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PERSONAL IDENTITY AND SELF-OWNERSHIP*

By Edward Feser

I. Introduction

The thesis of self-ownership is the principle on which many classical liberal and libertarian theorists, from John Locke to Robert Nozick, have founded their political philosophy. The "ownership" part of the thesis, touching as it does on the concepts of property and rights with their obvious political relevance, has understandably been the focus of debate over the principle. Still, it is curious that the other component of the thesis—the "self" that is said to be self-owned—has received so little attention from either the advocates of the thesis or its detractors. Could it be that this neglect is justified? Could it be that questions about the nature of the *self* are simply tangential to the question of self-*ownership* per se, and can safely be bracketed off by political theory and left to the metaphysicians? I want to suggest that they cannot be. The thesis of self-ownership, I want to argue, is simply not compatible with just every philosophical conception of the self on offer—and not compatible even with certain conceptions some advocates of the thesis are likely at least implicitly to be committed to when their attention is not on matters of political philosophy. Indeed, as I will try to show, the thesis may in fact be compatible with only *one* general approach to the metaphysics of the self. Since I am an advocate both of that metaphysical approach and of the thesis of self-ownership itself, as well as of many of the consequences the thesis is generally taken to have, the fact that there is at least this one viable conception comes as a relief, personally speaking. But it might not come as a relief to all advocates of self-ownership. For a correct understanding of the self may, as we shall see, imply a correction to certain construals of self-ownership and its implications proffered by many of the thesis's advocates.

Justifying these claims will require a consideration of the thesis of self-ownership in light of the major theories of the self put forward by metaphysicians and philosophers of mind, theories largely coextensive with the major theories of personal identity. The focus of my investigation will accordingly be the relationship between personal identity and self-ownership. The first order of business is to get clear on the nature of the

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thesis of self-ownership itself. Then I shall consider its compatibility or lack thereof with each of the major theories of personal identity.

II. Self-Ownership

The thesis of self-ownership, as generally understood, holds that each individual has complete ownership of or property rights in himself—in his body and its parts, his talents and abilities, his labor and energies, and so forth. Among the less controversial consequences of the thesis is that no innocent person can legitimately be made a slave, for to take a person as a slave would be to steal him from himself;[1] among the more controversial is that, in the words of Nozick, the most influential advocate of the thesis in twentieth-century philosophy, "taxation of earnings from labor is on a par with forced labor," a subtle kind of slavery.[2] The claim is not necessarily that *all* taxation amounts to forced labor—the taxation that goes to fund the libertarian minimal or "nightwatchman" state is consistent with self-ownership, in Nozick's view, for reasons too complicated to enter into here.[3] But redistributive taxation, for the purposes of realizing some pattern of distribution (egalitarian, say) or providing others with certain benefits (social insurance, socialized medicine, or pretty much "social" or "socialized" anything), gives others—the state, or the recipients of the state's largesse—an "enforceable claim" on your labor and its fruits; it "makes them a *part-owner* of you; it gives them a property right in you," which violates your self-ownership.[4] The consequences for political philosophy are, in turn, that the only morally legitimate sort of polity is one that is characterized by a very limited central government and one that at least allows for, though it does not strictly require, a free market or capitalist economic system; egalitarian liberalism and socialism, faceless welfare bureaucracies no less than gulags, are absolutely ruled out as merely different gradations on a spectrum of state-sponsored slave labor.

[1] I use the qualifier "innocent" because an advocate of the thesis of self-ownership could at least argue that a person who has seriously violated the rights of another might thereby have forfeited his own rights to such an extent that he could legitimately be taken into slavery. One of the traditional justifications of (some forms of) slavery, for example, held that enemy combatants captured in a just war could, since they had by participation in an unjust cause forfeited their rights to their very lives, have no legitimate objection to suffering the lesser penalty of lifelong servitude to their conquerors. Some advocates of self-ownership would also argue that a person could, as a self-owner, voluntarily sell himself into slavery, though perhaps the semantics of the term "slavery," seeming as it does to include involuntariness as an essential component, would rule out the possibility of *voluntary* slavery by definition. In any case, taking *innocent* persons as slaves *without* their consent—as was the case, for example, in the African slave trade—would unambiguously be ruled out by the thesis of self-ownership.

[2] Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), 169.

[3] See part I of Nozick, *Anarchy, State, and Utopia.* For a defense of Nozick's defense of the minimal state and of his moral critique of most taxation, see Edward Feser, *On Nozick* (Belmont, CA: Wadsworth, 2003).

[4] Nozick, *Anarchy, State, and Utopia,* 172.

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These qualifications—"very limited *central* government" and "at least allows for, though it does not strictly require"—are important, both intrinsically and for the position I will ultimately be advocating in this essay, though they are almost never noticed by Nozick's critics or emphasized enough by Nozick himself. It is almost universally held by those critics that Nozick's position would entail in practice that the poor would be abandoned to sleeping on grates and starving en masse, that there would be widespread environmental devastation, etc. But this is hysterics rather than serious analysis. I say this not only because of the enormous body of serious scholarly work that has been done comparing the results of government action in matters of welfare, conservation, education, and so forth versus action in the "private sector," mostly to the detriment of the former.[5] I say it primarily because the critics ignore the details of Nozick's overall position in political philosophy, which does not at all fit the standard caricature of classical liberal or libertarian thinking as conceiving of individuals as isolated atoms struggling for survival within the forbidding context of ruthless competition between mammoth corporations lightly governed by a distant and uncaring minimal state.[6]

As is made evident especially by the much-neglected third part of Nozick's *Anarchy, State, and Utopia,* what Nozick favored was the sort of organic social order that develops "from below," on a small scale and in a localized fashion, through voluntary interaction among people of shared values (and we might add in a conservative vein, though this is not stressed by the individualistically-inclined Nozick himself, shared traditions and shared histories), rather than an artificial and regimented regime imposed "from above," via regulation, indoctrination, and the threat of litigation or prosecution, by the regulatory, educational, and legal bureaucracies of a massive centralized state. Such localized organic communities may well require, even by ordinance, any degree of public-spiritedness and self-sacrifice of their members; but they would operate within the overarching context of a central government—the minimal state—which itself requires only that those within its jurisdiction contribute to the common defense and a common juridical system. And such communities would also respect the right of exit of those who may decide to abandon their communities (communities which may, again, nevertheless retain any level of control over those who agree to remain within them); and this right of exit would be enforced by the minimal state. The social picture that results, however reflective of a commitment to the dignity of the individual and the importance of consent, is nevertheless not that of "atomistic individualism," but something closer to the emphasis put by

[5] The literature is vast, but Feser, *On Nozick,* contains an overview of some of the major themes (in chapter 2) and a useful bibliography.

[6] In fact, *no* prominent classical liberal or libertarian theorist's vision of social life fits this silly caricature—certainly not Adam Smith's or F. A. Hayek's, and not even Herbert Spencer's—but that is another matter.

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Burkean conservatives on the need for a healthy society to be based on strong "intermediate institutions"—intermediate, that is, between the individual and the state—or the notion of subsidiarity in Catholic social doctrine.[7] Those who assume that to strip the centralized modern state of its Leviathan-like powers *must* be to leave the individual helpless reveal merely the limits of their own imaginations, not any flaws in Nozick's political philosophy, or in self-ownership inspired political thinking generally.

There is another reason for the inadequacy of the caricature, however, one stemming from the very nature of self-ownership, and made evident in the work of philosopher Eric Mack. It is not enough to respect an individual's self-ownership merely to refrain from killing, injuring, or enslaving him, or in other ways to avoid interfering with what happens within, we might say, the boundary formed by his skin. One must also recognize and respect the implications of the fact that the capacities and powers that the individual owns in owning himself are inherently *world-interactive.* A self, we might say, is by its nature directed at the world and to functioning within the world. It follows that fully to respect another's self-ownership, one must not use one's own property—one's own justly and exclusively held pieces of the world—in a way that undermines the capacity of the other person to interact with the world. To squeeze someone's windpipe until he suffocates would obviously be to violate his self-ownership; but so too would it violate his self-ownership to leave his body untouched but remove all the air surrounding it. To force an innocent person into a cage by manhandling him, thereby imprisoning him, would violate his self-ownership; but so too would refraining to touch him at all while nevertheless building a cage around him while he sleeps peacefully in a field. If one acquires some air or a cage as one's private property, one may have all the rights over those things that are normally associated with private property, but one must nevertheless not use one's air or one's cage in a way that completely undermines another's capacity to interact with the world. This constitutes what Mack calls a "self-ownership proviso" on the use of one's private property: one may use that property however one sees fit, so long as such use does not nullify

[7] The classic formulation of the notion of subsidiarity is Pope Pius XI's statement in *Quadragesimo Anno:* "It is an injustice and at the same time a great evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do" (sec. 79). In this connection, one might note that whereas localized and noncoercive socialist communities, though allowed for by Nozick's position, would nevertheless not be likely to flourish given their evident economic inefficiency and incompatibility with human nature (note the decline of the kibbutz in Israel), the sort of agrarian and even quasi-anarchical but private property respecting communities envisioned by critics of industrial society like *Catholic Worker* editor Dorothy Day would be realistic options. That Day was closer in spirit to the libertarian right than to the socialist left is a proposition defended by Bill Kauffman in "The Way of Love: Dorothy Day and the American Right," reprinted in Christopher Hitchens and Christopher Caldwell, eds., *Left Hooks, Right Crosses: A Decade of Political Writing* (New York: Thunder's Mouth Press, 2002).

another's ability to use his self-owned world-interactive powers and capacities. This proviso follows, in Mack's view, as a corollary of, indeed an implicit part of, the thesis of self-ownership itself.[8]

It is important to note that the self-ownership proviso is *not* a constraint on the acquisition of property. Even to acquire, by legal and voluntary transactions, all the water in the world and sell it to individuals at the price they would have had to pay anyway to get it themselves would not violate the proviso. To refuse to sell it to them, however, or to charge them prices the paying of which would reduce them to bare subsistence, *would* violate it, for it would effectively undermine their capacity to use their self-owned powers. The proviso must therefore be distinguished from the Lockean proviso associated with John Locke's theory of property, on which one must, in acquiring any kind of property, leave "enough and as good" for others to acquire.[9] The self-ownership proviso is, again, a proviso on the *use* of one's justly held property: one could in principle come to own all the water in the world, but could nevertheless not use that water in a way that nullifies others' self-owned capacities, including by denying them access to it.[10]

The thesis of self-ownership, and the sort of political philosophy generally understood to flow from it, accordingly do not have the consequence that, in Herbert Spencer's words, "save by the permission of the lords of the soil, [those without property] can have no room for the soles of their feet."[11] To be sure, the implications of the proviso governing self-ownership are in no way egalitarian: inequalities of wealth of vast scale are compatible with it. But then, egalitarianism per se is simply not the same thing as concern for the plight of the poor and propertyless,

[8] See Eric Mack, "The Self-Ownership Proviso: A New and Improved Lockean Proviso," *Social Philosophy and Policy* 12, no. 1 (1995): 186–218; Eric Mack, "Self-Ownership, Marxism, and Egalitarianism, Part I: Challenges to Historical Entitlement," *Politics, Philosophy, and Economics* 1, no. 1 (February 2002): 75–108; and Eric Mack, "Self-Ownership, Marxism, and Egalitarianism, Part II: Challenges to the Self-Ownership Thesis," *Politics, Philosophy, and Economics* 1, no. 2 (June 2002).

[9] John Locke, *Two Treatises of Government*, ed. P. Laslett (Cambridge: Cambridge University Press, 1967), *Second Treatise*, section 26. Nozick endorsed a modified, and less egalitarian-sounding, version of the Lockean proviso, but most commentators, whether critics or sympathizers, have not been satisfied with his account of it. Mack's development of the self-ownership proviso is intended in part to salvage what is plausible in the idea of a Lockean proviso while avoiding the philosophical difficulties and apparent back door to egalitarianism that seem to come with it.

[10] There is a parallel here (one relevant to the position I shall be defending) to the distinction drawn in Thomistic natural law thinking between the right to *own* private property, which is absolute, and the right to *use* one's private property, which is not absolute. (See St. Thomas Aquinas, *Summa Theologiae* II-II, question 66.)

[11] Herbert Spencer, *Social Statics* (New York: Robert Schalkenbach Foundation, 1995), 104. It must be noted that Spencer did not *approve* of such a dire consequence; indeed, in the original edition of *Social Statics* he devoted a chapter to "The Right to the Use of the Earth" (from which the quote above is taken) precisely in order to avoid it, though this chapter, deemed threatening because it seemed too egalitarian a position to sit comfortably with the rest of Spencer's philosophy, was omitted from later editions.

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however often egalitarians blur the distinction. A society with great inequalities in wealth may nevertheless be a society in which everyone is able adequately to provide for himself and his family. The self-ownership proviso requires at most that society be set up so that the latter is possible; it does not require strict equality, or even anything close to equality. Indeed, it is doubtful that the proviso could justify very much state intervention at all in the context of a modern capitalist society, where almost all people are almost always capable of bringing their self-owned powers to bear on the world via some form of employment or other, however menial (and almost never as menial as the sort of hard labor required for bare subsistence in circumstances where stable private property does not exist).[12] In requiring what it does require, however, the proviso does entail—and this is a point that will be relevant to what follows—that one's use of the resources that one acquires as one's private property can at least *in principle* be regulated, where that use threatens to nullify others' exercise of their self-owned powers. One's self, being self-owned, is utterly inviolable. But what one acquires out of what is *external* to oneself—private property in portions of the natural world—is, though one can form very strong property rights to it, nevertheless subject in some (narrowly confined) circumstances to interference by others, including potentially the state, when one's use of it threatens to violate the self-ownership proviso.[13]

All this raises many questions, of course, but they are not questions that can be or need to be addressed here.[14] The foregoing will suffice for our purposes, namely, providing a working conception of self-ownership and its implications. We need now to proceed to the question of primary interest: Which conceptions of personal identity, if any, are compatible with self-ownership?

[12] See David Schmidtz, "The Institution of Property," *Social Philosophy and Policy* 11, no. 2 (1994): 42–62, for an excellent discussion of how people are in general vastly better off under a regime of private property rights than they are when resources are held in common.

[13] It is important to emphasize that it is at most interference with *external* resources that is in question here. Some readers of earlier versions of this essay raised the objection that a right to the use of another's body for sexual purposes would seem, absurdly, to be entailed by the proviso, given the unique manner in which our sexual organs and drives are inherently world-interactive (i.e., they require use of *another's* sexual organs). But this will follow, if at all, only if one's sexual organs are external to one's *self*; and as I will argue in Section VIII below, one's body and its parts are *not* external to one's self. Might this objection be a problem for theories on which the body *is* external to the self, such as the theories I shall be examining in Sections IV through VII? Not necessarily, if, as I would argue, it is a necessary (though not sufficient) condition of the proper use of one's sexual faculties (in the natural law theory sense of "proper use") that the one with whom one engages in sexual activity be a willing participant. But defending this claim would require an excursus into issues of sexual morality that is beyond the scope of this essay.

[14] I have addressed some of them elsewhere, defending the thesis of self-ownership in chapter 3 of *On Nozick* and defending the self-ownership proviso, and criticizing the Lockean proviso that the self-ownership proviso is intended to replace, in Edward Feser, "There Is No Such Thing as an Unjust Initial Acquisition," *Social Philosophy and Policy* 22, no. 1 (2005).

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III. Personal Identity and the Self

Theories of personal identity and theories of the self are not, to be sure, always exactly the same thing. They are, however, intimately related. Theories of personal identity are, among other things, theories about what it is to be a *person*; for to give the identity conditions of a thing is in part to give an account of what sort of thing that thing is. And the concept of a person is clearly tied to the concept of selfhood. As a rough characterization of the relationship, one might say that "person" and "self" are two descriptions of one and the same kind of entity, the first from the "outside," the second from the "inside." To conceive of something as a person is to conceive of it as a self, and as something that at least normally has a sense of being a self; and to conceive of one's self is to conceive of being a particular person. To present a theory of personal identity is thus implicitly to give an account of the self that the thesis of self-ownership claims the self owns.

It is also arguably to give a more *useful* theory of the self for our purposes than an outright theory of the self per se would be. There is a sense in which the thesis of self-ownership can seem just obviously true, a semantic consequence (though not necessarily a trivial one) of the very *concept* of "self." To say, for example, "This is my hand, but I don't own it" appears outright contradictory—at least when the speaker has not detached and sold his hand, say, making it no longer *his,* strictly speaking. As political theorist Michael Zuckert has put the point in the context of characterizing Locke's understanding of self-ownership: "The self in its very nature is posited as self-owning, a fact witnessed in our most elementary locutions—I, me, mine, to quote an old Beatles' song."[15] *Any* theory of the self per se would thus count as a theory on which the self owns itself, by definition.

Of course, some would deny that this apparent *conceptual* fact about self-ownership implies any *moral* consequences concerning rights over or property in one's self. My own suspicion is that, on the contrary, the intrinsic connection between the notions of *self* and *ownership* implies precisely that we cannot coherently take something to be a self without taking it also to be the bearer of the rights implied by ownership. The notion of "self," that is to say, is an *inherently moralized* one. But that is the problem. So closely does the concept of the self seem to be tied to irreducibly moral concepts that it is difficult to focus on its purely metaphysical aspects. We are, as it were, too close to the self per se to get an objective fix on it. What we need is an account of the self from a broader point of view—from the outside, as it were, where we can see it not as an "I" aware of what is "mine," but rather from a more neutral third-person

[15] Michael P. Zuckert, *Launching Liberalism: On Lockean Political Philosophy* (Lawrence: University Press of Kansas, 2002), 195.

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perspective. We need the concept of a person, and thus an account of personal identity.

IV. Cartesian Dualism

An obvious candidate for a conception of persons that would be congenial to self-ownership is René Descartes's dualistic conception of human nature, which goes directly from the first-person point of view of the self to an objective account of persons as immaterial substances conjoined to material bodies. I know with certainty that I exist by virtue of the very fact that I am thinking about the matter, Descartes argued, but I do not thereby know that my *body* exists, for it is at least possible that I could be hallucinating it (say, under the influence of an evil spirit). The self and the body could conceivably come apart, then, in which case they cannot be the same thing. What *I* am, metaphysically speaking, therefore, is not a body, but something incorporeal or nonphysical, a soul outside space and merely causally connected with, but not identical to, my body. Moreover, I am, being immaterial, also a *simple* substance in Descartes's view, one without parts. Thus, there can be no aspect of *me* which is not in the strictest sense *mine.* I simply *am*—my self *is*—identical to all of its concrete features. The gap between the self and what the self purportedly owns is accordingly in this case much narrower than that which exists in generally uncontroversial cases of ownership—ownership of a pen, say, or even of one's body parts, which could conceivably be removed—for *there just is no gap at all.* There is no part of me, on a Cartesian view, which can be removed without removing me along with it. If I could conceivably own anything at all, then, I must surely own at least myself. We might say that if a *Cartesian* self does not own itself, *nobody* owns *anything.*

There are, however, in fact serious problems in reconciling Cartesian dualism and self-ownership, at least if Cartesian dualism is construed in the way it usually is and if self-ownership entails what I have characterized it as entailing. My reasons for saying this are not the predictable ones, to the effect that Cartesian dualism is philosophically indefensible, unscientific, etc., and thus unfit for adoption by advocates of self-ownership or any other serious theorist. On the contrary, *something like* Cartesian dualism is in my view *true*—at least the "dualism" part of it is, and even to some extent the "Cartesian" part, when this is properly understood. For Descartes did not, as is commonly thought (and as my potted characterization above implies), take a person to be identical with an immaterial substance all by itself, with the body being inessential. Though he did regard mind and body as distinct substances capable of existing apart from one another, he also took their combination to constitute a third kind of (compound) substance, and to constitute also a *person,* who when existing disembodied must be considered incomplete. Much of this seems

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to me to be correct—not for reasons that can fully be explored here, though for reasons that will become at least partially evident by the end of this essay.[16]

On the usual construal of Cartesian dualism, however—which for the time being I shall go along with—a person *is*, again, identical to an immaterial substance, full stop, and the body is inessential to the person qua person. It is this construal that I take to be problematic for self-ownership. For on this interpretation, the body turns out to be a resource *external to the self* in a manner analogous to the way other resources—land, water, food, etc.—are external to the self. In that case, however, the self-ownership proviso will apply at least in principle to the use of one's own body just as it does to one's use of any other external resource one owns. Recall that on that proviso, if I acquire all the water in the world, or for that matter any significant monopoly on an external resource that is irreplaceable and necessary to people's use of their world-interactive self-owned powers, then there are moral grounds for others, including the state, to intervene in and regulate my use of such resources if I use them in a way that prevents others from using said powers. But what if an irreplaceable resource exists in my body itself? As seems plausible even on a dualistic view, certain skills are at least partially realized in bodily features and processes: neural wiring, a certain configuration and development of the muscles, optimal functioning of the eyeballs, and the like. Surgical skills would be a good example. Suppose that such skills become scarce, while the need for them remains as it is or even grows—after a natural disaster, perhaps. Wouldn't we have grounds, given the self-ownership proviso, for intervening in the lives of surgeons, demanding that they use the scarce resources, external to their selves, which they have taken as their property—their skill-realizing bodies—to provide surgical services to others? True, we would not be justified in *directly* forcing them to perform surgery, exactly; that would infringe on their right to use their self-owned immaterial substances, which must volitionally move their bodies if they are to do anything competently surgical at all. We could intervene *indirectly*, however, by interfering with force whenever the surgeons insisted on using their bodies to do something which, because it effectively squandered the skills realized in those monopolized bodies, violated the self-ownership proviso. If a small group who owned all the water in the world and refused to allow everyone access to it would thereby violate the proviso, surely a small group of surgeons who owned all the surgical-skill-realizing bodies in the world—resources as external to the surgeons themselves (who are nothing more than immaterial substances) as water

[16] They are explored more fully in Edward Feser, *Philosophy of Mind: A Short Introduction* (Oxford: Oneworld Publications, 2005). The proper interpretation of Descartes's dualism is the subject of a number of volumes, including two with virtually the same title: Gordon Baker and Katherine J. Morris, *Descartes' Dualism* (London: Routledge, 1996); and Marleen Rozemond, *Descartes's Dualism* (Cambridge, MA: Harvard University Press, 1998).

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is—and refused to allow everyone else access to them would also be violating it.

Someone might object that the skills inherent in the surgeons' bodies are only there in the first place as a result of the influence of the distinctly mental capacities inherent in the surgeons' immaterial substances: since the skills would not have been in the bodies if the surgeons' immaterial substances had not interacted with them, those embodied skills cannot be treated as external resources. But such an objection would fail to get to the nub of the matter; after all, getting at water (and, sometimes, making it potable) also requires at least some undeniably self-owned powers, but that does not keep the self-ownership proviso from governing the use of water. Surgical skills, however dependent in part on the self-owned attributes of the immaterial substance that constitutes the surgeon, are also and obviously at least partly the result of having certain inherently bodily capacities: you cannot have surgical skills without *some* body or other, after all; and if you end up having a particular aptitude for surgery, that is no doubt at least partly the result of genetically influenced bodily endowments.

Furthermore, we can imagine that given belief in (the standard interpretation of) Cartesian dualism, people might start to acquire what would otherwise be the bodies of other people, at conception. As Fred is conceived, say, and before his immaterial substance begins to interact with his body (whenever that is), others—Fred's parents, say, or scientists to whom his parents have given the right to his body—"mix their labor," Lockean-style, with Fred's body (perhaps during the course of an in vitro fertilization) and thereby come to acquire it as their property. So as to respect the self-ownership proviso as it applies to Fred, they are always careful ever after to allow Fred to use his body in such a way that he is able to bring his self-owned mental capacities to bear on the world. They nevertheless attach certain conditions to that use, so that the proviso is also respected in application to everyone else. In particular, they require that should Fred decide to develop surgical skills—skills *he* will be the one putting into the body, to be sure, but nevertheless into a body he would not be able so to develop at all unless others who already owned it allowed him the use of it—he will have to agree to use them in the service of whomever the owners of his body decide should be benefited by them. The idea here is that just as people come to be born into an external world the portions of which (raw materials, land, houses, water, food, etc.) are already owned by others, so that such portions can only be accessed when one is freely given them, sold them, or allowed to labor for or with them, so too might bodies come to be pre-owned before one has a chance to access them, if Cartesian dualism, as usually characterized, is correct. A body might fail to have any interesting capacities until an immaterial substance interacts with it, but so too are external natural resources pretty useless until someone does something with them. So

if the latter are governed by the self-ownership proviso, why not the former?[17]

There are other, perhaps more disturbing, cases where (the standard caricature of) Cartesian dualism coupled with the self-ownership proviso leads to consequences like those just described. Consider the well-worn example of terrorists threatening to kill a number of innocent people unless a certain other innocent person is turned over to be murdered by them. The advocate of the thesis of self-ownership would seem at first glance to be committed to refusing the terrorists' demands no matter what the consequences, for to turn over the innocent person would seem clearly to violate his absolute rights over himself. If we take a Cartesian dualist view, however, a person's body is not really essential to him in the first place—*he* will not die even if his body does. So why not turn him over? You may be interfering with his use of his body, but on this interpretation that would be like interfering with his use of his water or land: ordinarily impermissible, but in certain emergency circumstances allowable, at least given the self-ownership proviso.

One might object that those threatened by the terrorists with death if the innocent person is not turned over would also be losing merely their bodies, not their selves, so that their self-ownership rights per se would not be violated if we refused to turn over the innocent person—thus undermining the case for turning him over. But this would still involve balancing the prospect of *many* bodies lost against the loss of only *one* body, in which case the violation of one person's property rights in his body would seem less objectionable than the violation of many persons' property rights in *their* bodies. Furthermore, the example can be altered slightly so that it *does* involve violations of self-ownership. Suppose that the terrorists plan in effect to *torture* many innocent people by releasing a deadly nerve agent—thereby violating their self-ownership by causing severe pain, a mental state realized in their self-owned immaterial substances and thus in their *selves*—while planning only painlessly to kill the innocent person's body, thus destroying his external property (his body, analogous to destroying his water or land) but leaving the innocent person's self per se untouched. Surely in this case, avoidance of the violation of the self-ownership rights of many people would trump avoidance of the violation of the external property rights of one person.

Still, it might be replied that even if the body is an external resource, and thus in principle subject in its use to interference from others so as to

[17] Cartesian dualism arguably has troubling consequences not only for what happens to the body before birth, but also for what happens to it after death: if the body is completely distinct from the self, an external resource like any other, why would it not be legitimate, in principle, for government to require mandatory postmortem organ harvesting for the sake of those urgently needing transplants (assuming one has not already bequeathed one's organs to some other specific person)? Wouldn't someone who refuses to become an organ donor be like the water monopolist who refuses access to a natural resource necessary to others' survival?

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fulfill the self-ownership proviso, actually to *destroy* that body by turning it over to the terrorists would violate the self-ownership proviso with respect to the innocent person himself, who now has had *his* self-owned world-interactive properties nullified by being deprived of a body with which to interact with the world. Again, however, the example can easily be modified to meet the objection, in this case by supposing instead that the terrorists do not want to *kill* the innocent person's body, but only seriously to modify it (by tattooing it, say, or surgically adding a third arm just for laughs—and while he is under anesthesia so that the procedure is painless) and not in a way that will nullify his ability to use his body to interact with the world. The basic point remains: if (the usual caricature of) Cartesian dualism is true, then given the self-ownership proviso, there will be grounds in principle in at least some cases for others seriously to interfere with a person's use of his body.

Now such a consequence is not, strictly speaking, incompatible with the thesis of self-ownership. If a self *really is* just a Cartesian immaterial substance, with the body being an external resource, then nothing I have described is really a violation of *self-ownership* per se, but merely an extension, surprising but justifiable, of the application of the self-ownership proviso to the body, now understood as one external resource among others. Still, such a result would seem to be at least in tension with the *spirit* of the thesis of self-ownership. If self-ownership cannot guarantee even the inviolability of one's own body, it is much less attractive a principle than it at first appeared, and the concrete political and moral implications it seemed to have seem less secure.

V. Bodily-Continuity and Psychological-Continuity Theories

If Cartesian dualism—again, as typically construed, anyway—leaves something to be desired where robust self-ownership is concerned, then bodily-continuity theories, which in effect identify a person with his body, might seem a great improvement. After all, the problem with dualism was that it divorced the body from the self, was it not? So how could a bodily-continuity theory fail to be superior? Quite easily, actually. There is in fact an obvious respect in which bodily-continuity theories must be, from the point of view of the self-ownership advocate, just as bad as Cartesian ones; and there is another, less obvious but still hard to deny respect in which they are *worse.*

Let us take first the respect in which bodily-continuity theories must be "just as bad" as Cartesian ones. Like all theories of personal identity, the bodily-continuity theory is concerned in part with what makes for identity of persons *over time:* what makes it the case, for example, that you at five years old and you at thirty-five years old are the same person, despite

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the great physical and psychological changes that occur during the course of a lifetime. Cartesian dualism holds that what makes for sameness of person throughout such changes is that the same immaterial substance is present. Bodily-continuity theories hold that it is the presence of the same *material* substance—the body, say—that is crucial. But such theories typically qualify this claim significantly. First of all, *exact* sameness of body is not necessary, for not only does a human body obviously change considerably as a person grows from infancy through adolescence to adulthood and senescence, but a person might make other radical changes to his body—organ transplants and the like—and yet remain the same person. What is important, then, is that there is a traceable *continuity* from one stage of the body to the next, that the changes to the body, however significant, are gradual rather than sudden. Even continuity of the body per se seems inessential, however, since we can imagine cases where a person's brain is transplanted from one body to another and his old body destroyed, but where it would be plausible to say that he has survived as the same person in this new body. So it is, strictly speaking, continuity of a particular *part* of the body—the brain, the physical seat of one's personality and psychological traits in general—that is crucial to personal identity on a bodily-continuity theory.

Perhaps the problem is now obvious. If the *brain* is what is essential to personal identity on a bodily-continuity theory, then the *rest* of the body becomes as much a resource *external* to the self on such a theory as it did on the Cartesian dualist theory.[18] The self-ownership proviso will once again apply to the use of the body as much as to the use of any other external resource, and the untoward consequences described above (apart from those involving the brain, which now becomes essential to the self) more or less follow for the bodily-continuity theory as for the Cartesian theory.

Thus, the bodily-continuity theory is at least just as bad as the Cartesian dualist theory where advocacy of an attractive and robust notion of self-ownership is concerned. Why might it even be worse? Consider one of the bizarre science-fiction scenarios often used by philosophers to illustrate the conceptual puzzles posed by personal identity—the "fission" scenario. We can imagine that the two halves of a person's brain are divided and placed into two different bodies cloned from the person's original body. It is at least possible (so those who make use of the scenario assure us, anyway) that the psychological characteristics associated with the person's original, united brain could carry over unaltered into each of

[18] But isn't the brain, unlike a Cartesian immaterial substance, dependent on the body for its very survival? And if so, wouldn't the body be essential to it (and thus part of the self)? The answer to both questions is no: the brain could at least in principle survive without its body (e.g., in a vat of nutrients); and even if it couldn't, this wouldn't make the body any less external to the brain (and thus, on the proposal in question, the self) than is any other resource one depends on for survival (e.g., food and water).

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the halves (since we know from neuroscience that the functions associated with a part of the brain that becomes damaged or even destroyed can often be taken over by other parts of the brain). The result would be two persons, each of whom thinks of himself as the original person and each of whom is continuous brain-wise with the original person.

Such a scenario poses obvious difficulties for any possibility of robust self-ownership. For example, the original person no doubt acquired a certain amount of wealth with his self-owned labor—wealth that, in general (and other than the part of it that he ought to pay to help fund the minimal state, etc.), he was entitled to on the view of the self-ownership advocate. But which of the two persons resulting from the fission is now entitled to that wealth? Given that they are both physically continuous with the original, the bodily-continuity theorist would presumably have to say that they are both entitled to it. But they cannot both keep all the wealth. And if one of them takes it all, the other can legitimately claim that his self-ownership rights have been violated; after all, he is equally continuous with, and thus also the same person as, the person whose self-owned powers originally acquired the wealth. However, if instead the wealth is divided between them, they both now have cause to complain, for neither gets the full amount to which he is entitled.[19] The bodily-continuity theory, then, even more than Cartesian dualism, seems to have untoward consequences for self-ownership.

These considerations bring to mind another sort of personal identity theory, namely psychological-continuity theories—and also indicate that these theories too will suffer from the same problems as bodily-continuity theories do where self-ownership is concerned. Psychological-continuity theories—sometimes called psychological continuity and connectedness (or psychological C & C) theories—hold that it is not continuity of the body or brain per se that is crucial to personal identity, but rather continuity of psychological characteristics, such as personality traits, behavioral patterns, and memories. (This sort of theory descends from Locke's memory theory of personal identity, which is really just a special case of a psychological C & C theory.) If a later person has psychological characteristics that are continuous with those of an earlier person, and the continuity of those characteristics is due to the right sort of causal connection between the earlier and later persons, then the later person is identical to the earlier one. (The inclusion of the idea of "the right sort of causal connection" in the theory is intended to allow it to avoid counter-examples where, say, some delusional person alive today has Napoleonic

[19] This scenario also implies that even "the brain," full stop, cannot be essential to a person, and thus untouched by the self-ownership proviso. All that can really be so untouched is *however much of the brain is necessary to preserve continuity of the self.* If that turns out to be 50 percent of the brain, say, then the other 50 percent becomes as much a resource external to the self as the rest of the body is, and can in principle be interfered with if the self-ownership proviso requires it.

personality traits and vivid pseudo-memories of fighting at Waterloo, but nevertheless is obviously not Napoleon.)

Psychological C & C theorists typically hold the "right" sort of causal connection to involve continuity of brain processes—for example, the later person must have not only the memories, say, of the earlier one, but those memories must be linked to a brain that is continuous with that of the earlier person—so that the brain becomes as central to the psychological-continuity theory as it is to the bodily-continuity theory. But then the problems resulting from the possibility of fission and the like plague the former theory as much as they do the latter. Psychological C & C theories also face unique bizarre and problem-generating scenarios of their own, such as the "teletransportation" scenario, wherein a person steps into a teleportation machine on Earth, all the information about his brain and body is scanned by a supercomputer and beamed to Mars, and his body is then destroyed as an exact copy of it appears in a similar machine on the red planet.[20] The person who walks out of the machine on Mars could have all the psychological characteristics of the person who stepped into the machine on Earth, and given that he is thus psychologically continuous, we can conclude that he is the same person as the latter. We can also imagine, however, that the copy walks out of the machine on Mars while the body on Earth is *not* destroyed, or that due to some programming glitch or a prankster operating the machine on Mars, *two* copies rather than one walk out of the machine. Here we have a scenario analogous to the fission scenario, and with the same problematic consequences for a robust and attractive conception of self-ownership.[21]

VI. Nozick's "Closest Continuer" Theory

Of course, given that it seems impossible that *both* persons resulting from the fission or teletransportation glitch could be identical to the original person, since they are clearly not identical to *each other,* many philosophers would argue that in such cases the original person in effect *ceases to exist* when the split occurs, to be replaced by two new and distinct persons. They would suggest that the continuity emphasized by the theories we have been discussing must be *unique* or "non-branching" if personal identity is to be preserved. But this does not sit well with the intuition that continuity of the brain and/or of psychological traits is the key to continuity of the person. For there *is* such continuity in these cases:

[20] See Derek Parfit, *Reasons and Persons* (Oxford: Clarendon Press, 1984), 199–200.

[21] An additional problem with psychological C & C theories is that insofar as they imply that personhood exists only when certain psychological characteristics do, they thereby imply (as I earlier suggested the Cartesian view does) that the body of an infant, or at least a fetus, which has not yet developed these characteristics can be regarded as a raw natural resource which may in principle be acquired by others as their property (since there is no person associated with it who can be said to own it).

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how can it fail to guarantee that the person survives the fission or the teletransportation glitch? Suppose that after the halves of the brain had been divided and one of them placed in a cloned body, the other half had been completely destroyed, or that the teletransportation had gone exactly according to plan, so that there was in either case only one person continuous with the original. In these cases it would seem plausible that the original person has survived. How, then, can the existence of a *second* person continuous with the original make any difference?

Nozick himself put forward a theory of personal identity intended to deal with this question.[22] In his view, it is not strictly speaking just *any* later person who is continuous with, or who "continues," the earlier person, who is identical to him; it is, rather, the later person who *most closely* continues the earlier one, who is identical. If we imagine that in the fission case the person's brain is divided not in half exactly, but rather that 51 percent of it goes into one body and 49 percent into the other, we can say that the person who wakes up in the first body, having more of the original person's brain, more closely continues the original, and is thus identical with the original. The second person, having less of the brain—and thus, though continuous with the original person, not the *closest* continuer—is not identical to the original person, but is rather a new person. In the variation on the teletransportation case where the original body is not destroyed, it is the person in that original body who most closely continues the original person and is thus identical with the original, with the person appearing on Mars being a new person. In cases where there is no single closest continuer, though—such as in the original 50-50 fission scenario or the "prankster" variation on the teletransportation case in which the original body is destroyed and *two* copies appear on Mars—there is no survival of the original person. That original person has, in effect, died and been replaced by mere duplicates.

An interesting—and bizarre—feature of this theory (and of "non-branching" continuity theories too) is that it makes the identity and survival of a person dependent on factors completely external to him. Consider again the post-fission person with 49 percent of the original's brain. Had the other 51 percent not been transplanted but instead completely destroyed, then the person with the 49 percent of the brain *would* have been the closest continuer of the original and thus *would* have been identical with him. Indeed, if the person with the 51 percent of the original brain were to die only a few moments after he and the person with the 49 percent both awoke from the transplant surgery, it would seem to follow that the latter would suddenly *become* identical with the original person after a few moments of *not* being identical, having suddenly become the closest continuer to the original! Consider again also the "prankster"

[22] Robert Nozick, *Philosophical Explanations* (Cambridge, MA: Belknap Press, 1981), chapter 1.

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variation on the teletransportation case. When the two copies walk out of the machine on Mars, Nozick's theory says that neither is identical to the original—who has, in effect, died—because neither is the *closest* continuer. But suppose the prankster, having quickly grown bored with his joke, pulls out a ray gun a few seconds after the teletransportation and disintegrates one of the copies. Does the remaining copy now suddenly become identical to the original person, since he is now the single closest continuer? Has the original, who had "died" a few seconds before, now suddenly been "resurrected"—by virtue of some other, duplicate body having been destroyed?!

As these strange possibilities indicate, Nozick's theory takes personal identity to be an *extrinsic* relation, determined at least in part by factors outside of the person himself. One and the same individual—a post-fission recipient of 49 percent of someone's brain—may or may not be identical to an earlier person depending on factors completely unrelated to anything going on in that individual. If someone else gets the remaining 51 percent percent, the recipient of the 49 percent is *not* identical; if that 51 percent is instead destroyed, he *is* identical. Either way, what happens in the body, brain, and mental life of the recipient of the 49 percent is insufficient for identity. Similarly, whether an individual who steps out of the machine on Mars is identical to the original depends, ultimately, not on whether his psychological traits are continuous with the original's, but on whether a second individual steps out of the machine. The prankster's whim (whether or not he decides to fiddle with the wiring of a machine, say), and not what is going on in the body or mind of the person who walks out of the machine, determines whether that person is identical to the original, and thus whether the original has survived.

This has, understandably, seemed to many philosophers to be counter-intuitive, even absurd. More relevant to our interests, though, is that it makes the closest continuer theory (and indeed, any "extrinsic" theory of personal identity) incompatible with a robust and attractive notion of self-ownership (ironically enough, given that Nozick, perhaps the foremost champion of self-ownership in contemporary philosophy, originated the theory). For example, it can hardly be said that one's self-ownership-generated rights to the fruits of one's labor are secure when the metaphysics of the self makes its survival hinge on the proper functioning of a machine thousands of miles away or the presence or absence of a few neurons. A person waking up from a fission operation must worry about whether he will be entitled to the wealth he remembers working many long years to accrue or whether he will be left penniless: his fate will be determined, not by whether his physical and psychological characteristics are continuous with the person he seems to remember being (for they are so continuous), but rather by whether the neurosurgeon has, through malice, whim, or error, placed one or two neurons in this body or that, or

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instead just thrown them into the trash. A person stepping out of the teletransporter must have similar worries, since *his* fate may be determined by something as trivial as a power surge or a machine operator's morbid sense of humor.

There is also the fact that the closest continuer theory is in essence merely a modification of a bodily continuity or psychological C & C theory. Such theories, as we have seen, have a tendency to isolate the locus of selfhood at whatever part of the brain is responsible for maintaining continuity of psychological characteristics. Like these other theories, then, the closest continuer theory must make the body something largely external to the self, and thus eligible for interference by others, given the self-ownership proviso. Indeed, a similar problem will afflict every theory—whether Cartesian or materialist—that "externalizes" the body, making it less than essential to the self.[23]

VII. Parfit's Theory

The non-Cartesian theories we have been considering may be even worse, where compatibility with self-ownership is concerned, than has been suggested already. The bodily-continuity, psychological C & C, and closest continuer theories are, unlike the Cartesian view, all *reductionist* accounts of the self. They all hold that the self is not the simple, unified, and irreducible entity Descartes took it to be, but ought instead to be analyzed as being really "nothing but" something else—a continuous chain of bodily stages or psychological characteristics, say. Derek Parfit has argued that if we endorse such theories, we ought to go on to conclude that personal identity per se does not matter.[24] The objective facts about personal identity turn out, on these theories, to consist of nothing more than facts about the continuity of certain bodily and/or psychological characteristics. Such continuity, then, is all that really matters, and identity as such drops out as irrelevant, and even misleading. We ought not to be puzzled or concerned over whether a person would survive a fission operation or teletransportation glitch, because the facts about the continuities involved are all the facts there are in the first place. To assert or deny that any person who wakes up after the operation or steps out of the machine is or is not identical to the original is, in Parfit's view, not to assert or deny anything factual or objectively true or false. All that can be said of a factual nature is that there are certain degrees of continuity. Anything more than this—in particular, any talk about whether the self or

[23] This will include, e.g., functionalist theories that make the self out to be a kind of computer program, only contingently connected to the "hardware" of the body it is "implemented" in.

[24] See Parfit, *Reasons and Persons;* and Derek Parfit, "The Unimportance of Identity," in Raymond Martin and John Barresi, eds., *Personal Identity* (Oxford: Blackwell, 2003).

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person does or does not continue to exist—is a matter of mere linguistic convention, a decision about how to use the *words* "self" and "person."

Parfit's view has its own dire consequences for self-ownership. Consider an example of Parfit's involving his brain being removed from his paralyzed body and being put into the healthy body of a hypothetical twin brother, whose own diseased brain has ceased to function.[25] Who will be the person who wakes up after the transplant operation? On some versions of the bodily-continuity theory, it would be Parfit's brother who wakes up, for the body of the person who wakes up will be mostly continuous with that of the brother. On other versions, such as the ones we have been considering, and on the psychological C & C theory, it will be Parfit himself who wakes up. Parfit's own view is that the question simply does not matter. There will be certain continuities between, on the one hand, the post-surgery person who wakes up, and on the other hand, the pre-surgery Parfit and his twin brother; and there also will be certain discontinuities. And that is all that can be said. There is no fact of the matter beyond the various continuities and discontinuities about which person has survived or even if either of them has survived.

But let us alter the example slightly by imagining that Parfit's hypothetical twin brother had a mental life qualitatively identical to Parfit's own—because they were both controlled by the same mad scientist or Cartesian demon, or whatever. Now suppose that Parfit *murders* the twin brother to get the body, and his own brain is transplanted into it. Who wakes up after the operation? Advocates of the theories we have been considering could make equally good cases for any possible answer; and Parfit himself would again answer that there is no fact of the matter. But then it seems that there just is no one who has been harmed by, and thus no one who has any reason for complaint about, the murder that Parfit would have committed in order to make the operation possible. Indeed, there would not truly have *been* a murder in the first place, since there was no one alive before the "murder" who can plausibly be said, on Parfit's view, not to exist now. But not only is this counterintuitive, it is clearly inconsistent with any robust and interesting concept of self-ownership: surely self-ownership becomes meaningless when a murder does not count as a murder.

That his theory of personal identity is incompatible with self-ownership is not likely to trouble Parfit, however, for by his own reckoning that theory is really incompatible with any robust notion of the *self* in the first place. Parfit takes his view—and indeed, any reductionist theory—to be committed to a "bundle" conception of the self of the sort associated with David Hume and some varieties of Buddhism.[26] On such a view the self

[25] Parfit, "The Unimportance of Identity," 308–9.

[26] See David Hume, *A Treatise of Human Nature* (Oxford: Clarendon Press, 1978), book I, part IV, section VI; and, for quotes from some relevant Buddhist texts, Parfit, *Reasons and Persons*, 502–3.

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is nothing more than a collection of qualities or characteristics, such as a continuous chain of certain bodily and/or psychological traits; or rather, strictly speaking, such traits are all that exist, and there *is no* self per se at all. Surely the apparent consequences for self-ownership could not be more drastic: if there is, strictly speaking, no self, then there is also, strictly speaking, nothing there either to own or to be owned.[27]

Parfit would no doubt be untroubled by this result; indeed, he finds the abandonment of the notion of the self "liberating, and consoling," and suggests that such abandonment is bound to make one less selfish and "more concerned about the lives of others."[28] Indeed, he takes views like his to herald a bold and hopeful new beginning in human history, and the possibility of a distinctly "non-religious ethics" the "free development" of which will not be "prevented [by] . . . belief in God."[29] One might reasonably doubt the wisdom of such sanguinity, however, unless one thinks it an accident that the political freedoms, economic prosperity, and consequent material and social well-being that the modern world has brought us developed in the very civilization that has made the inviolability of the individual its central social value: the Judeo-Christian West. There can be no meaningful notion of rights, in either the political or the economic sphere, without a concrete individual self to bear those rights; nor can there be any genuine respect for persons, in the Kantian sense of refusing to treat them as mere means, if there are no persons in the first place. Accordingly, it seems hardly surprising that it is precisely in the West, the cultural story of which has largely been one of an increasing emphasis on the dignity of the person—made in the image of a God who is Himself essentially personal, who became incarnate in a particular individual human being, and who created the world precisely for human habitation—that the concepts of natural rights and a Kantian respect for persons, with all the beneficial sociopolitical implications that these have had, first appeared. Nor is it surprising that they did *not* appear in the East, with its tendencies toward impersonal and abstract conceptions of deity, and toward seeing the self as an illusion and human history as an insignificant eddy in an endless, pointless river of time. Metaphysical *avant-gardists* of the Parfitian stripe ought to think twice before abandoning concepts so central to the heritage of the West and so foundational to its moral and social achievements, achievements most of them would profess to value.

[27] Something similar can be said for any other view that is less than realist about the self. Instrumentalist views of intentionality, for instance, on which the mind (and thus the self) is but a convenient fiction—a useful concept to apply when predicting human behavior, but one which fails to refer to any objective reality—would seem obviously deficient as a basis for a robust conception of self-ownership. Eliminativist views about the mind, which regard it as a fiction full stop, are even more blatantly incompatible with robust self-ownership.

[28] Parfit, *Reasons and Persons,* 281.

[29] Ibid., 454.

VIII. Hylemorphism

In any event, the question that now arises is whether there is any notion of personal identity left that can ground self-ownership. Such a conception would, if Parfit is right, have to construe the self as irreducible, as Descartes held it to be, and thus not subject to the bizarre consequences plaguing the various reductionist views we have looked at; but it would also have to avoid the Cartesian tendency to externalize the body. Is there such a conception? There is: the hylemorphic conception of human nature associated with the Aristotelian and (especially) Thomistic traditions.[30] The term "hylemorphism" derives from the Greek words *hyle* (or "matter") and *morphe* (or "form"), and the view holds that the relationship between the body and the soul—the seat of rationality and personality—is an instance of the relationship between matter and form generally. The soul, that is to say, is the substantial form of the body—that which makes it the distinct kind of thing it is. The human *person,* on this conception, is thus a composite of form and matter, soul and body: neither the soul alone nor the body alone counts as a complete person, any more than a chunk of matter counts as a desk apart from its having the form of a desk, or than the form of a desk counts as a desk without having matter to instantiate it.[31] Of course, especially on the view of Thomas Aquinas, the soul is uniquely associated with mental life, and, being immaterial, can continue to exist beyond the body's death (making the view in question a kind of dualism); but it does *not* continue to exist *as a complete person*—hence the need in Aquinas's view, if personal immortality is fully to be secured, for a resurrection of the body and its reunion with the soul. In this regard, the hylemorphic view is like the Cartesian view as I said earlier it *ought* to be understood, as opposed to the standard caricature of the Cartesian view. It is also like the Cartesian view in taking the soul to be simple and irreducible. But since it conceives of the soul as a *form*, and

[30] See Aristotle's *De Anima* and Aquinas's *Summa Theologiae* I, questions 75–89, for the classic statements of the view, and David Oderberg's essay in this volume for a more detailed exposition and defense than I have space to give here.

[31] This distinguishes hylemorphism from a view that might appear similar to it, namely, the variation on the bodily-continuity theory that takes a human being to be identical to a kind of *animal.* See, e.g., Eric T. Olson, *The Human Animal: Personal Identity without Psychology* (New York: Oxford University Press, 1997). For that view seems to entail that our psychological traits are not essential to us: were your cerebrum to be removed and put into another body, the rest of your body would, if it survived, still be the same animal (now just missing an organ) and thus the same human being. It, and it alone, would be *you*—even though some other body (the one that received your cerebrum) would now have (what used to be) your thoughts, memories, etc. On the hylemorphic view, though, you are essentially an *embodied soul*: both the bodily and the psychological (and thus distinctly personal) aspects are essential. Note also that insofar as the "animal" view seems to externalize one's distinctly psychological traits, it may entail that they are as subject to outside interference as I have argued bodily traits are on the Cartesian and bodily- and psychological-continuity theories, so that the "animal" view is equally incompatible with robust self-ownership.

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in particular the form *of the body,* it does not have the Cartesian difficulty of leaving it mysterious how the body could be part of the self.[32]

Of course, this view like any other requires defense. My purpose here, however, is to determine whether it is compatible with self-ownership; and I would argue that it is. Given that, on the hylemorphic view, the body is as essential to a person qua person as the soul is, there is no danger of the body's being "externalized" or alienated from the self, and thus made subject in principle to interference by others on the basis of the self-ownership proviso.

But what of the bizarre and problematic scenarios we have considered, which like the standard interpretation of the Cartesian view seem in principle to undermine the possibility of a robust and attractive concept of self-ownership? Aren't these as possible on the hylemorphic conception as on the various reductionist accounts? In fact, they are not. The reason is the same as the reason they must be counted impossible on a Cartesian account. If the self is, as Cartesianism holds, a simple immaterial substance, then no amount of surgery or teletransportation, involving as they do the manipulation of purely *material* substances, can do anything more than duplicate mere bodies; they cannot, that is, create duplicate *persons.* These scenarios can be ruled out a priori, then. Similarly, since the soul, being a form, is on the hylemorphic view something simple and immaterial, there can be no question of duplicating it via fission or teletransportation. These scenarios are thus as a priori impossible on hylemorphism as on Cartesianism. This claim might seem implausible, but only if one assumes that there is no strong case to be made for Cartesianism or hylemorphism. If there *is* a strong case, though, then that case will ipso facto be a case for ruling out fission and the like a priori.[33]

[32] Strictly speaking, then, the Cartesian view *rightly understood,* as opposed to the stock caricature of the Cartesian view, is as compatible with self-ownership as I hold the Thomistic view to be. But the Thomistic view is, I think, metaphysically superior, partly for the reasons hinted at in the text.

[33] I try to make such a case—for Thomistic hylemorphism in particular, but also for the cogency of Cartesian arguments against materialism—in Feser, *Philosophy of Mind: A Short Introduction.* I would also tentatively suggest, as a way of mitigating the apparent implausibility of ruling out the fission and teletransportation cases a priori, that these scenarios be interpreted as follows: In the teletransportation case, if two people really *do* step out of the machine, then this is due to the creation by God of a new soul (and thus a totally new person) to go along with the new body, leaving us with psychologically identical twins; one of the two is the original and the other the duplicate, though only God, Who created the new soul, will know who is who. (Of course, this presupposes theism, but theism is something the Thomist is going to argue for independently in any case—and theism is hardly more eccentric than the teletransportation scenario itself!) In the fission case, what we have is neither the death of the original person, nor the creation of two new persons, but rather the continuation of the original person in a highly eccentric form. The organs of his body—of which his (necessarily still fully intact) soul, with its psychological characteristics, is the form—have been spatially separated, but are still organs of the same one person. And if the placement of the two brain halves in different bodies now results in two streams of experience, this is merely an extreme case of the dissociation and incoherence that can result from any kind of brain damage: the one person now gets sensory input via two bodies and his

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If I am right, then, a commitment to self-ownership must entail a commitment to an Aristotelian-Thomistic hylemorphic conception of persons. But one might wonder whether advocates of hylemorphism, and in particular Aristotelians and Thomists, could *welcome* the addition to their ranks of self-ownership theorists. For isn't self-ownership simply too modern and too individualistic an idea to sit comfortably with the sort of political and moral philosophy usually associated with Aristotle and Aquinas?

This is a large topic, to say the least. Suffice it for now to make the following observations. It is true that the classical political philosophy associated with Aristotelianism and Thomism take man to be a social animal, and a political animal. To be a social animal, however, is not the same as to be a *socialist* animal; and to be a political animal is not the same as to take all matters of social concern rightly to be settled by litigation and the setting up of a vast central government. It cannot be emphasized too strongly that the modern representatives of classical Aristotelian, and especially of Thomistic, political thinking, including (what must be a significant fact for Thomists) the modern popes from Leo XIII to John Paul II, have often been as strident in criticizing socialism, and sometimes also the bureaucratic welfare state, as have the most ardent defenders of capitalism. Moreover, the *reasons* for the criticism have overlapped to a very great extent: a respect for the right of a man to the fruits of his labor and for private property in general, and an emphasis on subsidiarity as essential to a just and humane social order, leading the popes no less than modern libertarians to prefer, as far as possible, that social problems be dealt with by the intermediate institutions of civil society, and without resorting to state intervention. Of course, to claim that an explicit commitment to the thesis of self-ownership is common to both sets of reasons would be to go too far; but it would also go too far to deny that there may be important implicit conceptual connections between these sets of reasons. Again, the writings of the popes are instructive here. It has often been remarked how *Lockean* are some of the arguments in Leo XIII's encyclical *Rerum Novarum.*[34] And a quasi-Kantian respect for persons permeates the Thomistic personalism of John Paul II, echoing the Kantian

cognitive processes are thereby massively disrupted, but he remains the same one person nonetheless. These suggestions would, of course, require further development and defense to be fully convincing.

[34] Leo XIII, *Rerum Novarum,* reprinted in *Catholic Social Thought: The Documentary Heritage,* ed. David J. O'Brien and Thomas A. Shannon (Maryknoll, NY: Orbis Books, 1992). See especially the discussion of private property in sections 4–8, where among other things Leo says (in section 7, echoing Locke's "labor-mixing" theory of the initial acquisition of property): "Now, when man thus spends the industry of his mind and the strength of his body in procuring the fruits of nature by that act he makes his own that portion of nature's field which he cultivates—that portion on which he leaves, as it were, the impress of his own personality, and it cannot but be just that he should possess that portion as his own, and should have a right to keep it without molestation." The similarity to Locke is discussed in Robert A. Sirico, CSP, "Catholicism's Developing Social Teaching," *The Freeman* 41, no. 12 (December 1991).

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prohibition of using people as means that Nozick takes to go hand in hand with self-ownership.[35]

It is true that one finds no full-throated endorsement of capitalism in the writings of the popes, and indeed often finds criticism of conditions extant in capitalist societies (especially in Pius XI's encyclical *Quadragesimo Anno*). But one also never finds an outright *rejection* of capitalism as such, as one finds a decisive rejection of socialism; indeed, one even finds (especially in John Paul II's *Centesimus Annus*) a qualified acceptance of capitalism as compatible in principle with a broadly Thomistic social philosophy, and as unavoidable in practice. And the notions of *ownership* and *property,* so central to the arguments of defenders of capitalism in general and self-ownership advocates in particular, are arguably also central to the social thought of writers in the Thomistic natural law tradition, with all the "individualism" that that implies. As G. K. Chesterton noted, the broader Christian tradition of which the natural law tradition is a part holds to an ethic, not of "sharing," but of *giving* and of *sacrifice*.[36] One "shares" what one holds in common with others. But one can only give and sacrifice what is one's to give or sacrifice in the first place—that is, what one *owns.* This can hardly fail to be as true of one's self—and one is called within Christianity to give of oneself and to sacrifice oneself—as it is of any external piece of property.

Given these considerations, and also the too often ignored subtleties in the Nozickian position in political philosophy elaborated earlier, the gap some might see between the thesis of self-ownership and the kind of moral theory usually associated with defenders of hylemorphism may be more apparent than real. Moreover, it is surely significant that many advocates of the thesis of self-ownership, and/or of the social and political consequences it is normally thought to have, take their inspiration from Aristotle and the Thomistic natural law tradition.[37] This is not to deny that spelling out the precise relationship between a broadly Aristotelian or Thomistic metaphysics and ethics (on the one hand) and the ideas of self-ownership and capitalism (on the other) is a matter of great complexity; the point is rather that there is no good reason to dismiss the possibility of harmony between them as a priori implausible. Nor is it to

[35] For accessible introductions to the philosophy of John Paul II (a.k.a. Karol Wojtyla), see Peter Simpson, *On Karol Wojtyla* (Belmont, CA: Wadsworth, 2001); and Rocco Buttiglione, *Karol Wojtyla: The Thought of the Man Who Became Pope John Paul II* (Grand Rapids, MI: William B. Eerdmans, 1997).

[36] G. K. Chesterton, "Why I Am Not a Socialist," reprinted in *The Chesterton Review* 7 (August 1981): 189–95.

[37] For writers influenced by the Aristotelian tradition, see, e.g., Fred D. Miller, Jr., *Nature, Justice, and Rights in Aristotle's "Politics"* (Oxford: Clarendon Press, 1995); and Douglas B. Rasmussen and Douglas J. Den Uyl, *Liberty and Nature: An Aristotelian Defense of Liberal Order* (La Salle, IL: Open Court, 1991). For writers influenced by natural law, see, e.g., Alejandro A. Chafuen, *Faith and Liberty: The Economic Thought of the Late Scholastics* (New York: Lexington Books, 2003); and Murray N. Rothbard, *The Ethics of Liberty* (New York: New York University Press, 1998).

deny that an Aristotelian and/or Thomistically inspired account of self-ownership is bound in many ways to differ in substance from the understanding of self-ownership sometimes operative in popular libertarianism: even if the former account should allow for a significant degree of liberty in the economic and political spheres, it will surely *not* allow for libertinism. To claim to own oneself need not be to avow moral subjectivism. The notion of self-ownership might instead be better understood as just the application of the seventh commandment to persons: one has, in general, no more right to take from a man without his consent his labor and its fruits than one has the right to steal his property.

There may even be implications for the extent to which the state may intervene to shore up traditional morality, as understood from a natural law perspective. Given the self-ownership proviso, the state has, at least in principle and in some circumstances, the right to keep one from using one's property in a way that nullifies another's self-owned capacities and powers. Among those capacities and powers, however, are distinctly *moral* capacities; and on an Aristotelian and Thomistic conception of morality, such capacities can only be developed through training and practice of the virtues, and in the context of an environment conducive to such practice. An environment resolutely hostile to such practice can severely impede the possibility of developing moral virtue, and even, in children at least, nearly nullify it altogether. There would seem in principle to be grounds, then, for government to ensure, to some extent, that individuals do not use their property in such a way that they practically nullify the capacity for persons, especially children, properly to develop their self-owned moral powers: for government to fail to do so would be for it to violate the rights of its citizens, who have a natural right, given the self-ownership proviso, to an environment in which the practice of the virtues is possible. Such considerations would not justify the law in interfering with what goes on between consenting adults behind closed doors, and of course, the general libertarian concerns about placing too much authority in the hands of central government still hold. But these considerations may in principle allow at least local governments to regulate *public* activities that have a dramatic effect on the moral climate of a community. Advocacy of self-ownership, when informed by the Thomism that I have argued is its only secure metaphysical foundation, may have conservative implications as well as libertarian ones.[38]

IX. Conclusion

I suggested earlier that the concept of the self is an inherently moralized one, making it difficult to get an objective fix on the concept. It

[38] I develop and defend these suggestions at greater length in "Self-Ownership, Abortion, and the Rights of Children: Toward a More Conservative Libertarianism," *Journal of Libertarian Studies* 18, no. 3 (2004).

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should not be thought, however, that such objectivity is exclusively, or even primarily, a difficulty for the partisans of self-ownership, as opposed to their critics. For it may be that the ownership arguably entailed by selfhood is precisely part of what moves certain critics of self-ownership, and of allied moral notions like those of rights and property, to adopt certain theories of personal identity—theories on which the self effectively disappears, and with it the offending moral notions. Indeed, there do seem to be connections, both conceptual and sociological, between (on the one hand) a robust conception of the self and an ethic of strong private property rights, and (on the other hand) a weak conception of the self and hostility toward private property. The mainstream tradition of the West confirms the former correlation. The recent history of the Western intelligentsia, with its attachment to socialism and to skeptical and reductionist metaphysical conceptions, and its hostility toward monotheism and fascination with non-Western, depersonalized conceptions of deity and of reality in general, confirms the latter. So too does the Marxist tendency to combine a program of abolition of private property with a crudely materialistic conception of human beings as mere cogs in a vast social-historical machine, and the Rawlsian tendency, criticized by Nozick, to treat every concrete attribute of persons, including their talents, labor, and the products of these, as "arbitrary from a moral point of view" and subject to the redistributive machinations of the state.[39]

Metaphysics and morality cannot be divorced. The Thomistically-inspired metaphysics of the person that I would endorse is not something I have tried to defend here, nor have I tried to refute rival views.[40] I have, however, tried to show what moral and social implications those rival views might have, implications that include a denial of any robust conception of self-ownership. Insofar as the history of the twentieth century gives considerable reason to believe that the abandonment of the notion of a self-owning bearer of inviolable rights cannot fail to have unhappy practical consequences, that history also gives considerable reason to take a hard look at those rivals before one endorses them—and to take a second look at the Thomistic alternative.

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[39] John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 72.
[40] But see Feser, *Philosophy of Mind,* for such defense and criticism.