Sachs, 2011; Wiessner, 2005).

Libertarians might try to avoid this critique by claiming that they are not making any ontological claims at all, only normative ones. It’s easy to imagine a libertarian saying, “I agree that ontologically we are social beings, but *normatively* we should think about freedom, property, obligation, etc. in strictly individualistic terms.”

This maneuver, however, is not possible. It is not possible to cordon off normative claims from ontological ones because our normative concepts (such as freedom, property, obligation) tend to have ontological presuppositions built right into them. This is because normative concepts involve, obviously, a subject. Someone who should or shouldn’t do certain things. So the shape, capacities, and nature of the subject inherently matter for normative theory. Normative theory presupposes an ontology. It can’t be excised because it’s interwoven into it. One cannot say, “I agree that ontologically we are *homo sapiens*, evolved animals in a scientifically-described disenchanted universe, but normatively our duties are strictly defined by cosmic dharma.” Or, “I agree with a version of Catholicism that holds that each individual is God’s creation, and therefore inherently sacrosanct, but normatively abortion is fine.” Such positions are self-contradictory. Libertarians cannot retreat from their ontological claims while maintaining the same normative positions, because those positions *rely* on the ontological claims. Indeed, it is no accident that practically all of libertarian theory is based on visions of an atomistic, self-sufficient individual; it is no accident that libertarians *do not say* things like this: “instead of thinking about Robinson Crusoe and desert islands, let’s think of humans in families and in deep webs of social connection; let’s consider the dependent and the disabled as the paradigmatic individuals….” Their normative ideas would not make sense without the corresponding ontological bases examined here.

In addition to its empirical inadequacies, the libertarian ontology is normatively problematic. Insofar as it invisibilizes the social and relational aspects of our lives – either by assuming a mythical norm of “childless adults” or ignoring the necessary caregiving work performed mainly by women for children, the sick, the disabled, and elderly people – it is implicitly sexist. Likewise, insofar as it assumes a general prevalence of bodily ability – for instance, in taking “independent” farmers and strong, vigorous, Robinson Crusoe-like characters as the norm – it is ableist. Moreover, the libertarian vision is radically one-sided – obsessed with non-interference from others yet blind to obligations to others. This asymmetry stems from viewing humans as mushrooms that pop out of the ground ready-formed all by themselves. Yet as soon as we reflect on the actual processes of human development and socialization we see that it is impossible to disregard obligations. Indeed, there is something paradoxical about the libertarian position: the person who claims self-ownership is claiming that she must never be interfered with without consent. Yet every person who claims this, without exception, is only able to do so precisely because she *was* interfered with – she was shaped, socialized, taught and cared for by a range of people over a number of years (that it many ways continue throughout her life). The libertarian therefore insists on the denial of that which was the very condition of her ability to so insist. Or, to put the matter differently, her very ability to call for non-interference bespeaks a range of historical interferences that belie the content of her claim.

None of this is to say that libertarianism is entirely unattractive. I share with many others the sense that there is something deeply attractive about with the libertarian insistence on strong rights of non-interference in personal decision-making. In Otsuka’s words,

The anti-paternalistic and anti-moralistic implications of this right [i.e. control over one’s own life] will be attractive to anyone who finds himself [sic] in sympathy with the conclusions which John Stuart Mill draws in *On Liberty*. When it comes to such things as freedom of expression, the legalization of euthanasia, of sexual relations of any sort between consenting adults, of the possession of cannabis and other recreational drugs, of gambling, and the like, I am completely at one with other libertarians” (2003, pp. 2-3).

I share these anti-authoritarian sentiments. But such conclusions in no way require libertarian premises. Indeed, it is entirely possible to retain strong normative conclusions about anti-paternalism, without relying on the troubling ontological assumptions of libertarian theory. Let us see how.

**2. A Feminist Conception of the Self**

Although libertarian ideas of the individualistic self are now common, there is a long history of philosophical thought which contends that we are, at root, social beings. Aristotle, of course, insisted that we are political animals, and closer to our own time, Charles Taylor helped animate a communitarian critique of liberal “atomism” (Taylor, 1985, Chap 7). In recent years it is feminist theorists and disability theorists who have done the most to develop this line of thought. Whereas critiques like Taylor’s tend to happen on a high level of abstraction, feminist scholarship has been the most philosophically sensitive to the concrete facets of human dependency, and provided the most empirically rich descriptions of relationality and interdependency.

So in place of the libertarian view of individuals as atomistic and self-sufficient, I follow a number of feminists (Engster, 2007; Fineman, 2004, 2008; Kittay, 1999; Koggel, 1998; Nussbaum, 2006; Tronto, 2013) in arguing that a more realistic view of human ontology is that we are *social* and deeply *dependent on others* (or “interdependent”[[9]](#footnote-9)). [[10]](#footnote-10) We are born utterly dependent and spend the first dozen or so years of life in a state of extreme dependency. After that, all of us will spend periods of our lives as sick and reliant on others. And if we live long enough we will again return to a state of inevitable dependency in old age. As Eva Kittay remarks, life begins with the dependency of childhood and ends with dependency of old age (1999, p. xii).

It is common to hear objections to this line of thought on the grounds that dependency is not an inherent part of life, but is merely an occasional episode in between regular “independent” life (cf. Fineman, 2010, p. 25). However, while it may be true that *physical* dependency is episodic, it is not true of dependency more generally. Even as healthy adults we are deeply dependent in a variety of ways.

Psychologically, we rely on friends, families, and lovers to provide emotional support and recognition through nurturance, empathy, love, and sexual care. These vital kinds of support are too often overlooked. The innumerable hours of care and emotional support, so vital for our psychological well-being, are performed mainly by women, and form a gigantic if largely invisible infrastructure, a ladder on which men climb to reach their goals. It is this ladder of congealed female labour that men call “independence.”

Intellectually, we rely on others to provide a cultural and linguistic framework that forms the basis of our very ability to think. The limits of our language are the limits of our world, as Wittgenstein would say. Culture also provides us with the raw materials – the ideas, frameworks, preconceptions – which order the phenomena of experience and allows us to make sense of the world (to make sense out of sense, as it were). Indeed, even the most autonomous person is only so because she has access to a range of cultural viewpoints – a range of ideas from *other people* – which provide food for thought and the fodder for self-critique.[[11]](#footnote-11) No one could be autonomous in a vacuum, because no one grows their own worldview from scratch. No one is a self-sufficient farmer of their own mind. In the apposite words of Annette Baier, “A person, perhaps, is best seen as one who was long enough dependent upon other persons to acquire the essential arts of personhood. Persons essentially are *second* persons, who grow up with other persons” (1981, p. 180).[[12]](#footnote-12)

Economically, we are dependent on the benevolence of others when we are young or old or poor. But beyond this episodic dependence there is a deeper way in which we are more continually economically dependent: practically all of our contemporary labour requires the background of a highly developed legal infrastructure as well as transpiring on the back of a massive historical accumulation of knowledge, technology and capital (Alperovitz & Daly, 2008). An individual lucky enough to live and work in the Global North thereby benefits from an enormous social inheritance that makes her astronomically more productive than she would otherwise be (which is why, for example, the poorest Americans, adjusted for price levels, earn 35 times more than the poorest Zambians (Milanovic, 2012, p. 130)).

An important insight from disability theory is that all human beings are functionally dependent on the infrastructure and built environment of social life to accomplish our goals. Our ability to do things relies continually on the “fit” between us and the world. Inversely, inability and disablement emerge from “the gaps, or the poor fit among individuals’ physical or mental conditions and their resources/capacity (personal, economic, social), and the environment (geographic, architectural, social, political) in which they live, work, and play” (Zola, 1993, p. 25). Some individuals can only enter buildings if they can get up the stairs; some can only get to the top floor if they can access an elevator; some can only move around town if there is accessible and affordable transportation; some can only read if they have glasses; some can only walk if they have a cane, or a guide dog; some can only eat if they have insulin injections. For all of us, being ableto cope in the world is a function of how effective the social structures are in accommodating our various needs and incapacities. Since *everyone* has functional dependencies, everyone will at some point be disabled (everyone is at some point what Garland-Thomson (2011) calls a “misfit”). This way of looking at the world again implies that what is natural about human life is not self-sufficiency, but *dependency* – i.e., lack, insufficiency, and the universal need for social support.

In sum then, while certain aspects of our dependency are episodic, certain aspects (such as our psychological, intellectual, economic, and functional dependencies) are more regular and continual. Considering these factors together we can conclude that dependency is a more-or-less constant feature of human life; we are fundamentally dependent beings.[[13]](#footnote-13) The bottom line is that we should not conceive of individuals as mushrooms or atoms bouncing off one another, but as nodes in thick social webs.[[14]](#footnote-14) We are *social individuals*: beings who exist in webs of interconnection and interdependence.

**3. Property and Obligations**

We are now in a position to ask, what are the moral and political ideas that flow from this feminist ontology?[[15]](#footnote-15)

Whereas the libertarian ontology of atomism and self-sufficiency implies a view of freedom as independence and non-interference, a feminist ontology of dependency and inability implies a view of freedom as social support and empowerment. Freedom is better seen not as non-interference but as ability to achieve one’s aims [reference removed for blind review].

What does a feminist ontology imply about property? It is widely agreed that property constitutes a bundle of rights over an object (such as the rights to use, bequeath, transfer, destroy, etc.) The core question is who should have these rights. Should they reside solely with the individual? Should they be split between the individual and the community? To decide this, it is useful to reflect on how property comes into being in the first place. Recall that, at least in the modern context, all property, from the corn grown in the field to the car produced in the factory, comes into being by way of three essential elements: (i) persons who labour, (ii) tools or factors of production, and (iii) legal/political infrastructure of production and exchange (i.e. a legal system to establish and delimit property rights, courts to adjudicate them, and police to enforce them).

When Locke describes the emergence of private property by using the example of a lone individual picking up acorns with his bare hands ([1689] 1980, V. 28), he invisibilizes (ii) and (iii). This makes it much easier for him to argue that property belongs solely and completely to the individual – since who else is there?

The main critiques of libertarian property rights pick up on this lacuna. Socialists shine a light on (ii) and argue that in actual fact property arises from an immensely productive set of tools and technologies, which themselves are the result of the interconnected labour of countless workers – therefore property cannot accurately be seen as a purely individual product. Institutionalists focus on (iii) in arguing that because property rights and the market exist only by virtue of a whole set of legal and political infrastructure, property cannot be seen as purely individual.

While these critiques are powerful, I argue that we need to go further. We need to go beyond arguing about the social nature of the productive process (ii and iii) and insist that the very individuals who engage in productive work are *themselves* social beings. In other words, we need to challenge the Lockean precept of self-ownership in order to emphasize the social nature of (i). The essential point is that the person who creates property is herself a social product. If a village collaboratively worked the field to grow corn, we would say the corn belongs to the village. But every individual *is* a village in the sense that every individual contains a village inside her.[[16]](#footnote-16) This means that every piece of property contains an inextinguishable trace of the community in it. Therefore, there is no inherent right to individual property. All property is the result of the individual *and* the broader community (which shaped the individual). Its mixed origin means that there is an open question as to how its legal rights should be assigned (which to the individual and which to the community). Contra the libertarians, distributive justice does not start with already existing individual property; we start with property that inextricably bears the imprint of both the individual and the community.

One way to see this is by analogy with the institutional argument. The institutionalists are right to point out that a factory, for instance, does not produce property in a vacuum; it is able to produce only because it exists within a broader infrastructure of politics and law (that regulates what can and cannot be sold, the governance structure, the extent of liability, and so on); therefore the factory’s products are not rightfully owned purely by the factory, but the society (the source of the political-legal infrastructure) has a partial claim too. In the same vein, the human being, the social individual, who produces property is only able to do so because of a social infrastructure of care and support which shaped and socialized her to be capable of performing such work in the first place; the product of her body, and the work or her hands, contain the trace of the community that created her, and therefore the community has a partial claim to it.

Nozick is right that property does not drop like manna from heaven (1974, p. 198). But he is wrong to think that it comes already affixed to an *individual.* In fact, property is created by a social individual – herself the product of a community – and so it retains the trace of the community in it. Property is a bundle of rights. But for it to be a just bundle its threads must be woven to include the community.

What does the feminist ontology imply about obligations? In a nutshell my argument is that since the community has supported us, there is a reciprocal obligation on all of us (more precisely, on all those who are capable of such reciprocation) to extend some support to the community. Our obligations, I suggest, should be seen as eternal in duration but minimal in scope, with our only concrete obligation being to pay taxes. This minimalism is sufficient to undermine libertarianism. Since libertarianism derives its force from its insistence in a solid wall of rights that separates oneself from inherent obligations to the community, the acceptance of non-contractual obligations, even minimal ones, means that the wall is filled with holes. The libertarian edifice thereby collapses. Let me defend this argument now.

Every one of us is an interdependent being that has been deeply shaped by the care and support provided to us by others. The receipt of this care and support places an obligation on each of us to provide reciprocal support. I am obliged to support those who have supported me. Who exactly is this? Clearly we have all have received different kinds of support from different people, intensive recurring support from some, passing indirect support from others. We can conceive of the support we’ve received (and the corollary obligations that we have) as expanding concentric circles that ripple outwards, like a stone dropped in a pond, from closer circles of parents and family to friends to teachers to food providers to health providers to cultural providers and outward to far distant and indirect support (such as the person who helps build the tires that go on the bulldozer that is used to build the road that carries the trucks which supply the food that I eat). We can think of society as a collection of individuals each of whom is the epicenter of expanding concentric circles of obligations. My circles of obligation overlap with the expanding circles from each of my family members, which in turn overlap with the expanding circles of each of my neighbors and on and on. In a community of thousands or millions of people, these overlapping circles overlap so much that we can visualize them as coalescing into a fabric – a tapestry of interconnectedness and mutual obligation. Thus what at the micro-level looks like a hierarchy of obligations to *particular people,* at the macro-level looks like a thick web of common obligation for everyone to provide some measure of social support to *the community*. By “everyone” I mean all those who are able. Those who are severely disabled and dependent may not be able to reciprocate the support that they have received. Nevertheless, they should still have the right to be provided with support, but such rights in this case are not grounded in reciprocity but in vulnerability.[[17]](#footnote-17)

It would be wrong to think that inherent obligations exist to one’s immediate family, such as one’s parents, but no further. To suppose that a person in our society could become fully developed from their parents alone is only slightly less absurd that supposing an individual could develop herself. Culturally, we become thinking, moral agents in a language-using community (no parents are the inventors of language) (Taylor, 1989); care and education almost always comes from a broader spectrum of people than the immediate family; and functionally, acting in the world requires an immense infrastructure which is never provided by the parents alone. We emerge into adulthood immersed in social debt. It is true that each of us receives different levels of support from different areas. But it is not true that there is any sharp demarcation of parents providing 100% of support and the community providing zero. There is, rather, a spectrum of aid and, correspondingly, concentric circles of obligations. When one’s personal obligations are mapped alongside the obligations of everyone else, we do not see tiny spheres of individual families isolated from all others, we see a social web.

How long are we bound by obligations to the community? A libertarian might grudgingly admit obligations to those who supported her when she was young, but once adulthood is reached, she might say, the only obligations that exist are the ones chosen and contracted for. My response is that obligations are eternal because individuals never escape socialization (one can escape a particular cultural worldview, but only to enter another; no one escapes discursive relations altogether). For the entire duration of one’s life one will always remain the product of social relations of care and support. Therefore one’s obligations do not disappear as long as one lives. Our obligation to support the community is life long. Moreover, it’s a mistake to suppose that adults no longer receive any social support over and above their contractual arrangements. Adults remain dependent on cultural discourse, emotional and psychological care (from friends, colleagues, intimates), as well as infrastructural support of the economy and societal institutions.

But if our obligations are everlasting this raises serious worries about how heavy they will be. Are our social obligations so expansive as to crush out the space for individual freedom? What exactly should be the extent of our obligations *to* the community versus the extent of non-interference we can rightly expect *from* the community? One extreme answer is that there should be maximal duties of obligations with minimal rights of non-interference. This would mean that the community could, for instance, tax property at 100%, confiscate personal possessions, even forcibly redistribute body parts. Moreover it could conscript the individual to work when and where it deems best. This, to put it mildly, would be a community of slavery and totalitarianism. At the other extreme, there could be minimal obligations with maximal rights of non-interference. This could mean that each individual is regarded as a full self-owner: never expected to perform any social duties, provide any public goods, or pay any taxes whatsoever regardless of personal wealth or the levels of societal inequality. The state would be absolutely forbidden from taxing a penny from individuals’ bank accounts even if such redistribution would save people from starvation. Such a community would be a Dickensian nightmare, a ruthless, heartless society where the powerful dominate with impunity, and the poor and weak are abandoned to their misery.

I take it for granted that neither extreme is acceptable. We must find a way to balance our obligations to other with our rights of non-interference from others. The best option, I submit, is a balanced one of robust obligations together with strong rights of non-interference. Specifically, strong rights of non-interference should be interpreted in standard liberal fashion to include full rights of bodily integrity, freedom of conscience, freedom to work when and where one chooses, strong property rights over personal possessions (so that the state cannot redistribute your favourite painting or treasured book). In terms of obligations, we should recognize an inherent obligation to pay taxes on one’s income so that the community can pay for the support that its members requires. Regardless of whether I have signed a contract to support my parents, teachers, and other sources of support, I have a moral obligation to pay the taxes that will provide their support. This obligation is robust in the sense that it is eternal. This is a good balance because it is sensitive to the dual nature of our dual nature. As *individuals* we should insist on strong rights of non-interference. As *social* beings we should insist on inherent obligations.

Both our bodies and our property have social origins, but this does not mean that they must be treated identically. There are good reasons for framing our obligations in terms of taxation on incomeand not in terms of having to labour for the community or share one’s body parts with the community. How can we justify this asymmetry? There is a significant difference in terms of the depth of harm. My body is a vessel of my life and the carrier of my personality and so is co-extensive with my *self* in a way that my income is not. So the harm involved in interfering with my body is much more sharp. Cutting out a kidney to share it with another is an inherently violent infringement on *me.* Whereas reducing the income that I receive is at least a step (if not several steps) removed in terms of the harm involved.[[18]](#footnote-18) There is also an important difference in terms of freedom. Forcing me to work in a particular job is to force me to *act* – to expend time and energy in a way that I might not want to. Whereas taxing my income is only a forced sharing of the fruits that result from whatever labour I have freely chosen to do (cf. Christman, 1994). This balance means that we can drop the conceptual apparatus of self-ownership without any of Nozick’s fearful consequences. Admitting that our social nature implies inherent obligations does not mean that individuals lose rights to non-interference (no individual in the society we are envisioning risks labour conscription or the forced redistribution of body parts). It just means that our rights are balanced with our obligations.

I leave it as an open question how high taxes can legitimately go. It seems to me that (leaving aside practical questions of economic disincentives) taxes can rightly go as high as the community democratically decides, at least up to the point that they threaten an individual’s basic security (ability to have food, water, housing, health care, education, old-age security, etc.). But if very high taxes are used to guarantee such basic securities, then I see no threshold at which taxation becomes immoral, since at no point was it ever a fully individual thing to begin with. The mixed origin of property means that there is always an open question as to how rights to it should be divided. As long as we insist on strong rights of non-interference over our bodies and our place and duration of labour, then it seems to me that fulfilling our social obligations by way of (potentially high rates of) taxation on income is an appropriate balance.

It is easy to imagine Nozick pushing back against this argument by insisting that *either* one is a self-owner and free, *or* one is owned in part by the community and so a partial slave; there is no third way.

We should reject this dichotomy by rejecting its terms of reference. The language of “self-ownership” is a language of inviolable rights of atomistic, self-sufficient beings. It is a language that is inadequate to the complexity of our condition because we are not simply individuals with rights; we are social beings with obligations. In other words, we shouldn’t ask, “Who *owns* me?” because this is to ask only about rights and thereby to ignore half of our nature. Instead we should ask, “What are my *rights and obligations*?” Once we do this we see that there is indeed a third way: individuals can have strong rights of non-interference in certain domains of their lives as well as robust obligations in others.

Nozick might respond by asking where rights of non-interference come from if not self-ownership? He would likely insist that we need a strong conception of self-ownership in order to buttress rights of non-interference (this is precisely why Otsuka embraces libertarianism in the first place).

Yet rights of non-interference do not need to come from a metaphysics of “self-ownership.” They can come just as securely from other places too – such as a Rawlsian theory of justice that bases such rights on a procedure of neutral decision-making behind a veil of ignorance, or a democratic theory that bases such rights on the importance of non-domination for civic participation, or from the logic of this paper whereby rights of non-interference stem from a recognition that, ontologically, we are (in part) *individuals* and so need strong rights to protect our individuality. Rights of non-interference are the appropriate ethical response to the ontological reality of the individual side of our condition.[[19]](#footnote-19) (But as we’ve seen, this is only half the story because we are also social beings). This means that we do notneed a conception of self-ownership. We do not need libertarian premises to reach anti-paternalistic conclusions. We can retain anti-paternalistic conclusions by grounding liberal rights to non-interference on the individual side of our ontology. This allows us to retain a strong anti-authoritarian perspective without being burdened by the ontological falsehoods and one-sidedness embodied in self-ownership.

**Conclusion**

Libertarianism in both its right and left form is a prominent part of contemporary philosophy and its conservative variant is even more prominent as mainstream sentiment. Nevertheless, it is built on a view of the self as atomistic and self-sufficient that is impossible to believe in. I have argued here that adopting a more realistic feminist view of the self (as social and interdependent) profoundly undermines libertarianism. As beings who are ourselves products of a community everything that we create contains a trace of that community; there is no therefore no inherent individual right to property; its mixed origin means that assigning rights to it is part of the broader question of balancing individual rights with social obligations. Indeed, as interdependent beings we have inextinguishable obligations to the community that created us through its variegated provision of support and care. The most important practical consequence of this theoretical analysis is that we should reject the libertarian idea of inviolable individual property rights. Taxation is not theft or slavery; it is the practical manifestation of our inherent moral obligations to reciprocate in the provision of the social support that sustained and continues to sustain us.

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1. Exceptions to this include Pateman (1988), Okin (1989), Koggel (1998) among others. [↑](#footnote-ref-1)
2. An additional important critique of libertarianism in the literature is that other people’s need can mitigate one’s rights over their property (Kymlicka, [1990] 2000). [↑](#footnote-ref-2)
3. In a somewhat similar vein, Susan Okin (1989) once argued that taking women’s lives seriously reduces Nozick’s libertarianism to absurdity. For discussion of her argument see Perrett (2000) and Hicks (2015). [↑](#footnote-ref-3)
4. Libertarians tend to acknowledge the need for rectification but only as an afterthought (for instance, Nozick mentions rectification only on the final page of his chapter on distributive justice (1974, p. 231); the same is true of Otsuka (2003, pp. 39-40)). This practice – of focusing attention on arguments for strong rights to property, and then mentioning rectification briefly and only as an afterthought – makes for a subtle but strong message: historical injustices are not particularly important. Yet it is arguably the case that the vast majority of property in contemporary capitalist society *is* the result of massive historical injustice – the exploitation of workers with no other options, the exploitation of unpaid female labour in the form of caregiving and housework, the exploitation of the planet in terms of the massive externalization of ecological costs, and the slavery, colonialism and genocide of indigenous peoples. In other words, if we take rectification seriously, it is not a minor addendum to an otherwise strong theory, it shakes the theory to its very core. [↑](#footnote-ref-4)
5. It is beyond the scope of this paper to deeply engage in how feminists should conceive of freedom. For further discussion see [reference removed for blind review]. [↑](#footnote-ref-5)
6. In accomplishing this balancing we would want to know other things about the context, such as whether removing hair could be done easily and painlessly or whether it would constitute a deep or permanent harm to her. [↑](#footnote-ref-6)
7. Indeed, Brian Barry’s review of Nozick is scathing in this regard, arguing that it is heartless to propose a theory which, if implemented, would “starve or humiliate ten percent or so of his fellow citizens” (Barry, 1975, p. 332). [↑](#footnote-ref-7)
8. In Minnow’s words, “people live and talk in relationships and never exist outside of them” (qtd in Koggel, 1998, p. 142). [↑](#footnote-ref-8)
9. I use this word literally to stress the fact that we are all dependent on others. Sometimes “interdependence” conjures up images of fully self-sufficient beings engaged in bargaining with each other – but that is not at all the image I mean to convey, quite the opposite. [↑](#footnote-ref-9)
10. This section derives largely from an earlier work [reference removed for blind review]. [↑](#footnote-ref-10)
11. According to Taylor, our ability to even have an identity – a moral sense of self – is dependent on being embedded in “webs of interlocution” (1989, p. 39). [↑](#footnote-ref-11)
12. See how different this is from Locke with his belief that understanding is an individualistic and independent process: “For, I think, we may as rationally hope to see with other Mens Eyes, as to know by other Mens Understanding. *So much as* ***we our selves*** *consider and comprehend of Truth and Reason, so much we possess of real and true Knowledge*. The floating of other Mens Opinions in our brains make us not a jot more knowing, though they happen to be true” (qtd in Taylor, 1989, p. 167, emphasis added). [↑](#footnote-ref-12)
13. In Fineman’s words, “Far from being pathological, avoidable, and the result of individual failings, dependency is a universal and inevitable part of the human development. It is inherent in the human condition” (2000, p. 18). In later work Fineman has focused more on “vulnerability” than “dependency.” I stick with the latter term because it better highlights the *social* aspect of our existential fragility. [↑](#footnote-ref-13)
14. Gilligan, in her groundbreaking work, makes numerous references to the self as part of a “web” or “network.” For instance, she describes how Claire perceives “relationships as primary rather than as derived from separation, considering the interdependence of people’s lives, she envisions ‘the way things are’ and ‘the way things should be’ as a web of interconnection where ‘everybody belongs to it and you all come from it’” (1982, p. 57). [↑](#footnote-ref-14)
15. One might wonder if it is problematic to derive an “ought” from an “is.” But as mentioned above, I do not believe so because our views on the facts of the human condition tend to already be interwoven into our normative concepts. The relevant question, therefore, is whether a libertarian paradigm (which I see as an entire integrated package of ontology and ethics) makes more sense than a feminist paradigm. [↑](#footnote-ref-15)
16. In Baier’s words, each person “has a personal history interwoven with the history of a community” (1981, p. 187). [↑](#footnote-ref-16)
17. Although I can’t defend it here, this argument has been well made by Kittay (1999). [↑](#footnote-ref-17)
18. For the opposite (and I think highly implausible) idea that the harm of income redistribution is as severe as the harm of bodily redistribution, see Wheeler (1999). [↑](#footnote-ref-18)
19. For a different, but complementary, argument that self-ownership is not necessary to buttress ideas of freedom and autonomy, see Cohen (1995). [↑](#footnote-ref-19)