Reciprocal Libertarianism

Abstract

Reciprocal libertarianism is a version of left-wing libertarianism that combines self-ownership with an egalitarian distribution of resources according to reciprocity. In this paper I show that reciprocal libertarianism is a coherent and appealing view. I discuss how reciprocal libertarians can handle conflicts between self-ownership and reciprocity, and I show that reciprocal libertarianism can be realised in a framework of individual ownership of external resources or in a socialist scheme of common ownership (libertarian socialism). I also compare reciprocal libertarianism with left-libertarian approaches: I argue that a reciprocity-sensitive version of left-libertarianism (reciprocal left-libertarianism) is coherent and morally superior to traditional left-libertarianism, on grounds of incorporating a distinctively solidaristic and recognition-oriented aspect of equality. The policy implications of reciprocal libertarianism will differ depending on which rights people can have over external resources, but all reciprocal libertarian views acknowledge the existence of social rights that people have as co-operators.

Self-Ownership, Egalitarian Reciprocity, and Left-Wing Libertarianism.

In this paper I discuss ‘reciprocal libertarianism’, a version of left-wing libertarianism that combines self-ownership with an egalitarian distribution of resources according to a principle of reciprocity. I examine how reciprocal libertarians can handle possible conflicts between self-ownership and reciprocity, and I show that reciprocal libertarianism can be realised in a framework of individual ownership of external resources or in a socialist scheme of common ownership (libertarian socialism). This will also involve a discussion of which kind of equality underpins reciprocal libertarianism, and a comparison with left-libertarian approaches (Otsuka, Steiner, Vallentyne). I conclude with some reflections on policy implications.

In this section I illustrate the two pillars of reciprocal libertarianism: self-ownership and reciprocity. Let us begin with self-ownership. A commitment to self-ownership is the distinctive feature of libertarian political philosophy. Self-owning individuals initially (perhaps almost) fully own themselves: they have over their bodies all the moral rights that an individual has over an object when she privately owns it (Cohen, 1995: 214; Otsuka, Steiner, and Vallentyne, 2005: 201-208).2 These rights are as follows:

“(1) control rights over the use of the object; (2) rights to compensation if someone uses the object without one’s permission; (3) enforcement rights (to prevent the
violation of these rights or to extract compensation owed for past violation); (4) *rights to transfer* these rights to others (by sale, rental, gift, or loan); and (5) *immunity to the nonconsensual loss* of any of the rights of ownership.″ (Otsuka, Steiner, and Vallentyne, 2005: 203-204, emphases in original)

Since libertarians are also concerned with the exercisability of self-ownership rights, at least ab initio it should be morally permissible for self-owning individuals to use external resources (a sufficient amount of space, air, etc.). A much-discussed issue concerns whether self-ownership stands in the way of some form of distribution of material advantages (see e.g. Cohen 1995). According to left-wing libertarian theories – left-libertarianism (Carter, 2005; Otsuka, 2003; Steiner 1994; Otsuka, Steiner, and Vallentyne, 2005), “real libertarianism” (Van Parijs, 1995), and libertarian socialism (Vrousalis, 2011) – self-ownership can and should be combined with a concern for objectionable inequalities. Left-Wing libertarian proposals have been widely discussed (e.g. Vallentyne and Steiner, 2000; Reeve and Williams, 2003). Yet, the literature has largely neglected a way of interpreting the left-wing libertarian ideal that combines self-ownership with a reciprocity-based justification of equality (reciprocal libertarianism). In its general lines, this view was put forward by Jonathan Quong. (Quong, 2011; see also Christman, 1991). And Quong’s idea is interesting because it promises to reconcile libertarian intuitions with a Rawlsian picture of the requirements of distributive justice, thereby offering a synthesis of two prominent philosophical traditions. My aim in this paper is to show that reciprocal libertarianism is a coherent and appealing interpretation of the left-wing libertarian ideal.

The second pillar of reciprocal libertarianism is reciprocity. Reciprocity prescribes rules of fair treatment for those involved in co-operative practices (the co-operators). In the paper I focus on the distributive implications of reciprocity, which can be understood as follows:

*Reciprocity*: one is owed a fitting level of benefits in return for doing one’s fair share of sustaining society’s cooperative efforts (Quong, 2011: 78-83; Rawls, 2001: 49; Sangiovanni, 2007: 19-29; for context: Lister, 2013)

A common assumption is that reciprocity holds between individuals involved in large-scale co-operative practices. Although this macro perspective should constitute the privileged focus of a theory of justice, it is also instructive to test how reciprocity works in the context of small-scale or even single interactions, which is something I also do in the paper.

The distributive requirements of reciprocity can be spelled out in different ways. In this paper I work with an egalitarian account of reciprocity, that has been advanced, for example, by Andrea Sangiovanni in the context of justifying distributive equality at the state level (Sangiovanni 2007: 19-29) and that
follows from a certain interpretation of the arguments put forward by Ian Carter (Carter, 2013: 27, 33-37) (see also Christman 1991: 40-41; White 2003). According to egalitarian reciprocity, everyone who does her fair share of sustaining the relevant co-operative practice should be entitled to share equally in what is cooperatively produced (the fruits of co-operation) (Carter, 2013: 27, 33-37; Christman 1991: 40-41; Sangiovanni 2007: 19-29). I shall assume that there are plausible criteria in the background of what should count as ‘doing one’s fair share’ (i.e. of “the contributive obligation”; White, 2003: chap. 5), which perhaps varies in the context of different co-operative practices. What matters is to grasp the kind of equality that underpins egalitarian reciprocity. In so far as the co-operators have done their fair share, it is fitting that they treat each other as equals, and hence distribute the fruits of co-operation equally (see Carter, 2013: 35). So, for example, they will not claim to be entitled to receive more, or that others should receive less, on grounds of desert or of strict proportionality between benefits and contribution. And they will do so in order to express mutual recognition and a sense of community. This tracks a solidaristic and recognition-oriented aspect of equality that, I believe, is fitting in the context of co-operative practices, and which can be detected in certain strands of socialist thinking (Cohen, 2009: 4-5, 38-45). Henceforth, by ‘reciprocity’ I shall mean ‘egalitarian reciprocity’. So, is reciprocal libertarianism a coherent ideal? How appealing is reciprocal libertarianism compared to other left-wing libertarian theories? In the paper I address these two questions. I will start with testing the conceptual coherence of the ideal in the next section.

Assessing the Compatibility of Self-Ownership with Reciprocity: Bodily Resources.

Are there cases in which fulfilling reciprocity infringes on self-ownership? How can reciprocal libertarianism handle such cases? Perhaps the possibility of a conflict between self-ownership and reciprocity is best illustrated with Nozick’s famous assertion that “[t]axation of earnings from labor is on a par with forced labor”, in that “taking the earnings of n hours labor is like taking n hours from the person; it is like forcing the person to work n hours for another’s purpose” (Nozick, 1974: 169). Being aimed against Rawls’s views on distributive justice, Nozick’s charge especially targets “end-result principles” that express norms of reciprocity by giving “each citizen an enforceable claim to some portion of the total social product” (Nozick, 1974: 171-172). Nozick’s critique weaves together different strands of argument: (1) a complaint against what Nozick perceives as an illegitimate use of force by the state, and which can be expressed as a complaint against being forced to work or against being forced to share part of one’s pre-tax income. And (2) a claim on the incompatibility of self-ownership with redistributive taxation. With respect to (1), reciprocity-based egalitarians do not need to deny what is plainly true: that is, that under a redistributive scheme governed by reciprocity the co-operators are forced to share part of their pre-tax income. This is indeed exactly what reciprocity is about: socialising the fruits of co-operation. However, if such egalitarians are also committed to self-ownership, they can deny that this forces people into working for others. For instance, if abstaining from engaging in co-
operation is an acceptable alternative (e.g. if one is allowed to appropriate enough natural resources to satisfy one’s basic needs), then there can be no legitimate complaint against being forced to work.\textsuperscript{12} However, as far as (2) is concerned, such egalitarians do need to provide reasons to believe that redistributive taxation does not infringe on people’s self-ownership.

Since the domains of application of self-ownership and reciprocity are distinct – i.e. since self-ownership is about body ownership, while redistributive taxation concerns external resources – it seems that the extensive redistribution of resources implied by reciprocity does not infringe on self-ownership. What’s more, there is a sense in which reciprocity may be less vulnerable than other egalitarian principles to conflicts with self-ownership. Indeed, to the extent that body parts do not result from co-operation, on a reciprocity-based view they are not a proper object of distribution (I discuss possible exceptions in fn. 15 below). So, the classical illustration of the conflict between self-ownership and equality that arises when one could achieve a more egalitarian distribution of advantages by removing one eye from all those who have two eyes and give the removed eyes to those who have none – such that, as a result, everyone has one eye and can see (Christman 1991: 40; Nozick 1974: 206) – does not affect reciprocal libertarianism.

Even so, there is one respect in which reciprocity clashes with self-ownership, as Nikolas Mattheis (2017) has noted. Applying Otsuka’s seminal analysis to cases involving co-operation, the litmus test to judge whether self-ownership is compatible with reciprocity consists in examining cases involving exclusively bodily resources (Otsuka, 2003: 16-19). In situations in which two individuals jointly produce something only using their bodily resources\textsuperscript{13} or exchange products made exclusively of bodily resources (e.g. blankets made of hair), self-ownership implies that it is illegitimate for a third agent (e.g. the state) to take away anything from the individuals involved in co-operation (e.g. a hair-made blanket every ten produced) or to impose a pattern of distribution. Since the individuals fully own their bodies, imposing a distributive pattern constitutes an infringement of self-ownership (Mattheis, 2017: 65).\textsuperscript{14}

How can reciprocal libertarians address this conflict between self-ownership and reciprocity? Since the bulk of co-operation typically involves (also) the use of external resources, we can say that this tension between self-ownership and reciprocity is at the margin. Yet, the tension remains. Indeed, we could imagine worlds very different from ours in which co-operation mainly involves the use of bodily resources and where such a tension becomes salient: e.g. a world in which trees are self-owning rational agents and give their branches to humans in exchange for being pruned. Reciprocal libertarians can handle these conflicts by assigning lexical priority to self-ownership over reciprocity: i.e. by claiming that respect for self-ownership has absolute priority over reciprocity. This would allow reciprocal libertarians to maintain that in cases in which co-operation involves only bodily resources, the co-
operators cannot be forced to distribute what is co-operatively produced in reciprocity-respecting ways, since this would entail an infringement of self-ownership.\textsuperscript{15}

Assessing the Compatibility of Self-Ownership with Reciprocity: External Resources.

Having considered cases in which co-operation involves bodily resources, we can ask: how can self-ownership be reconciled with reciprocity when co-operation involves \textit{also} external resources?\textsuperscript{16} In this section I assume that in a pre-institutional setting (the state of nature) people can legitimately unilaterally appropriate external resources. To explain what is distinctive of a coherent reciprocity-sensitive distribution of property rights in such a framework I draw on Otsuka’s analysis concerning how self-ownership can be coherently reconciled with equality (Otsuka, 2003: 16-22), applying Otsuka’s reasoning to cases involving co-operation. In a reciprocity-sensitive distribution the rights that people have or can come to acquire over external resources ought to be less than full (Otsuka 2003: 20-21): in particular, one must assume that people never fully own the external resources (the external means of production) used for co-operation. And in the state of nature unilateral appropriations of external resources for production are legitimate only on condition of dividing equally among co-operators what is co-operatively produced. Hence, the co-operators do not have rights of ownership over external resources that are as stringent as those that they have over their bodies, since they lack the control rights (and corresponding powers and immunities) associated with how the resources produced through co-operation should be distributed.

The argument presented above may be challenged on a number of grounds: so, let’s consider possible objections. One could object that reciprocity-sensitive distributions infringe on people’s right to keep the fruits of their labour – understood as a right to whatever one can gain from using one’s body and mind to improve external resources in a series of voluntary interactions with others. As far as one understands self-ownership as I do in this essay, this objection cannot be successfully sustained. Indeed, as Otsuka and Vallentyne have shown, there is no reason to believe that an unqualified right to keep the fruits of one’s labour should be part of self-ownership. For example, surely one would not be entitled to keep the fruits of one’s labour if one had worked to improve resources stolen to others (Otsuka 2003: Chap. 1; Vallentyne, 2018: §5.3). Hence, the boundaries within which such a right can be legitimately exercised should be dictated by more fundamental requirements of justice (similarly, see Otsuka, 2003: 15, fn. 16; Vrousalis, 2011: 217). And, if we derive such requirements from reciprocity, the more talented cannot legitimately lament that they are not allowed to reap \textsl{all} the marginal product of their labour, since they acquired the right to use external resources for production on the condition of sharing what they produce equally with others.
Second, it may be argued that, after being redistributed, the fruits of co-operation are fully owned by the co-operators, who could then freely engage in acts of co-operation in reciprocity-subverting ways. For instance, imagine that at t0 A and B jointly produce something (a chair) using some natural resources and that they sell it to C: according to reciprocity, what A and B get in exchange for what they produce (e.g. a certain quantity of metal) should be divided equally between A and B. Now, if at t1 A and B put together the metal and use it for producing something anew, should A and B be allowed to agree on unequal terms of co-operation? Should B be allowed to offer his labour services only on condition of receiving more of what they will get from selling the metallic object, on grounds of being more skilled at forging metal? The requirements of reciprocity are reiterative: that is, A and B never have full property rights over external resources. Hence, at t1 B should not be allowed to offer his or her labour services on unequal (reciprocity-subverting) terms.¹⁷

The foregoing reasoning applies also to cases in which someone appropriates some unimproved natural resources (at t0), then works on them without the help of others, and afterwards (at t1) uses the now improved resources for co-operation. Suppose that at t0 A appropriates some land and plants some trees, and at t1 agrees to co-operate with B for the production of chairs made with the wood of the now grown trees. In my view, forcing A to share the fruits of co-operation equally with B would not infringe on A’s right to keep the fruits of her labour, even if A has worked on improving the resources prior to co-operation. This is because such a right certainly implies that A should have certain control rights over the grown trees – e.g. it would be impermissible for others to steal the wood, and A could legitimately decide to burn the trees, instead of using them for production – but it does not extend to a right to control how to distribute the fruits of co-operation if A decides to use the improved resources for production with B. Indeed, A’s initial appropriation of natural resources is legitimate only on the condition of sharing the fruits of co-operation (1) whenever co-operation occurs – even if it happens in a distant future – and (2) even if meanwhile A has worked on improving the appropriated resources.¹⁸ In other words, this reiterates my point that in a framework in which reciprocity is coherently combined with self-ownership people cannot acquire a full private property right over (improved or unimproved) external resources, since they will always lack the right to control how such resources should be distributed if used for co-operation.¹⁹

Then, consider the case in which someone exercises the Hohfeldian powers associated with self-ownership by transferring all self-ownership rights to someone else: that is, a case in which someone willingly becomes a slave (Otsuka, Steiner, and Vallentyne 2005: 212). As far as these extreme situations are concerned, there is no sense in which reciprocity can obtain between the master and the slave, since the slave can acquire no property rights without their being simultaneously transferred to the master. And notice that cases of this type are structurally different from those in which someone contractually agrees to perform labour for others: true, such cases imply transferring some of one’s
control rights over one’s body and mind (within the limits stipulated by the contract) to others, but this does not contradict the fact that, in so far as co-operation involves the use of external resources, such agreements are legitimate only on conditions of respecting the requirements of reciprocity, and that therefore the worker is entitled to an equal share of what is co-operatively produced. Of course, after receiving such a share, a co-operator can freely decide to give back part of what she has owned to other co-operators, thereby de facto subverting reciprocity, but this does not make it incoherent for a society to ex ante shape its public rules and institutions in ways that are at the same time respectful of people’s self-ownership and sensitive to reciprocity.

Finally, I wish to consider libertarian accounts that claim that the justification of full private property of external resources is derived from self-ownership, or from what self-ownership is supposed to protect (personal agency). For example, Samuel C. Wheeler III argues that morally speaking there is no relevant demarcation between bodily and external resources – both allow persons to express their agency – and, since persons have full private property rights over their bodies, they should have full private property rights also over appropriated external resources, which are effectively incorporated as “extended” body parts (Wheeler, 1980). Given that on this account rights over external resources are subsumed under self-ownership, a reciprocity-sensitive distribution constitutes an infringement of self-ownership.

There are good reasons, I think, to reject Wheeler’s account. But, even granting that Wheeler’s analysis is correct, here I wish to point out that there is room for some reconciliation of self-ownership with reciprocity within it. In Wheeler’s article there is no discussion of cases of joint agency, especially where people start off some co-operative project involving the use of unimproved external resources. Now, given that in virtue of the transformations brought about by co-operation such resources become incorporated as extensions of people’s bodies, how should we understand the property rights that the co-operators acquire over them? Most plausibly, I think, the co-operators become co-owners of what is co-operatively produced (do they therefore also have shared extended body parts?). And, I would argue, if it comes to distributing the fruits of co-operation, the co-owners should decide to distribute them according to reciprocity (i.e. equally). This shows that there is a sense in which even on accounts like Wheeler’s self-ownership and reciprocity can be coherently combined. That said, on Wheeler’s account there remains a tension between self-ownership and reciprocity: if people co-operate using fully privately owned external resources (antecedently incorporated as body parts), the distributive requirements of reciprocity infringe on self-ownership.

**Reciprocal Libertarianism, Left-Libertarianism, and Equality.**

Having discussed possible conflicts between self-ownership and reciprocity, I now want to show that reciprocal libertarianism is a promising left-wing libertarian view. I do so by comparing it with left-
libertarianism. Reciprocal libertarianism combines self-ownership with an egalitarian distribution of what is co-operatively produced (the fruits of co-operation). Left-libertarianism, instead, combines self-ownership with a claim to a fair share of natural resources wealth. Typically, left-libertarians justify the distributive aspect of their view by appealing to an egalitarian interpretation of the Lockean proviso. According to the Lockean proviso in the state of nature an individual’s appropriation of natural resources is morally permissible “at least where there is enough, and as good left in common for others” (Locke, 1967: 306). And left-libertarians draw on this proviso to claim that individual appropriations of natural resources are just to the extent that all relevant others are not disadvantaged – at the bar of egalitarian justice – by such appropriations. Hillel Steiner endorses a resourceist approach, according to which everyone is entitled to an equal share of the value of natural resources (Steiner, 1994: Chaps. 7-8; 1997: 299-302), whereas Michael Otsuka interprets the proviso in welfarist terms.22

As Quong notices, left-libertarians and reciprocal libertarians have different views on the issue of “the metric” of justice, the things that justice aims to distribute equally: left-libertarians assume that people have a claim to natural resources (or their value), reciprocal libertarianism is concerned with distributing the benefits of cooperation (e.g. income, job opportunities, etc. when they result from cooperation) (Quong, 2011: 81-82; Otsuka, Steiner, and Vallentyne 2005: 201, 213-215).23

In my view, the metric issue stems from a deeper disagreement about the grounds of equality, the reasons why people should be considered as equals. Left-libertarians derive certain distributive implications from the assumption that persons are equal self-owning agents who, in the state of nature, need external resources to pursue their ends. Hence, their distributive focus is on natural resources. On the other hand, reciprocity-based egalitarians ground distributive justice on a dimension of equality that becomes salient in the context of co-operative practices, and which captures the kind of relationship that should subsist between co-operators. Hence, their distributive focus is on the social product (the total amount of what is co-operatively produced). So, for left-libertarians co-operation does not trigger a special class of duties of egalitarian justice: in the next paragraph I take issue with this aspect of left-libertarianism.

In my view, left-libertarianism is inadequate if it doesn’t also recognise the kind of equality between co-operators captured by reciprocity. Yet, I will show that a reciprocity-sensitive version of left-libertarianism (reciprocal left-libertarianism) is possible. Left-libertarians raise the point that a theory of justice is incomplete if it doesn’t settle which antecedent (prior to co-operation) rights people should have over natural resources, and that this consequently affects which rights people have over the resources produced through co-operation (Otsuka, Steiner, and Vallentyne 2005: 213-214). However, one can question whether in technologically advanced societies, where wealth creation requires the establishment of large-scale co-operative practices, the only kind of equality that matters should be the
one cherished by left-libertarians: equality between individuals conceptualised as self-owning agents in the state of nature. To the contrary, given the relevance of co-operation for wealth production, a concern for the equal treatment of co-operators should be part of the requirements of justice: equality between co-operators matters too. Furthermore, the left-libertarian argument can be turned on its head: a theory of distributive justice is incomplete if it is premised exclusively on the type of equality cherished by left-libertarians, since it is not possible to establish nor to enforce a scheme of property rights over natural resources without relying on co-operation (e.g. without a judiciary that adjudicates between competing claims concerning the allocation of natural resources) and therefore without triggering the requirements of reciprocity (as argued e.g. by Christman 1991: 33). Hence, even establishing the type of equality relevant for left-libertarians triggers duties of reciprocity.

That said, the two types of equality are not mutually exclusive. One can endorse a version of left-wing libertarianism (reciprocal left-libertarianism) that appeals to both. On such a view, egalitarian justice requires both granting an equal share of natural resources to self-owning individuals (like left-libertarianism) and dividing the social product equally among co-operators, if such individuals use external resources for co-operation (like reciprocity-based egalitarianism). This is a coherent view if one holds that the rights that such individuals have over natural resources are less than full (as argued above). And it is also a more promising version of left-libertarianism. Reciprocal left-libertarianism acknowledges that, when people use external resources for co-operation, an additional layer of duties of egalitarian justice kicks in: i.e. that the co-operators should recognise their equal standing by dividing equally the fruits of co-operation. Duties of reciprocity express the mutual recognition of each co-operator as an equal, and making left-libertarianism sensitive to reciprocity allows for the recognition of a solidaristic and recognition-oriented dimension of equality that is fitting in the context of co-operative practices.

Telic/Deontic Equality and Self-Ownership

A further point concerning equality should be discussed. Quong observes that commonly left-libertarians appeal to luck-egalitarianism: they justify a commitment to distributive equality on grounds that it is pro tanto objectionable if someone is disadvantaged due to brute luck – i.e. due to circumstances that are beyond the individual’s control or that the individual has not chosen – rather than due to the individual’s deliberate choices (Quong 2011: 75-76; see Steiner, 1997; Otsuka 2018: 131-133).24 And Quong argues that a luck-egalitarian rationale is especially problematic for left-libertarians, since it stands in the way of a coherent reconciliation with self-ownership (Quong, 2011: 75-78). In what follows I challenge Quong’s argument: I aim to show that existing left-libertarian accounts should not be criticised on grounds of conceptual incoherence (as Quong would have it), but on grounds of missing on the solidaristic dimension of equality expressed by reciprocity.
I shall focus on Quong’s discussion of cases involving compensation for natural disadvantage (e.g. for inferior natural talents) (Quong, 2011: 68-75). For example, against Steiner’s resourcist approach, Quong argues that, given the existence of great talent differentials between individuals, it cannot be excluded that compensating for the disadvantage suffered by the severely disabled would entail entitling them to so much of the worldly resources that an able-bodied individual “will not be permitted to move, or even exist (since existence requires the use of physical space) anywhere without Infirm’s consent” (Quong, 2011: 71). In turn, this would undermine the self-ownership of the able-bodied individual, since such an individual could not even exist without inevitably violating the disabled’s ownership rights. So, this exemplifies the sense in which for Quong at the heart of the left-libertarian project there is a tension between self-ownership and luck-egalitarian equality.

Note that such a tension is present only if both self-ownership and luck-egalitarian equality are understood as absolute principles. The tension would dissolve if, for example, self-ownership has lexical priority over luck-egalitarian equality. That said, even in its own terms, Quong’s claim in my view is unconvincing, as I now illustrate. Crucially, for Quong the problematic feature of luck-egalitarianism is that it is a telic interpretation of equality (Quong, 2011: 79). In its telic form, luck-egalitarian justice is grounded on the view that (natural) unchosen inequality is pro tanto unjust (because arbitrary or unfair), and (2) hence there is a pro tanto reason to bring about states of affairs that do not contain such inequality. And Quong’s point is that, given the existence of enormous differences of talent, we cannot exclude that compensating for all unchosen inequalities will not clash with self-ownership. However, Quong is too quick in rejecting luck-egalitarianism as a plausible foundation of left-libertarianism. Indeed, there can also be deontic forms of luck-egalitarianism. On a deontic account, the point of equality is not that of bringing about more equal states of affairs, but of prescribing equal treatment for persons (Quong, 2011: 79). And, crucially, on a deontic account one can reasonably hold that not fully compensating for the kind of severe disadvantages that underwrite Quong’s objections does not constitute unfair treatment, since fully compensating would deprive others of the resources necessary to exercise self-ownership in a meaningful way. So, a deontic luck-egalitarian view is not vulnerable to the kind conflict with self-ownership noted by Quong.

Also reciprocity-based egalitarianism is a deontic view – it prescribes equal treatment for co-operators – and hence it is immune from the problem examined above, because a reciprocity-based view does not require to compensate for disadvantage by giving all the external resources to the worse-off individual(s). This is because, first, the distributive focus of a reciprocity-based view is on what is cooperatively produced: hence, the requirements of reciprocity do not extend to unimproved natural resources. Second, consider a case in which someone becomes severely disadvantaged whilst co-operating:
Accident at Work. Adam has an accident at work that leaves him severely disabled. The cause of the accident is entirely natural (e.g. a gust of wind makes a boulder falling on Adam’s back).

I maintain that on a reciprocity-based account, Adam (or a sufficiently large number of individuals like Adam) would not be entitled to all the resources produced through co-operation, even if this would be required to bring Adam back to his pre-accident level of advantage. This is because doing so would undermine the purpose of the practice – which is that of everyone’s benefiting from co-operation (not just Adam). In other words, I contend that Adam could not validly claim that he has been treated unjustly if all resources produced through co-operation (and more) have not been devolved to him as a matter of compensation.31

The significance of this discussion is twofold: first, Quong has identified a conflict between self-ownership and telic views of equality. But this does not mean that left-libertarians should necessarily abandon the appeal to luck-egalitarianism: the conflict can be solved by assigning lexical priority to self-ownership, or left-libertarians can frame their luck-egalitarian claims in deontic terms. Second, this underscores a more general point: in my view, the best way of solving the family quarrel between different left-wing libertarian approaches is by way of arguments concerning which view better expresses the value of equality in those contexts that are relevant for distributive justice, rather than by way of ruling out certain attempts to reconcile self-ownership with equality on grounds of conceptual incoherence. And I have argued that existing versions of left-libertarianism should be supplemented with a commitment to reciprocity in order to account for a solidaristic and recognition-oriented dimension of equality.

Libertarian Socialism and Reciprocity.

So far, I have examined how reciprocity can be part of a framework in which in the state of nature people can unilaterally acquire resources for production. I now want to explore the possibility of embedding reciprocity in a libertarian socialist framework in which external resources are commonly owned. Under this framework, the external resources (e.g. the major means of production) are not controlled by single individuals, but by the collective as a whole. The following arguments supplement those of the previous sections as follows: if Nicholas Vrousalis is correct that self-ownership can be combined with a socialist principle of joint ownership of external resources (Vrousalis, 2011), and reciprocity can be part of such a framework, a fortiori this will provide a further way of realising reciprocal libertarianism. According to Vrousalis, self-ownership is compatible with
“some principle of joint – or communal or collective – ownership of the means of production. Call any commitment to joint ownership the socialist principle. According to this principle, all the members of a community have a right to an equal say in the disposal and distribution of natural and produced worldly resources.” (Vrousalis, 2011: 213)

Vrousalis oscillates between interpreting common ownership as joint ownership and as (what can be called) public ownership: while the former implies that every joint owner has a veto power over the appropriation and use of external resources by others, the latter consists in claiming that what should be done with the relevant bundle of resources is decided through some form of democratic decision-making procedure. And, although in cases involving a limited number of individuals it is feasible to assign veto powers to each joint owner, the implementation of the socialist principle in complex societies will point to some form of economic democracy.

In order to show that self-ownership can be coherently combined with the socialist principle, Vrousalis imagines that two individuals (“Able” and “Infirm”) live on an island where the total amount of resources is constituted by three coconut trees: Able can use the resources of the island productively, while Infirm can access only the coconuts that fall on the ground. Assuming that to guarantee that Able and Infirm have enough resources to survive and meaningfully exercise their self-ownership (effective self-ownership) is sufficient that they each privately own one coconut tree, the libertarian socialist would argue that the remaining resources (“the resource surplus”) – i.e. one coconut tree in total – should be owned in common: i.e. that what should be done with the resource surplus should be decided by Able and Infirm collectively (Vrousalis, 2011: 215-216). Now, as evidenced by Vrousalis’ argument, the socialist principle does not render Able’s and Infirm’s self-ownership “nugatory” – as Cohen had instead claimed (Cohen, 1995: 98) – since Able and Infirm can exercise their self-ownership rights within the bundle of resources that constitute their effective self-ownership (Vrousalis, 2011: 217). Furthermore, as Vrousalis argues, nothing forces Able to work or perform service for Infirm: Able has no need to do so (e.g. to collect coconuts for Infirm for a wage), in so far as she can sustain herself through the resources that guarantee effective self-ownership (Vrousalis 2011: 217). Hence, self-ownership can be coherently combined with a socialist principle of common ownership of external resources.

Now, consider how reciprocity can be embedded in a libertarian socialist framework. One question concerns ‘who’ should be entitled to collectively own the resource surplus. For Vrousalis “all the members of a community” are common owners (Vrousalis, 2011: 213). However, if we wish to couple libertarian socialism with reciprocity, we should question whether only the co-operators (the Ables who are willing and able to make a productive contribution), or also Infirm (who is unfit for making a
contribution)\textsuperscript{3}\textsuperscript{6} and Surfer (who is able, but unwilling, to make a productive contribution) should be common owners. Solving this issue is important because, if libertarian socialism boils down to attributing to everyone – including Surfer and independently of people’s willingness to co-operate – a claim to (an equal share of) the social product, then any appeal to reciprocity would be practically ineffective.\textsuperscript{37} I argue below that there are reasons compatible with reciprocity to hold that Infirm, but not Surfer, should be a collective owner.

Before that, we should consider the simplest scenario: a situation in which the island is inhabited by a number of able-bodied individuals (Able1, Able2, etc.) who jointly own the resource surplus. The co-owners set as condition for authorising each other’s use and appropriation of external resources that, if they co-produce – if they work together on the resources of the island – they will divide what they produce equally between them.\textsuperscript{38} In other words, they agree on sharing the benefits of cooperation according to a principle of reciprocity. Notice that, as collective owners they can agree on any distributive principle: even on a principle that distributes the fruits of cooperation very unequally. So, it may seem that reciprocity can indeed be part of a libertarian socialist framework, but in a way that falls prey to co-operators’ whimsical preferences. I think this observation should be resisted. When I say that the co-owners are entitled to distribute the social product as they see fit, I mean that they have a claim right that their decisions be taken as authoritative by others, who have a correlative duty to refrain from interfering with such decisions. However, to the extent that such a right covers also cases in which the co-owners agree on a very unequal distribution of the social product, their right can be described as a right to do wrong (Waldron, 1981): as a right to opt for a distribution that is morally defective, and indeed unjust. In other words, if we scale up to the level of a large society, surely what matters is not just that each joint owner has a democratic say over the distribution of the social product (democracy), but also that such a distribution is just (substantive justice): for example, that it conforms to egalitarian norms of reciprocity. And, to the extent that libertarian socialism is committed to both democracy and substantive justice, it allows for the possibility of conflict between these two values.

Let us now consider how a version of libertarian socialism committed to reciprocity can address the issue raised above concerning ‘who’ should be considered a common owner: only the co-operators, or also Infirm? A powerful objection against reciprocity-based egalitarianism is that on such a view the disabled would not be entitled to a share of the social product at the bar of egalitarian justice, on grounds of being unfit for making a productive contribution (e.g. Barry 1995: 42; Cohen, 1995: 224-225). Reciprocity-based egalitarians have attempted to address this objection in many ways (e.g. Becker, 2005; Quong, 2007: 91-97). Here I want to show that the socialist appeal to collective ownership offers a promising way of addressing the objection whilst rendering possible to maintain a commitment to reciprocity.
Paul Warren claims that “[…] in a left-wing libertarian society where there is common ownership of productive assets, Infirm, one of the common owners, would be entitled to material support in virtue of that common ownership” (Warren, 1994: 44). If Infirm is a common owner, she will be entitled to contribute to the decisions concerning how to distribute the social product. Although this goes towards guaranteeing that the interests of Infirm are adequately protected, how can it not at the same time undermine the appeal to reciprocity? To address this question, we should look at theories of reciprocity. According to Stuart White, in reasonably just societies “each citizen has an obligation to make a decent productive contribution, proportional to ability, to the community in return for claiming the high minimum share of the social product […]” (White, 2003: 91). Hence, on White’s account the “contributive obligation” is “proportional to ability”, and discharging the contributive obligation will be more onerous for the more talented (White, 2003: 91, 114). At the same time, the “[i]ndividuals who suffer significant productive handicaps should be altogether exempted from the work expectation” (White, 2003: 115). What matters is that, by making the contributive obligation conditional upon people’s potential for productive contribution, White offers a reason compatible with reciprocity to consider those who are unable to make a productive contribution as entitled to the social product, while at the same time justifying the exclusion of Surfers (who are able but unwilling to co-operate) from the enjoyment of such benefits. If this is correct, a libertarian socialist account that appeals to reciprocity can coherently claim that Infirm (but not Surfer) should be considered a joint owner.

The Distinctiveness of Reciprocal Libertarianism.

We have seen that reciprocity can be coherently reconciled with self-ownership, assuming different schemes of ownership rights over external resources. I now want to illustrate some policy implications. As Quong notices, appealing to self-ownership implies that people cannot be forced to cooperate with others: in a society committed to self-ownership people have the right to decide whether to offer their labour services (Quong, 2011: 82). From the perspective of a commitment to self-ownership, it may also be intuitive to claim that people have the right to make a contribution by using their bodies in any way they see fit (Quong, 2011: 87). And, indeed when co-operation involves only the use of bodily resources (e.g. when A agrees to perform a massage to B if B sings a song), it would be an infringement of self-ownership if someone prevented someone else from using one’s own body in any way one sees fit. But in all cases in which co-operation (also) involves the use of external resources, what constitutes an infringement of people’s rights crucially (also) depends on which rights people have over external resources. For example, preventing someone from being hired as guinea pig in a risky scientific experiment may seem a violation of the individual’s rights. And this will be so in a (reciprocal) left-libertarian society, in which individuals can legitimately acquire extensive control rights over external resources (and thereby transfer and use such resources as they see fit). By contrast, under libertarian socialism the common owners can put conditions on the purposes for which external resources should
be used: for example, they can deliberate against the use of such resources in the context of risky experiments.

Let me conclude with some reflections on labour regulations. Libertarianism is typically understood as a procedural view that reduces claims of justice to claims about pre-institutional rights and individual voluntary choices (e.g. Olsaretti, 2004: 89-91). However, reciprocal libertarianism subverts this traditional understanding, since it endorses aspects of (Rawlsian) institutionalism (Rawls 2001). Indeed, reciprocal libertarianism recognises that society’s institutions are the proper object of distributive justice, and that therefore they can be reformed to achieve egalitarian aims. Most obviously, if reciprocity prescribes an egalitarian distribution of the social product, the income distribution should conform to such a prescription, and the income gap between executives and employees will not be excessively large. Second, the rights that people have as co-operators should be described as social rights, rather than as (pre-institutional) natural rights. Third, there can be different ways of spelling out which (social) rights people should have as co-operators: at a policy level there can be different reasonable ways of realising reciprocity in a society committed to self-ownership. For example, given the importance of participating in the economy, a society committed to self-ownership and reciprocity can and should intervene in order to make it possible for the largest number to make a productive contribution (i.e. in order to achieve nearly full employment) – e.g. through retraining programmes and welfare benefits for the unemployed (see Daskal 2010: 39-43). And which kinds of limits there will be to what the state can legitimately do to realise reciprocity will be set by considerations concerning self-ownership and which rights people have over external resources. For example, consider the purpose of aiming at full employment through laws that regulate how much time people should spend at work (e.g. 8-hours laws or laws that limit the work week to 5 days). In a society in which people have initial equal ownership rights over external resources and can exchange them in the market – e.g. within a reciprocal left-libertarian framework – these laws would be illegitimate, and people would have the right to decide by themselves whether to work long hours. On the other hand, in a libertarian socialist framework the collective jointly controls the means of production and has the right to exclude people from the use of external resources in certain days of the week (e.g. during the weekend), and the above-mentioned labour regulations could be legitimate.

Conclusion.

I have argued that reciprocal libertarianism is a promising way of interpreting the left-wing libertarian ideal. We have seen that reciprocity can be embedded both in a left-libertarian framework in which external resources are individually owned (reciprocal left-libertarianism) and in a libertarian socialist framework of common ownership of external resources. Indeed, questions concerning which economic system is better suited to reconcile self-ownership with egalitarian justice remain largely unaddressed
in the left-wing libertarian literature. Moreover, I have argued that the discussion concerning different forms of left-wing libertarianism should be led on normative (rather than purely conceptual) terms. And, in my view, left-libertarians and libertarian socialists have reason to make their views sensitive to reciprocity in order to express a solidarity and recognition-oriented dimension of equality that is particularly fitting in the context of distributing the benefits of co-operation.

**Acknowledgments:**

Previous versions of this paper were presented at the 2021 PSAI Annual Conference (Political Studies Association of Ireland), at a Work-in-Progress Seminar of the Centre for Justice and Values (Trinity College Dublin), at the Northern Lights Workshop (jointly organised by the Hoover Chair (Université Catholique de Louvain) with Aarhus University, Aalborg University, and Oslo University), and at the Midi Intime de la Chaire Hoover (E-Mich) (Université Catholique de Louvain). Some ideas of the paper were also presented in an early-stage form at a seminar at the University of Graz. I wish to thank those who attended on those occasions for their very useful feedback. And I am especially indebted to Showkat Ali, Axel Gosseries, Philippe Van Parijs, Adina Preda, Jesse Spafford, Hillel Steiner, and Peter Stone, for their written comments and/or very helpful feedback. I also wish to thank two anonymous referees for their very constructive and insightful comments. The revisions on this paper were completed during a stay at the Hoover Chair (Université Catholique de Louvain) as Honorary Hoover Fellow.

**Funding:**

This research is funded by the European Research Council (ERC) under the European Union’s Horizon 2020 research and innovation programme (grant no. 819043, PI of the project: Prof. Adina Preda).

**Bibliography**


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1 I owe the term ‘reciprocal libertarianism’ to an anonymous reviewer.

2 Self-ownership is *almost* full since libertarians can concede that, for example, very minor instances of harming should not count as self-ownership violations (Otsuka, Steiner, and Vallentyne 2005: 206-207).

3 The control rights (1) are negative rights that entitle to other people’s non-interference with choices concerning one’s own body. Indeed, self-ownership is often invoked to justify anti-paternalism (Otsuka, 2003: 2-3). And (4) the transfer rights are Hohfeldian powers to transfer one’s first-order rights to others. For example, inter vivos organ donations are exercises of these rights.

Vrousalis does not commit himself to libertarian socialism, though he argues for the plausibility of such a view.

Christman (1991) effectively puts forward a reconciliation of self-ownership with reciprocity, but does not explicitly appeal to reciprocity.

Given the high degree of interconnectedness of myriads of contributions in modern economies, reciprocity can be understood as a distributive principle that applies to “society as a fair system of cooperation” (Rawls, 2001: 5-8). If I work at a gas station, I co-operate with other employees, with the customers, as well as with all fellow citizens who do their fair share of sustaining those (typically, state-based) institutions necessary for sustaining co-operation and implementing reciprocity (see Sangiovanni 2007: 19-29).

For Sangiovanni egalitarian reciprocity applies in the context of relationships between individuals mediated by the existence of state-based institutions necessary for the production of goods and provision of essential services (e.g. security). Here (1) I leave questions of scope aside – i.e. I do not exclude that, given the effects of globalisation, duties of reciprocity may go beyond the state, and (2), unlike Sangiovanni, I do not necessarily tie egalitarian reciprocity to state-based institutions (i.e. duties of egalitarian reciprocity can apply also in the context of co-operative relationships not mediated by the state).

For instance, suppose that George is a professional basketball player. And that during the games John hands sport drinks to George whenever George requires them, such that George can keep himself hydrated and enhance his athletic performances. Is John’s contribution sufficient to trigger egalitarian reciprocity? If the relevant distributive context is the distribution of the social product, that may depend, for instance, on whether John satisfies a minimum work requirement (see White 2003: chap. 5), working a certain number of hours per week (performing useful tasks for the team or having other employments). If John doesn’t meet the requirement (but still contributes), then he should be entitled to benefits, but not to an equal share.

Carter’s paper contributes to addressing how people can be entitled to equal treatment/equal benefits, even in the face of possessing certain relevant properties unequally (see also Carter 2011). In a nutshell, for Carter (1) it would be unjust if the state did not enact policies that counteract the tendency of the market to reward marketable talents with higher wages, because this would treat people unequally. (2) People should be treated equally because, despite possessing the relevant scalar properties unequally (e.g. marketable talents), they all possess them within a certain range (above a certain minimum): they all possess the binary property of being a (potential) co-operator. (3) The state should justify the relevant principle only by appealing to the binary property (equally possessed by all), rather than to the scalar properties. (4) By doing so, the state treats the co-operators with the relevant kind of respect. For Carter, the state should refrain from judging the degree to which the co-operators possess marketable talents and skills (hence, aiming for an egalitarian distribution). Diverging from Carter, I do not understand duties of reciprocity as pertaining only to institutions (like the state), but as extending also to individuals.
(Cohen 2009). And my concern here is with emphasising that the state should also refrain from judging people’s contributions (in so far as they have done their fair share).

11 For a critique of the proportionalist interpretation, see Sangiovanni (2007: 25-27) and White (2003: 50-53). Following Scanlon, against a desertist view I would argue that what the co-operators really deserve is dictated by other moral principles (by egalitarian reciprocity) (Scanlon 2018: chap. 8). Egalitarian reciprocity is also distinct from Gauthier’s contractarian approach, in that it does not justify a certain distribution on grounds of what the co-operators would have rationally agreed to under the relevant conditions (Gauthier 1986).

12 I assume Olsaretti’s account of being forced in terms of lack of voluntariness, which in turn consists in doing something because one lacks an acceptable alternative (Olsaretti 2004: Chap. 6, see p. 139). Indeed, my claim is complementary to Olsaretti’s discussion of the relevant passage of Nozick (Olsaretti 2004: 133-136).

13 E.g. suppose that A is particularly hirsute but lazy and B particularly good at weaving (and eager to do it), and that A furnishes his hair while B furnishes his labour to produce blankets made of hair.

14 This is an instance of a more general principle: if A and B fully privately own the means of production (in this case, their bodily resources), redistributive taxation infringes on people’s property rights (Vallentyne, 2018: 101-103).

15 It can be claimed that human bodies are products of co-operation: e.g. babies’ bodies result from procreation and a kinesiologist contributes to produce certain muscles when she teaches how to make physical exercises. Assuming the lexical priority of bodily rights fits with the intuition that in such cases the co-operators should not be forced to distribute ‘the fruits of co-operation’ (at all or in reciprocity-respecting ways). The case of procreation, especially, involves both the co-operators’ self-ownership and the bodily rights of the babies (assuming that babies can have rights), and in such a case the procreators should not infringe on the bodily rights of the babies.

16 Christman has put forward a reconciliation of self-ownership with an egalitarian principle that effectively overlaps with egalitarian reciprocity by arguing that the justification of self-ownership and the justification of ownership rights over external resources appeal to two distinct sets of considerations: whereas the justification of self-ownership appeals to the value of leading one’s life as one sees fit, the justification of ownership rights over external resources must appeal to structural features of the economy – especially when such resources are the result of society’s co-operative efforts. (Christman 1991: especially at 40-41).

17 This is noted also by Christman, who argues that “it will simply be against the law to bargain for kickbacks that will upset the redistributive pattern, just as would be the case in any other black market operation [...].” (Christman, 1991: 41).

18 Hence, an analogous reasoning applies also to the cases in which A and B work separately on plots at t0 and then decide to co-operate at t1 (e.g. by putting together the improved resources in order to produce something else). By co-operating they transfer certain (control) rights over the resources, and
a reciprocity-sensitive distribution is not rights-violating because the co-operators don’t have the right to control the distribution of the fruits of co-operation in the first place.

19 Albeit the fact that A has put labour into the resources may be taken into account to assess the fair level of contribution of B.

20 Wheeler’s assimilation of external resources to artificial body parts is too stretched and cannot establish that the rights that people should have over external resources are of full private property. E.g. Wheeler’s slippery slope argument that all interferences with agency, however minimal, should count as effectively eliminating agency is implausible (Wheeler, 1980: 188): pace Wheeler, there is a difference between, say, redistributing or taxing “surpluses” (e.g. additional mansions) and redistributing items necessary for living a decent life (on surpluses, see Wheeler, 1980: 178-179, 188-189).

21 I owe the suggestion of this possible reconciliation of self-ownership with reciprocity to an anonymous reviewer. And this is relevant also for Christmas (2018, 2021) and Long (2006). Indeed, see Christmas (2020, 2021: chap. 4) and Long (1998) for how libertarianism can ground forms of collective and public ownership. On Christmas’ account all property rights are applications of a natural right to not being interfered with one’s non-interfering activity (Christmas, 2021). And on Christmas’ account there can remain a tension between self-ownership and reciprocity: if at t0 A and B separately subsume certain resources under their activities (thereby acquiring certain rights over the resources), and then at t1 start co-operating using the resources, forcing the co-operators to abide to reciprocity seems rights-violating. I do not have the space to fully address this point, but I think it is possible to defeuse this incompossibility within the parameters of Christmas’ own theory. The transfers of rights involved when people start co-operating could be described as abandonments of rights: hence, the co-operators become joint owners on grounds of subsuming the resources under a new activity (co-operation), and therefore reciprocity can be embedded as in a libertarian socialist framework (on abandonment of rights: see Christmas 2021: 77-82). In any case, I disagree with Christmas that respect for freedom all that matters to realise equality (Christmas, 2021: 45): fulfilling reciprocity matters too. And, unlike Christmas, I don’t think we should a priori exclude the possibility of balancing different values within justice (see Christmas, 2021: chap. 1).

22 For Otsuka the distribution of resources should diverge from a strictly egalitarian pattern when doing so reflects people’s differential abilities to turn resources into welfare (Otsuka, 2003: Chap. 1).

23 Income can also be generated without co-operation (e.g. one can grow vegetables for personal consumption without the aid of others). The metric contrast is somewhat reduced because the concept of natural resources employed by left-libertarians captures all that, lacking moral standing, is up for appropriation. E.g. on Steiner’s account, an individual’s rights over external resources cease to be valid upon the individual’s death, and the individual’s possessions – artifacts and stricto sensu natural resources – return to a state of lack of ownership: as Steiner claims, “the property of the dead […] joins
raw natural resources in the category of initially unowned things” (Steiner, 1994: 258). I’m grateful to Axel Gosseries for bringing this to my attention.

24 Quong’s description of Steiner as a luck-egalitarian can be challenged, on grounds that Steiner’s theory is best described as an equal share view. Here I follow Quong’s interpretation.

25 Quong acknowledges that for Steiner compensation is owed by the able-bodied individual’s parents (who appropriated the genetic material for procreation) to the parents of the disabled individuals (Quong, 2011: 70, fn. 19). In his reply, Steiner emphasises this aspect (Steiner, 2011: 114-115). However, it remains possible that the level of compensation is so high that it requires to entitle Infirm to all the external world. And Steiner replies that “this kind of eventuality – debtors’ insufficient funds – is a contingency that besets any theory (and, indeed, practice) of just compensation, and is not one that exposes any inconsistency between those two left libertarian rights” (Steiner, 2011: 115). I don’t see how Steiner’s reply could help addressing the problem, since it just acknowledges its existence.

26 As far as Ostuka’s arguments are concerned, Ostuka aims to achieve equality through a combination of compensation for involuntary disadvantage and by giving more valuable resources to the disabled, which in turn provides an incentive to the able-bodied individuals to trade or provide waged labour for the disabled in order to have access to the disabled’ resources for production. For Quong’s argument against Ostuka, see Quong (2011: 72-75).

27 I am grateful to an anonymous reviewer for raising this point.

28 The distinction between telic and deontic egalitarianism comes from Parfit (2000: 84).

29 This is acknowledged by Quong in a subsequent paper where Quong claims that his previous characterisation of luck-egalitarianism was “unduly narrow” (Quong, 2018: fn. 9). Ostuka explicitly claims that his account is deontic: according to Ostuka, it is “the act of acquisition” of natural resources that “triggers requirements of egalitarian justice”, e.g. by requiring to leave ‘enough, and as good’ for others as a form of equal treatment (Otsuka, 2018: 132, emphasis added).

30 Also Steiner’s left-libertarianism is best described as deontic: see Carter (2009).

31 I.e. in cases of compensation for severe disadvantage incurred whilst co-operating and through no fault of one’s own egalitarian reciprocity could be sensitive to luck-egalitarian/need-based considerations, thereby departing from equality and recurring to a contractualist procedure to settle the level of compensation (i.e. such that it is acceptable to everyone).

32 For Vrousalis’ appeal to joint ownership, see §2 of Vrousalis (2011). For Vrousalis’ appeal to public ownership, see §4.

33 As Vrousalis explains, every joint owner has a claim right to control the resources in question, but no liberty right to use such resources without the permission of others (Vrousalis, 2011: 213, fn. 9).

34 Indeed, Vrousalis appeals to economic democracy (Vrousalis, 2011: §4).

35 And there is no infringement of Able’s right to income if Infirm puts as condition for authorising Able’s use of the resource surplus that Able share with Infirm part of what she produces, since, by
assumption, in a libertarian socialist constitution Able has the right to establish such a condition jointly with Infirm (Vrousalis, 2011: 217-218).

36 In Vrousalis’ example “[i]nfirm can only work a limited number of hours per day” (Vrousalis, 2011: 215).

37 The view that socialism includes everybody is endorsed also by Warren (1994).

38 For instance, given the benefits of the division of labour, Able1 can have an interest in collecting coconuts for Able2 who is a particularly skilled craftsman and can make useful utensils with the coconut shells.