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SELF-OWNERSHIP AND ITS IMPLICATIONS FOR BIOETHICS

I. INTRODUCTION

Self-ownership is a modern idea. It has a special place in modern ethical discourse, which is highly dominated by the language of rights. It affirms the individualistic foundation of political morality and the possessive nature of the individual. Consequently, it guarantees the rights and liberties of the individual and it is congenial to the capitalistic outlook.

Can such an individualist, capitalistic and rights-based ethical outlook be presented as a candidate for global bioethics, at least for all the individualist and capitalist societies? The rejection of this outlook by no means implies that global bioethics is impossible, but it does imply that we have to look further in order to find a tenable global bioethics.

In this paper, I shall first explain the idea of self-ownership, and then consider why people in modern society might find such an idea attractive and acceptable. I shall then look into the implications of the self-ownership thesis in bioethics. On the one hand, the self-ownership thesis provides an easy way to settle disputes in bioethics. On the other hand, it has implications that we may find difficult to accept. Such unacceptable implications can serve as a basis for evaluating the self-ownership thesis. This paper ends with a discussion on how to retain some sense of the self-ownership thesis while avoiding its unacceptable implications.

II. THE IDEA OF SELF-OWNERSHIP

The view that individuals have rights is an important and powerful view in modern ethical discourse in general and bioethics in particular. But why do individuals have rights? One influential answer is that each individual human being is his own master. He owns himself, so he is entitled to decide for himself how to live his life. He is not some sort of resource that may be used to fulfil some goals higher than what he has set for himself. All the specific human rights such as freedom of speech,

freedom of religion, freedom of work, can be derived from this super right of self-ownership.

Such a view implies that human beings are proprietors and human rights are a kind of property right. A violation of human rights amounts to a violation of private property. It is wrong to do something to an individual because it amounts to taking away from him what properly belongs to him. C. B. MacPherson regards self-ownership as the basic tenet (which he feels also creates a major difficulty) of classical liberalism:

[T]he difficulties of modern liberal-democratic theory lie deeper than had been thought. . . . [T]he original seventeenth-century individualism contained the central difficulty, which lay in its possessive quality. Its possessive quality is found in its conception of the individual as essentially the proprietor of his own person or capacities, owing nothing to society for them. The individual was seen neither as a moral whole, nor as part of a larger social whole, but as an owner of himself (MacPherson, 1962, p. 3).

The classical statement of self-ownership can be found in Locke's *Two Treatises of Government*, but the idea can be traced back to Hobbes and even to Grotius.¹ The following quotations are from Locke:

[E]very Man has a *Property* in his own *Person* (Locke, 1988, p. 287 [II.27]); By *Property* I must be understood here, as in other places, to mean that *Property* which Men have in their *Persons* as well as *Goods* (Locke 1988, p. 383 [II.173]).

Presumably it is because of this Lockean conception of human beings as possessive individuals that Marx regards Locke as the philosopher of capitalism. Marx remarks:

Locke's view is all the more important because it was the classical expression of bourgeois society's idea of right as against feudal society, and moreover, his philosophy served as the basis for all the ideas of the whole of subsequent English political economy (Marx, 1951).

The thesis of self-ownership is still living well today. More often it is presupposed implicitly. However, there are also some philosophers who advocate it explicitly. Contemporary philosophers such as Robert Nozick (1974, pp. 28-35), Judith Jarvis Thomson (1990), and Hillel Steiner

(1994) all subscribe to the thesis of self-ownership. Cohen describes Nozick's position in this way: "[E]ach person is the morally rightful owner of himself. He possesses over himself, as a matter of moral right, all those rights that a slaveholder has over a complete chattel slave ..." (Cohen 1986, p. 109).

Self-ownership is the idea that each human being belongs to himself. He is not some sort of resource that may be used by other people. Only the person himself has the right to determine how to make use of his own life, his liberties and his capacities. This explains why it is wrong for others to take away his life, to injure him or to imprison him. All these amount to violations of his private property – taking away from him what should properly belong to him.

It is from this basic idea of a person being his own master that the three basic human rights enumerated by Locke (the right to life, the right to liberty, and the right to property) can be derived (Locke, 1988, pp. 285–288 [II.25, II.27]). Since I am the master of myself, there is at least one thing that I own, namely, I myself. No one may kill or cripple me. Hence my right to preservation. I own my body. So I may go where I like. Others are not justified to imprison me, to restrict my speech or behaviour, so long as I do not infringe upon the rights of others. Hence the right to liberty. Since I own my body, what I create by my own labour should also be mine. Hence the right to property. These three basic rights are based on the idea that a person is his own master. His life, his liberty, and his belongings are all his property. It is no wonder that Locke sometimes puts all three of these things under one general name: "property."²

Such self-ownership does not legitimize what I may do to others, but it does legitimize what I may do to myself. Each person is entitled to self-determination, and he is free to decide for himself how to live his life and what to do with himself. The rights a person has against others are basically negative in nature. Infringement of rights consists of doing what one should not rather than failing to do what one should. The duties corresponding to self-ownership are basically negative ones, which may be called "duties of restraints" (Ingram, 1994, p. 219).

If we accept the account that ownership is "a correlation between individual names and particular objects, such that the decision of the named individual about what should be done with an object is taken as socially conclusive" (Waldron, 1988, p. 56), then we can say that self-ownership implies that the decision of the individual should be taken by

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