

The Value of Ownership

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To understand private property, it is generally assumed, we must recognize the contribution objects make to human life. On the prevailing view, ownership is valuable only insofar as its subject matter is of value: In the order of valuation, objects come first, owning them comes second. But despite its air of obviousness, the assumption does not suit our ordinary concept of ownership. Ownership can be valuable quite apart from the value of the owned object, and it can be the source of an object's value as well as derive from the latter its own value. I will call the value that ownership has as such *ownership value*. Despite its ubiquity, ownership value is mostly hidden from sight by the numerous benefits that are normally bound up with ownership. To reveal ownership value we must disentangle it from these benefits. I do so in Part 1. Recognizing ownership value poses a number of puzzles, both conceptual and normative. The conceptual task is, accordingly, an account of ownership that goes beyond the privileged opportunity it provides to take advantage of an object and benefit from it. I offer such an account in Part 2. Part 3 takes on the normative issue: it demonstrates how the proposed account explains the significance we attach to ownership as such, and ownership's capacity to endow objects with value they do not otherwise possess.¹

My main conclusion is simple and can be briefly stated. At its core our ordinary concept of ownership does not describe a normative but an ontological relationship to objects, analogous to our relationship to our bodies, and best revealed by attending to our self-referential use of first person pronouns, personal and possessive.² The result is a non-reductive and non-consequentialist account of property, or, more accurately, of the idea of ownership. Given the amount of speculation generated by this topic in the past, it may be doubted that yet another theory in this area is what the world most urgently needs. As against this, the puzzles I discuss in part 1 present what I believe is an unanswerable challenge to the dominant approaches to property which tend to be both reductionist and consequentialist, thus suggesting the need for a theory of the general type I've mentioned; and a new theory of this type is required because no such satisfactory theory exists. I will not however try to establish the latter claim by engaging critically with predecessors. This would make for an inordinately long and unnecessarily tedious paper. There is a second shortcut I must indulge in order to avoid the same perils. Many forks mark the philosophical road I will take in constructing my approach, and for the most part I'll make the requisite choices, say between realism and anti-realism or conceptualism and anti-conceptualism, without so much as acknowledging them. This is just as well since as often as not the choice is motivated largely by my destination and by my general sense of direction. I don't think that any of my implicit philosophical positions are extreme, though, so I can hope that the resulting approach will be of interest even to readers who would have taken a different turn at various junctures.

A final prefatory remark about the nature of the argument is in order. The theory I propose takes seriously the ordinary use of the pronoun *my*, and associates the concept of ownership closely with it. But as should be clear from the start, the pronoun is in fact used much more widely than just to denote ownership. Thus neither attention to ordinary speech, nor indeed the other considerations I present in part 2, entail my theory or otherwise compel its adoption. All I can show by direct argument is that the theory is *optional*, in that it is consistent with usage, providing a possible interpretation of a relevant segments of it, as well as with pertinent philosophical views. It remains up to us, however, to follow the option and subscribe to the theory or not. A crucial factor in making this decision are the puzzles I discuss in part 1, and the ability of the proposed theory to solve them, demonstrated in part 3. In this way, the puzzles form an integral part of the argument in favor of my approach, and are not just a lure or a bait for getting the reader's attention. Thus the argument resembles in its logical structure a Kantian deduction, in which we are invited to accept certain propositions on the joint ground that they are not contradicted by other true beliefs, and that they help make sense of important attitudes or experiences that otherwise appear senseless or puzzling.

1. The Puzzles of Ownership

I begin with a common though largely tacit picture that informs our thinking about property. Property rights regulate human relationships concerning objects. Such relationships need regulating because of the benefits people derive from objects. If it weren't for these benefits, no one would care about objects, nor would there be any need to regulate relationships concerning them. To be suitable for property rights an object must hold the promise of some potential advantages.³ These advantages

can vary: they can be instrumental, aesthetic, sentimental, symbolic, etc. Let me call the sum total of the potential advantages associated with a particular object, *object value*.⁴ Property rights can be seen as determinations about how the object's potential advantages will be enjoyed and hence who will reap the object value. This picture naturally induces a reductionist, "bundle" view of ownership.⁵ An object is likely to have numerous potential advantages, and it will be possible to contrive various ways of enjoying them. Consequently, multiple ways of combining advantages with ways of enjoying them exist. As we proliferate such bundles, and distribute them among different individuals, no particular individual stands in a qualitatively distinct relation to the object. "Ownership" simply names one such bundle, its value consisting in the sum of potential advantages and modes of enjoyment that the bundle contains. What, after all, could be left of the idea of owning an object once all the specific advantages that can be gained from that object have been enumerated?

But the picture is incorrect. It starts to disintegrate as soon as we recognize instances in which ownership pertains to objects that have no advantages to offer on their own and whose object value is therefore nil. Such instances of ownership are rare, but they can be found, not surprisingly, in the context of collecting. Not surprisingly, since collecting is a practice that particularly accentuates the value of ownership for its own sake. Although many collectibles, such as works of art, are a source of gratification outside of collecting, others are not: think of sea shells, bottle caps, or better yet—apricot pits.⁶ Collectibles like these starkly represent a wide gap between *object value*, which here approaches the vanishing point, and *ownership value*, the value of owning these items, that can be quite considerable. Collecting worthless items involves a reversal of the logical relationship between

ownership and value implied by the standard picture: to delight in the particular heap of otherwise useless items, the collector must recognize them as belonging to her. She does not value owning these items because she values the items, but the other way around—she values the items because she owns them. Ownership is logically prior to and is presupposed by the value to the collector of the collection.

This reversal poses an obvious challenge to the standard picture and to the reductionist approach it induces. The point of the rights and protections that are said to constitute ownership supposedly derives from the advantages that objects promise. But where the object has no value of its own, these components of the bundle are pointless. Consider, for example, the right to use the owned object. The owner of a collection of apricot pits would typically enjoy some privileged and protected access to them: she can look at them or touch them whenever she pleases. But if, as we assumed, apart from being hers the pits by themselves hold no attraction for her, so that she would derive no pleasure from seeing other piles of pits even once, why would the prospect of repeatedly observing this particular pile count as an improvement? Similarly with the other main components of the bundle, immunity to deprivation and, relatedly, a right to transfer: the collector cares about her ability to hold onto or transfer at will a given pile of apricot pits only if she recognizes the collection as hers. In short, the rights and protections that are the incidents of owning the collection are valuable only because of some prior relation to the objects that these incidents by themselves do not explain.⁷

The collecting cases we've examined are extreme, but this should not blind us to their significance.⁸ They present in a pristine form a pervasive phenomenon. In the case of the worthless collection, ownership value is easy to recognize because it stands alone as the exclusive value of ownership. Once ownership value is revealed in its pure form, it becomes easier to spot in more

common situations in which it is less clearly visible. Unlike the collector's pits, cars and homes are sources of pleasure and utility. But these constituents of their object value do not exhaust the value of owning such objects. For example, people take pride in their own cars and homes that they do not take in those belonging to other people, even if they can otherwise enjoy these items to the same degree.

The point can be best made by constructing *a pragmatically equivalent transaction*: one that gives its beneficiary the same benefits regarding a particular object — the same share in the object value — as owning that object would. Consider the following scenario. You go to Europe for a year and need a car you can use during your stay there. Compare the case in which you buy a fancy sports car that you will sell by the end of the year, with the case in which you borrow an identical car from a wealthy friend, the owner of numerous cars she rarely uses. Your friend assures you that you can do with the car whatever you please, though you'll have to pay for any damages you will have caused and will be reimbursed by her for any value you will have added to the car. Although borrowing the car under these conditions (and additional ones we could spell out) would give you the same range of risks, opportunities, and advantages as buying and reselling the car, still, if you buy the car you can contemplate it with pride even when you don't drive it, whereas you may cruise the streets in your borrowed convertible to onlookers' admiring glares, and yet feel like something of a fraud.⁹

Owning the car seems to have some incremental value over and above the variety of pragmatic relations to the car that borrowing in our example also secures. This replicates the puzzle of the value of owning otherwise valueless collectibles. But it is significant that the incremental value takes on in this case the form of pride. Why is it appropriate that *I* take *pride* in the car I own? There are actually two different questions here, and an adequate account of ownership must solve them both. One question is

why *pride* is the proper attitude, rather than, say, just pleasure in the car's appearance or the exhilaration of driving it. The other question is why should *I*, the owner, rather than someone else, such as a borrower, be entitled to take pride in this particular vehicle? Or, what amounts to the same question, what is it about my relation to the car that singles me out as the proper recipient of admiration that this car provokes?

Note that these questions would arise even if we were to relax the strict pragmatic equivalence that I have posited between buying and borrowing the car. Suppose, that is, that no matter how generous the lending conditions for the car, some difference, say in the distribution of economic risk, must remain between it and a purchase to meaningfully set the two arrangements apart. Still, why would that difference give rise to pride? After all, not all economic advantages prompt pride. Indeed, the relation between the stipulated advantage of owning the car and the sense of pride is not direct but must be mediated by the recognition that the advantage is bound up with or defines *ownership*. But if so, what precisely is this recognition a recognition of? How does it single out the owner as the proper subject of pride in a way that the economic advantage by itself wouldn't?¹⁰

We have seen so far that ownership of objects can have value that is unaccounted for by the contribution that the objects themselves make to our welfare. We encounter a correspondingly puzzling phenomenon in regard to harm: Owning an object exposes us to the possibility of harm that is quite independent of any diminution in our welfare associated with the harmful event. Actions such as trespass that affect only our property can count as harmful or wrongful *per se*, even if they do not affect us in any other way. Suppose that some people hold parties in Susan's summer home in her absence. They do no damage, though, and meticulously tidy the place each time, so Susan is unaware of their

intrusion. Most people would agree, nonetheless, that such flagrant trespass on her property affects Susan personally, and is ground for legitimate grievance on her part. But how is the affect and the grievance to be understood? We may hesitate to say that Susan was harmed in this case, since the idea of harm is closely tied to one's welfare and interests, neither of which is set back in this situation. It has been accordingly proposed that the sense that something untoward was done to Susan is better expressed in the idiom of 'wrongs,' since to be wronged is to have one's rights violated, which has clearly happened.¹¹

But the shift from harm-talk to wrong-talk does not by itself convincingly account for Susan's grievance. The shift assumes that the harmless use of someone else's summer house violates her property rights. But why? If ownership is founded exclusively on the contribution that objects make to human welfare, the only plausible answer to this question is systemic: people's enjoyment of their summer homes is best secured if all unlicensed intrusions, even harmless ones, are enjoined. But this answer does not seem to capture the tenor of Susan's complaint. In venting her grievance against the intruders, she need not pretend to be public spirited, struggling for the common good. She may not give a hoot about the long-term, systemic consequences and yet feel personally aggrieved. It may be thought, perhaps, that as a property owner Susan does have a personal stake in the system as a whole – at least in the sense that laxity regarding harmless trespassing will inevitably expose her to a higher risk of harmful intrusions in the future. Her complaint against the harmless intruders can, then, be understood in such self-regarding terms after all. But this interpretation is no truer to the tenor of Susan's protest than the publicly-minded one. She may plausibly and sincerely insist that her grievance is not future-oriented at all: cut off the possibility of any future recurrences, by hypothesizing, say, that the summer

house had been her only property, that it was meanwhile destroyed, that a terminal illness leaves her no opportunity to acquire property in the short future that remains, and so on, and yet her rightful indignation regarding the past intrusion will not go away.

Someone may concede all of this, and yet not be impressed by the puzzle of harm. Susan's story, he might claim, only describes the mentality of someone who grew up in a regime of private property and internalized, perhaps excessively, its norms. If she were to reflect on the matter she would realize that consistently with her self-regarding and short-term orientation, there is really nothing for her to complain about. This objection diagnoses Susan's reaction simply as an error, devoid of any normative force. But Susan's attitude is not idiosyncratic. We should accordingly be reluctant to embrace a theory that ascribes to people such a pervasive mistake. Before we rush to such a conclusion, the case of harmless trespass invites an attempt to construct an account that makes sense, not nonsense, of ubiquitous attitudes, such as Susan's, towards ownership.

The first puzzle I mentioned concerned the possible value of owning an otherwise valueless object. The final puzzle is its conceptual counterpart. It can be best introduced by means of a joke attributed to Wittgenstein. As Norman Malcolm recounts it, "On one walk [Wittgenstein] gave to me each tree that we passed, with the reservation that I was not to cut it down or do anything to it: with those reservations it was henceforth *mine*."¹² Here the objects concerned, the trees, are valuable, but the putative owner's relationship to them has been stripped of all pragmatic advantage. Clearly Wittgenstein has here in mind something like the bundle of rights conception of ownership, and draws attention to the fact that if all the rights in the bundle are eliminated, ownership remains an empty concept. What gives the joke its point, however, is the tension between this picture of ownership and

another one, implicit in the story as well, which permits us to make sense of the interlocutor's "ownership" of the trees even in the absence of any rights in them. Talking of ownership under these circumstances is meant to be ironic or paradoxical, rather than simply incoherent or self-contradictory. But Wittgenstein's humor would be lost on someone who held a view according to which ownership were exclusively a matter of deriving from an object benefits by means of certain rights with respect to it. Our ordinary concept of ownership, the butt of Wittgenstein's joke, does not comport with such a view: even after we strip away all the specific rights that on the bundle approach are supposed to constitute ownership, we seem to be left with something. So Wittgenstein's mockery of this ordinary concept of ownership is also a challenge: if it's not any right with respect to the object, what can this "something" at the core of ownership possibly be?

These considerations lead to the following conclusion. We value objects, and consequently we value owning them, inasmuch as ownership consists in a host of ways in which we can realize an object's value. But as the cases I've discussed demonstrate, we also value owning objects over and above the share that ownership secures to us in object value. Let me call the overall value of owning an object, *proprietary value*. In my terminology, $proprietary\ value = object\ value + ownership\ value$. Sometimes, such as my example of worthless collectibles, object value approaches the vanishing point, and proprietary value equals ownership value. Other cases are the opposite: ownership value tends toward zero, and proprietary value equals object value. But often, such as in owning a home or a car, we tend to value both the object and owning it, so that proprietary value consists in both. This normative structure reveals a corresponding conceptual one. Just as proprietary value can be unpacked into object value and ownership value, so also the concept of ownership can be divided into a

pragmatic aspect, which consists in the different ways an individual can exploit and benefit from an object, and a nonpragmatic aspect, which for reasons that will soon become clear I call *constitutive*. The bundle theory gives us a reductive account of pragmatic ownership and correspondingly an analysis of the object-value component in proprietary value. But the account and the analysis are incomplete. They leave out constitutive ownership and the ownership value to which it gives rise.

2. Ownership and Self-Reference

Can ownership and its value be understood apart from the opportunities to benefit from a given object? I start with an obvious yet noteworthy observation. The puzzles I've listed are all distinctly philosophical puzzles. If confronted with corresponding queries in daily life, the lay person would not so much be baffled by them as by why they're being made, and at any rate would have an easy and quite uniform answer to them. If asked to explain why he guards and cherishes a particular pile of apricot pits, the collector would naturally say: "Why, they're *my* pits!" A similarly emphatic use of 'my' is usually all it takes to explain one's pride in a particular car. This is also the most likely and usually sufficient way for Susan to justify her resentment: "But they were using *my* house, weren't they?" Finally, if through some restrictive regulation the government were to effectively remove all one's rights in an orchard one owns, replicating thereby Wittgenstein's joke, the deprived owner can still be imagined to complain: "My orchard is quite useless to me now", rather than concluding (other than perhaps sarcastically) that it's not his orchard any more. These simple answers are not proffered to the philosophical puzzles I've raised and should not therefore be expected to solve these puzzles. But the

ordinary answers I imagined are highly relevant to solving the puzzles nonetheless. The task is to see what philosophical sense can be made of the use of ‘my’ in these ordinary settings.

Another feature of ordinary discourse is equally significant here. We can easily imagine similar settings in which an emphatic use of ‘my’ is made to assert and defend corresponding claims to the ones we’ve considered concerning however the body. For example, people commonly take pride in high cheek bones or shapely calves simply for the reason that these body parts are theirs; and all you’re expected to say in support of your request that the person next to you move over is to point out that he’s stepping on your toe. This similarity, I maintain, between our ordinary property-talk and body-talk provides a clue to an account of the constitutive aspect of ownership that, as shown in Part 3, can solve all the puzzles I have listed in one fell swoop. The analogy between body and property has of course tempted other theorists before. My approach is accordingly a member in a family of nonreductionist theories that draw this analogy. For the most part, these approaches share a starting point and a metaphor. The starting point is the idea of self-ownership.¹³ Although self-ownership may not be quite the same as owning one’s body, when self-ownership is used as a launching pad for a general theory of property, it must at least include or entail ownership of the body as a paradigm case of what owning a physical object amounts to or consists in. From this basic idea, the meaning of owning other physical objects is extrapolated by means of the *extension of self* metaphor.¹⁴ But the idea of self-ownership is perplexing, and the metaphor of extension of self, though suggestive, is obscure. The goal of a theory is accordingly to spell out the idea and the metaphor and give them a more precise philosophical content. In the next section I suggest an interpretation of the extension of self metaphor that focuses on the use of the first person pronouns ‘I’ and ‘me’, and draws the boundary of the self by reference to this use. In

the remainder of this part I present an account of constitutive ownership of one's body as well as other objects that is based on the meaning of the personal pronouns that I discuss first.

A. Personal pronouns and the extension of the self

A plausible strategy for making sense of the idea that the self can extend to objects beyond the body would consist in two steps: an account that shows why the body is a part or an aspect of the self, followed by a demonstration that the same account or one close enough to it applies to other objects as well. So in what sense is the body an aspect or a constituent of who I am? Now a straightforward, but for our purposes unpromising, answer to this question seems available. The body is constitutive of the self in that human beings are living organisms, and as such no different in respect of their physical composition from cats or cows. The analogy to other animals also suggests, however, why this approach would lead the extension of self metaphor to a dead-end. The physical composition of cats and cows is fixed and is coextensive with their bodies. There does not seem to be room for any extension with respect to such natural kinds. The analogy to other animals also reveals the shortcomings of an approach that relates people to their bodies on the same basis as exists in the case of other animals. To think of human beings as organisms is to adopt with respect to them an external perspective. But this perspective misses the distinguishing mark of being human, namely that we essentially relate to ourselves from an internal point of view, from the inside as it were. In other words,

essential to being a human being is an awareness of how it is to be one. Although there is no fixed and consistent terminology in these matters, talk of the “self” tends to accentuate the primacy and centrality of the internal, first-person perspective that an adequate understanding of human beings must acknowledge. The real challenge here is to incorporate the view of human beings as living organisms into an adequate conception of self that takes full account of this essentially internal, first-person perspective.

The challenge has not been easy to meet. The main reason is that as soon as we accept the challenge, and turn indoors, so to speak, we tend to lose our grip on the body altogether. An account of the self “from the inside” easily becomes an account of the mental, which seems to be the stuff of which our self-awareness is made. We find ourselves drifting in the direction of a Cartesian conception of the self and in the grips of the mind/body problem. Once an essentially mental conception of the self is adopted, resurrecting the body and reattaching it to the self is no easy matter. The difficulty, then, is to acknowledge in our account of the self the first-person perspective without lapsing into a mentalistic view of the self. I will not try to go over the well known difficulties that arise, but will mention instead one variation on this theme that is of special importance here. A natural and particularly influential way to incorporate the body within a unified first person conception of the self is by recognizing and exploring the *experience* of embodiment. This is essentially the program of phenomenology: roughly, the effort to understand what the self is by spelling out the experience of being one. Three considerations, however, tell against a purely phenomenological account of the relationship of body to self. First, phenomenology’s starting point is essentially Cartesian, so it is naturally heir to many of the problems of the Cartesian view of the self. Specifically, a phenomenological account seems to be faced

with the specter of skepticism about the body. This skepticism can be global – an experience of embodiment does not guarantee or entail embodiment; but perhaps more plausibly, and therefore damagingly, it can be local: as phantom pains demonstrate, sensations don't prove the existence of the body parts in which they seem to occur. Secondly, although we do have distinctive experiences of some body parts, no experiences are associated with many others. If phenomenology were our guide to our physical composition, the result would differ considerably from our actual body. Thirdly, not only doesn't our experience of embodiment coincide with the body, but phenomenology is ill equipped to capture even our mental life in its entirety. Much of our mental life is submerged below the surface of our awareness and is not experientially present to us. There is at least a need for considerable footwork here in order to incorporate all these regions within a phenomenological picture of the self.

That no firm experiential basis for incorporating the body within a first person conception of the self can be found, illustrates the difficulty of escaping a Cartesian, mentalistic conception while holding onto the first person point of view. This point of view appears to give us a strong grip only on our mental life. But upon reflection this grip turns out to be illusory too. Mental states do not by themselves and as a matter of course belong to a self or constitute one. We must still reflect on what it takes to ascribe mental states to or associate them with a self. Such reflection reveals that the same grounds on which mental states relate to a self apply to the body too. It is also then easy to see that these grounds can extend beyond the body as well. The point can be best made by comparing human states of mind to those of animals. Both my cat and I can be cold or hungry or in pain, we can both see the same mouse or dream about one. These sensations, representations and images, we commonly surmise, are quite similar in the two cases, and yet in my case, but not the cat's, they belong to a self. Why? One

answer, Kantian if not quite Kant's¹⁵, fixes on my capacity for what I shall call *articulate self-awareness*.¹⁶ In my case, each one of the listed states of mind, call it X, is subsumed or subsumable under another thought, namely that "I think (or feel, or experience) X." And it is only by virtue of this second, identifying thought that X can be ascribed, or give rise, to a self. In other words, the crucial feature that constitutes a self is the possession of the concept of one, or, more precisely, the concept "I". By subsuming various thoughts under this concept, by thinking of them *as mine*, I constitute those thoughts as those of a self – *my self*. But if it takes possessing and applying the concept "I" to a bunch of mental states to convert those mental states into those of a self, then by the same token things other than mental states can be similarly converted into aspects of the self. Specifically, X could be the body or any of its parts. Just as in the case of thoughts, here too, by subsuming the latter under an 'I' they become constituents of me as well.

A difference of course remains between the way mental states and the body are respectively subsumed under 'I' and thus incorporated into the self, and this difference is responsible for the impression that a first person perspective is bound to lead to a mentalistic conception of the self. Only in the case of mental states, but not in the case of the body, is the subsumption under 'I' inexorable. I can not help but register the pain I experience as mine. This creates the impression that the 'I' already inheres in the pain and is bound up with it in a way that does not apply to the body.¹⁷ But once we conceive of the cat's pain – no less acute but bereft of selfhood – we can pry apart, analytically speaking, the sensation of pain from my awareness of it as mine, thus realizing that the sensation by itself, the pure sensation if you like, does not stand to the self in a fundamentally different relationship than the body: both types of items are aspects or constituents of a self only through the conceptual

mediation of an 'I'. Mind and body stand on an equal footing relative to the composition of the self inasmuch as both require and commonly receive the endorsement or underwriting of an 'I' as the conceptual vehicle by means of which the self is constituted.

I cannot hope to deal adequately in the space of this article with all the issues that this picture of the self raises,¹⁸ but two must be briefly addressed. The first concerns the nature of the first person perspective whose primacy to our conception of the self I urged earlier. Doesn't thinking of the body as a constituent of the self apart from the experiences with which the body is associated or to which it gives rise amount to abandoning this initial idea after all? Haven't we drained the self of its subjectivity, that the first person perspective is meant to recognize and instantiate? The answer to these worries, suggested by the cat analogy, is that they reflect a prevailing confusion or displacement as to the nature and location of the subjectivity that is distinctly the self's. Once we are led by our reflection on animals' mental life to recognize a gap between being the subject of mental states and being a self, it becomes clear that the distinguishing experience of being a self does not reside in the mental states themselves, but rather in a particular mode of conceiving or relating to them, namely the mode expressed in the application of an 'I' to them. The first person perspective can accordingly hold unto this distinctive stance, call it *identification*, by which a self relates to some properties or occurrences as its own, without limiting itself to the mental or even privileging it.

The second issue I need to address concerns the possibility of misidentification. It has been famously observed that occurrent mental states are immune to such an error by the agent: in reporting being in pain or believing that it's Sunday, there cannot be a question as to who's really having the experience or the belief. In the case of the body, though, mistakes are possible. I may misidentify a

bodily event by either failing to realize that it took place in my body or by mistakenly believing that an event in someone else's body happened in mine.¹⁹ Doesn't this possibility of extending or withholding the 'I' in the wrong circumstances belie the alleged priority of the first-person perspective when the body is concerned? Doesn't the very judgment of an erroneous application of the 'I' demonstrate that in this case the third-person perspective dominates after all? Such an objection would miss, I believe, what is meant by associating selfhood with possessing the concept 'I'. This view is not meant to release the self from an intersubjective reality but rather to ground it in one. In order to be a self one must be in possession of 'I'. But as is the case with any other linguistic aptitude, "possessing" a term or a concept is a matter of having a disposition to use it correctly. Such aptitude is properly assessed in light of both actual and counterfactual use. Occasional erroneous applications of a concept can be dismissed as such as long as the assumption can be maintained that the speaker would have rectified her usage had she been apprized of all the relevant facts. One's disposition to use 'I' correctly, that is in line with the applicable social understandings, can accordingly be maintained as a criterion for the composition and boundary of self so long as that disposition is seen to include counterfactual use, thus allowing us to dismiss or rectify erroneous applications.

We can conclude, therefore, that both mind and body are constituents of the self inasmuch as they are both endorsed or underwritten by a self referential use of the 'I'. Let me now be a bit more specific about what this endorsement or underwriting consists in. To do so it will be useful to distinguish two different notions that are commonly involved in predicative statements: *reference* and *allusion*. Consider the following statements: "The horse has cavities," "the car has a flat tire," and "the game of chess was decided by the brilliant gambit." In these statements, the terms "horse," "car," and "game of

chess” refer, respectively, to a horse, a car, and a game of chess, but allude to teeth, a tire, or a gambit. (It is irrelevant for the purpose of this distinction whether those items are explicitly mentioned in the respective statements, as they are in the two latter examples, or not, as in the first.) These allusions reveal our beliefs about the constitution of the objects referred to. For the statements to be true, the allusions must hold: the items alluded to must in fact be constituents of the referred objects. Among the many kinds of error to which such statements are prone is a failure of allusion. For example, it may turn out upon inspection that the damaged teeth are in fact falsies, and thus not part of the horse after all. The notion of allusion gives rise to a related idea, namely that of the *scope* of referring terms such as ‘horse’. The scope of such a term corresponds to the composition of the object referred to. The relation between allusion and scope is simply this: everything we permissibly allude to in speaking of an object falls within the scope of the term labeling it. Since we can speak both about a particular horse as well as about horses in general, allusion and scope pertain both to the singular term and to the general one. So even if my alluding to a particular horse’s teeth is erroneous (because it has none), alluding to horses’ teeth in general is appropriate, whereas alluding to their wings is not. We can put this by saying that teeth do but wings do not fall within the scope of ‘horse.’

My suggestion that to be a constituent of the self the body must be endorsed or underwritten by an ‘I’, can now be simply restated. All this requires is that the pronoun ‘I’ as we commonly use it allude to the body, so that the body fall within the pronoun’s scope. This condition is of course satisfied abundantly. Our self- referential talk (or reflection) is as rife with allusions to the body (“I gained 10 pounds”) as it is replete with allusions to the mind (“I believe that today is Tuesday.”) Such allusions express, as I just suggested, one’s identification with the body, and provide the basis for seeing the

body as a constituent of the self. By thus establishing the grounds for including the body within the boundaries of the self, we have concluded the first step in the two-step strategy that I recommended for interpreting the extension of self metaphor. The remaining second step is to demonstrate that these grounds extend beyond the body and apply to other objects as well. This is easy to do; indeed so easy, that some misgivings are bound to arise. My main task in the remainder of this section will be accordingly to allay such misgivings.

First the demonstration. Consider a simple request, such as “Please take a picture of me,” or a report such as “I was hit by a car.” As we have just seen, ‘me’ and ‘I’ in these utterances refer to me but allude specifically to my body. When I ask you to take a picture “of me”, I obviously have in mind a picture of my body. Similarly, when I report that I was hit by a car, the physical contact was between the car and my body. My request for the picture and my report of the accident express, accordingly, my identification with my body, and as I have just argued, that identification is what considering the body a constituent of the self amounts to or consists in. But let us consider now another feature of these utterances. My request for a picture is not normally understood to connote a nude portrait. Similarly, in reporting that I was hit by a car, I may be in fact describing an accident in which my car rather than my body was hit. The personal pronouns, while still referring to me, turn out to allude in these instances to other objects beside my body, and correspondingly, the physical boundary of the self as indicated by these allusions is not coextensive with the body: it includes my clothing in the one case and my car in the other. Moreover, extensions in the scope of the pronouns do not necessarily depend on the contiguity of the relevant objects—clothing or car—with the body. Consider events such as car or horse races, and dog or cat shows. It is natural for the owner to report in these contexts: “I participated in the race”

or “I won the competition” even if the owner wasn't present at the event.²⁰ Based on the criterion I propose, these self-referential expressions lead to the conclusion that the scope of ‘I’ and hence the boundary of the self may extend beyond the body and incorporate other objects as well.²¹

But as I just said, this simple procedure for extending the boundaries of the self may seem too simple, and may appear, if consistently followed, to lead us astray. Using in general our putative allusions as guides to the composition or boundaries of objects would play havoc with our ordinary ontology without any clear theoretical payoff. If by virtue of the allusion of ‘me’ in “take a picture of me” my clothing is an extension of my self, isn't also the collar an extension of the dog due to an apparently corresponding allusion of ‘dog’ in “take a picture of the dog?” Similarly, when asked at a dinner table to pass the salt, you'll be ill advised to first empty the shaker. Are we to conclude that shakers fall within the scope of “salt”, so that the salt includes its shaker? We must, in other words, beware of what are only apparent or putative allusions which do not carry any implications with regard to the objects involved, and distinguish them from earnest or literal ones which do have such implications. But how are we to do that? It is natural to suppose that in order to ascertain which allusions are serious and sound we must turn to the items concerned and inspect them directly. Contextual variation in what the terms we use designate is not by itself a safe ontological guide. Reading off the composition of things from the way we talk about them would appear to have matters in reverse.

These are weighty worries, and given the complexity of the issues they raise, I cannot hope to put them fully to rest. But they can, I believe, be significantly allayed. It should be immediately acknowledged that with regard to many terms, most significantly natural kind terms, such as ‘dog’ and ‘salt’, the worries are well-grounded. Two features of such terms are particularly relevant here. First, at

least according to our common sense conceptual scheme, endorsed by many though obviously not all philosophical views of the matter, dogs and salt are mind independent: they remain unaffected in their composition or constitution by our beliefs about them, no matter how widely shared. This implies that our dog-talk or salt-talk has no particular authority with regard to the dogs or the salt. Our speech must be amended or interpreted in light of the latest results of inspecting the items themselves. If the inspection yields results that contradict our shared beliefs embedded in ordinary usage, the beliefs will change, and the usage will follow suit or else be interpreted as loose or metaphoric. But this simple strategy is not always available. Suppose that someone asks you the height of the Empire State Building, and you answer that it is 1,453 feet tall. The interlocutor challenges your reply, and upon further inquiry it turns out that you've included in your answer the length of the television antenna on top of the building, whereas your interlocutor maintains that the correct answer should include the 102 floors *sans* antenna. How is this dispute about the composition and the boundary of the building to be resolved? Surely not by inspecting this particular building nor by studying others. Whether the antenna is part of the building is purely a matter of convention, and the best way to ascertain what the convention is, is by investigating actual usage: do other speakers who refer to buildings allude, when circumstances so require, to their antennae as well? In contrast to the case of the dog's constitution, usage taken as a whole is veridical here: there is no prospect of some future discovery concerning buildings and their appurtenances requiring that we revise our understanding in this area, and correspondingly our usage.

The second, and related, relevant feature of natural kind terms is their social inertness. Dogs and salt are not altered by social practices. So in interpreting what "taking a picture of a dog" means, it is easy to distinguish the practice of photography as it applies to the dog on the one hand, from the dog

itself on the other. Similarly, the meaning of “pass the salt” understood as part of the practice of table manners does not affect the meaning of “salt.” But contrast in this respect natural kind terms with social terms, by which I mean terms whose referents are social phenomena, such as institutions, organizations, etc.²² Here, shared beliefs, discursively embedded, are not just veridical with respect to an independently existing reality, as in the case of the Empire State Building, but are constitutive of that reality. Consequently, when the bits of social reality to which these terms pertain are formed by the same linguistic community in which the terms themselves originate, no gap, of the kind possible in the case of natural kinds, exists between the meaning of the terms we use and the reality they designate: the meaning of the terms and these realities are formed and change *in tandem* by the same social practices and understandings; changes in the one must correspond to changes in the other. Take terms such as ‘marriage,’ ‘money,’ and ‘baseball.’ The precise content of these terms varies over time and it co-varies with the respective practices to which these terms refer. The co-variation is secured by the fact that what is at any time the meaning of ‘marriage’ or ‘money’ or ‘baseball’ and what counts, respectively, as marriage or money or baseball are one and the same. Now it is clear in light of this state of affairs that the strategy I have recommended of studying the constitution of some things by inspecting the scope of the terms we use to refer to them is quite plausible in the case of social phenomena. Indeed, there really is no fundamental difference between studying the phenomena directly and studying the language used to refer to them, because in either case we’ll be looking at one and the same thing: the system of shared meanings and understandings that constitute both the semantics of the terms we use, and social reality itself.

How does all of this bear on exploring the constitution of the self? The answer depends on what kind of thing the self is. As living organisms, human beings are natural kinds. But as I have pointed out already, that is not the perspective that the idea of self designates. I have so far associated the idea of self with a distinctly human capacity for articulate self-awareness. But there is a second tradition of thinking about the self that I wish now to bring into play: the view of the self as socially constructed.²³ My aim is not to argue for this view, but to point out its relevant ramifications. To claim that the self is socially constructed is in the first place to offer a genealogical or etiological theory of the self. But this is not my main interest in this perspective. Implicit in the view concerning the social origins of the self is a more important claim about the kind of thing the self is. It must be the kind of thing that can at least in principle be constructed by society. The self must accordingly belong to the same category or order of things as social practices, institutions, games, etc. What category or order is that? For our present purposes the answer focuses on the two features I've associated with natural kind terms, mind independence and social inertness, contrasting the self with such terms in both respects. If the self is an essentially social phenomenon, then no clear line separates the self from the discursively embedded system of shared beliefs and understandings concerning it, or from the various social practices in which it is implicated. The most common way in which these abstract ideas are encountered in our ordinary experience is through the notion of social role. We are quite used to thinking about people's identities in terms of such roles. Roles in this way straddle the divide, and efface the gap, between selves on the one side and social practices on the other. So, for example, how one behaves, what one feels and says in one's capacity as a 'spouse', are at once manifestations of the institution of marriage as they are manifestations of one's own particular self.

But even if some aspects of the self can plausibly be considered socially constructed, it may seem puzzling how this perspective can apply to the physical extension of the self. Though the issues here are complex, a simple analogy will suffice to make the point. Suppose that in a stadium someone asks you to delineate the boundary of the playing field and name its various parts. The question is meaningless unless the interrogator spells out which game he has in mind: e.g., is it baseball, football, or soccer? The boundary and the configuration of the field obviously depend on the social practice, in this case the game, of which it is a component. The game does not bring about physical changes in the ground. Conceived as a physical object the field does not change from game to game. But to think of it as a playing field is precisely not to think of it in purely physical terms. It is to endow a physical object with a certain meaning or significance, to count it as this or that, in ways that do not simply represent or supervene on its physical properties. The source of this meaning or significance, the origin of this “counting as,” is the game we assume as the background to the interrogator’s question. Since different games can be played at different times in the same stadium, the boundary and configuration of the playing field will vary depending on the game. So, for example, in relating to the field as a baseball field one would mention the mound as a feature or constituent but ignore the goals, while the reverse will be apposite if soccer were assumed as the background. The same is true of the physical composition of the self. Different social practices invest parts of the body as well as other objects with meaning or significance that is adequately expressed by subsuming in the appropriate circumstances those parts and objects within the scope of ‘I’. To think of the self as socially constructed is, accordingly, to recognize the relevance of social context to its physical constitution just as social roles are seen to bring social context to bear on other aspects of our identity.

Even if in principle legitimate, deriving the boundary of the self from the scope of 'I' as used in different social settings may seem unnecessarily circuitous. Why, in charting the boundaries of the self, should we bother to investigate people's allusions in using 'I', rather than simply ask them directly whether this or that is a constituent of them? Moreover, if we pursued the latter course, the answers we would get would likely be quite different from the ones obtained by the roundabout method. If asked, most people would maintain that, say, a hand is part of them but that a car isn't. This objection, however, would miss the nature of the present investigation. The concept of self that we're trying to elucidate is a theoretical, not an ordinary, concept, and as such it draws its meaning from the broader theoretical context, in the present case the social construction approach, within which it plays a role. It would be, accordingly, pointless to address to a lay person the question, "Is X a constituent of your self?" Unless philosophically trained, most people would be baffled by such a question. However, the alternative and apparently more appropriate formulation, "Is X part of you?", is not in fact equivalent to the former formulation, but is rather an invitation to use 'I' on a particular occasion. People's response to this question would not settle the philosophical one concerning the concept of self and its boundaries. Instead, their response would only supply a small part of the answer to the philosophical question, by revealing one segment of the overall picture of the respondent's self, namely, that segment with which the respondent identifies through her use of 'I' within the social context defined by a direct scientific interrogation concerning her physical constitution. The respondent's avowals and disavowals under such circumstances have no direct implications concerning the boundaries of her self revealed in different circumstances in which the use of 'I' is governed by a different social practice or context.

We can now put together the two approaches to the self I have sketched, articulate self-awareness and social construction, by fixing on the first-person pronoun 'I' as the term whose scope as determined by the appropriate social practices and understandings corresponds to and co-varies with the composition and boundaries of the self. What distinguishes on this view the self from other social constructs is the fact that the social determination of the self's constitution is mediated by self-awareness which consists in the disposition to correctly apply the word 'I'.²⁴

B. Possessive pronouns and ownership

I turn now to the notion of self-ownership from which a general conception of ownership will be derived. We must account for the sense in which people own their bodies, and then observe how by virtue of the extension of self we've so far elaborated, that account applies to and explains the ownership of other objects too. Two earlier observations motivate the proposed account. The first is that we ordinarily use the possessive pronoun 'my' to assert claims of ownership and to defend them in the situations that the puzzles described in Part 1 represent. Secondly, the same possessive pronoun performs a similar function with regard to the body as well. To see how these observations yield an account of self-ownership, a third must be added, namely that in self-referential utterances in which allusion to the body is intended, the personal and the possessive pronouns, 'I' and 'my', are commonly used interchangeably: The results of a mishap while slicing bread can be reported either as "I am bleeding" or alternatively as "my finger is bleeding." How are we to understand such uses with regard to the body of both types of pronouns?

The first thing to notice is that this use of the possessive pronouns is not unique to talk about the human body but is perfectly general. Instead of saying that the bear is brown, we can say that *its* fur is, or *its* color. Cognate expressions, most significantly ‘have’ and its derivatives, are often used to convey the same thought: the bear *has* brown color or brown fur, just as Paul may be said to *have* a snub nose. I will call this use of the possessive pronoun, and correspondingly of ‘have’ and cognate expressions, *constitutive*, because it relates a thing to its constituents. This constitutive use of possessive pronouns and their cognates, though pervasive, is obviously not the only one: saying of the horse that it *has* a good rider or that it lost *its* rider, does not imply that riders are constituents of horses. But in the case of the body and its parts, the constitutive sense of possessive pronouns and their cognate expressions is clearly at play.

My second observation is equally mundane. There is a perfectly general sense of “own” that corresponds to the constitutive use of possessive pronouns and their cognates. This sense is mostly used to emphasize the reflexive relation of a thing to its constituents: the horse tripped over its own legs or bit its own lip simply highlights that legs or lips are the horse’s constituents. By the same token, to speak of my own finger or leg is to highlight the constitutive relation that these parts bear to me. Here again this strong sense of ‘own’ must be distinguished from a weaker sense, at play when relationships to an object that are not constitutive are signified, as in “the horse bit its own rider.” But the strong constitutive sense is central and distinctive, as is the corresponding sense of the possessive pronouns and the cognate expressions that I’ve mentioned.

We can extrapolate from these observations a basic, broad and rather trivial interpretation of self-ownership, namely as marking the relation of a thing to its constituents. On this interpretation, my owning my body or its parts amounts to no more than the horse's owning its: in both cases the locution marks the respective constitutive relations.²⁵ But although this sense of self-ownership is not distinctive to human beings, the possibility of extrapolating from it a general concept of ownership that applies beyond the body is. Only in the case of humans can ownership, in the same constitutive sense, extend beyond the body, because the self, as I argued in the previous section, can so extend. Due to my articulate self-awareness, things other than the body can be *mine* in the strong, constitutive sense, insofar as I can allude to them by my use of 'I'; and insofar as the self is socially constructed, the grounds for my alluding by the 'I' to such other objects may be purely a matter of social practice.

The thought that possessive pronouns and their cognates can mark a constitutive relation to objects we own is further corroborated by the use and etymology of the word *property* itself. Ordinary usage and the dictionary distinguish two main groups of meanings of 'property': one concerns such things as the qualities, traits and attributes of a thing, and the other concerns the ownership of objects that is our present subject matter. To distinguish the two I will in the remainder of this section capitalize Property in the second sense. But the relation between the two senses is more than a pun. First, they both have the same etymological source: the Latin *proprias* for 'own.' Secondly, the entire battery of terms that we have just encountered, consisting of the possessive pronouns and such cognates as 'have,' 'possess,' 'acquire,' and 'belong,' pertain both to the relation of a thing to its properties as well as to a person and her Property. If my argument concerning the extension of self in

the previous section is sound, then my relation to my properties, such as, say, height, that I mark by the constitutive use of the possessive pronoun, is indeed no different in principle from my relation to my Property, such as a car, that is similarly expressed. Saying about both my properties and my Property that they are mine expresses the same underlying thought, namely that they are candidates for allusion in the proper circumstances by my use of 'I' and hence that they fall within its scope and correspondingly within the boundaries of my self.

These considerations suggest a first, rough approximation of the constitutive sense of ownership. *Ownership, as signaled by the application of a possessive pronoun to an object, consists in the permissible inclusion of that object within the scope of the personal pronouns as used by the putative owner.* The idea of something's being a constituent of me is thus logically prior to its being mine: 'myness' is a suspended or potential 'meness'. But logical priority should not be confused with temporal priority: an object may become mine first.²⁶ The conventions for acquiring property can be best understood in this way. By buying a car I make it mine in the sense that I may now allude to it self-referentially whenever I participate in a practice such as a race which calls for or legitimates such use of the personal pronouns. But though this is what acquiring a car means, the acquisition is obviously not annulled if I never enter the car in a race nor participate in any other practice that occasions the I/me allusion to it. This relative independence of myness from meness can be carried a step further. Once practices of acquisition are in place, objects can be acquired even in the absence within the relevant social setting of occasions to apply the personal pronouns to these particular objects. The meaning of ownership, however, does not thereby change. The semantic criterion I propose can be

still satisfied in such situations, though in a hypothetical or a counterfactual manner. We can always imagine practices and settings within which what is mine would be appropriately alluded to by 'I' or 'me'. Such imagination is guided and underwritten by the other cases in which the me/my usage applies and by our recognition that it takes only an appropriate social convention, rather than an ontological leap, to bridge the seeming gulf between what is mine and what is me.²⁷

C. Ownership and identity

Although this account captures, I believe, the gist of our ordinary concept of ownership, deriving a general conception of ownership from our relation to our bodies involves a considerable simplification and idealization. We must now take account of these by attending to some of the complications involved in constitutive ownership of objects other than the body. Notice, first, that in drawing the analogy between owning the body and owning other objects, I have focused mainly on the link between including an object within the scope of a personal pronoun on the one hand, and including it within the boundaries of the self on the other. But a further question ought now to be considered: What guides or determines the inclusion of different items within the scope of the personal pronouns in the first place? What kinds of considerations fix the socially sanctioned allusions of 'I'? Though the topic is very large, a preliminary and schematic overview will help see the difference in this regard between ownership of the body and that of other objects, and to appreciate some of the complications that arise.

We can best see the various grounds on which the personal pronouns encompass objects by dividing objects into three categories: the body and its parts; objects that are attached to the body; and objects that aren't. We can also distinguish three broad types of reasons for including a physical object within the boundaries of the self: naturalistic, phenomenological, and pragmatic. Naturalistic reasons relate to a conception of human beings as living organisms. Although, as I argued earlier, this conception does not by itself provide an account of the self, it does play a decisive role in the use of 'I' and through it in shaping the self. Phenomenological reasons pertain for the most part to a conception of human beings as agents. There is a host of experiences associated with agency or presupposed by it – spatial orientation, control, etc. – and those too are acknowledged by or incorporated into the use of 'I.' Pragmatic reasons conceive human beings as subjects of welfare; the contribution of such reasons to the scope of 'I' is mainly oriented toward the promotion of such welfare.

Now the difference between owning the body and other objects can be understood in terms of the relationship between these types of reasons on the one hand and the three kinds of objects I've just distinguished on the other. Most significantly, only with respect to the body do all three types of reasons apply. Since other objects are not part of the naturalistic conception of human beings, their participation in the self can be only based on phenomenological or pragmatic reasons. Both kinds of reasons can apply to the second category we've distinguished, consisting of objects that are contiguous with the body. A number of writers have observed important similarities and continuities between experiences relating to the body and experiences relating to such objects. The experience of mastery and control over body parts that is central to agency, for example, extends to the tools we use as well; spatial

orientation that permits one to correctly assess clearance extends to the hat one wears; and so on.²⁸

These examples also illustrate the obvious pragmatic value of such objects and of our bodily contiguity with them. Finally, when it comes to the third group of objects, those that are detached from the body, phenomenology for the most part plays no role, and pragmatic reasons predominate.

To appreciate the significance of these differences for the idea of ownership, it should be next noted that a conception of property as an extension of self links ownership to identity; in my version, 'I' refers to and circumscribes the self, and in doing so it must observe some general imperatives of identity. ('Identity' is used here broadly and loosely to range over such disparate things as physical objects on the one hand and, say, social institutions on the other.) Such imperatives vary greatly, and in the case of the self raise particularly thorny issues, but three rather weak imperatives would seem to apply, at least presumptively, to all types of entities: duration, continuity, and exclusivity. Ordinarily, entities endure for at least some time; they exist during that time continuously; and their existence is exclusive of other things, in the sense that some way is available at least in principle for telling them apart from other things. The reason that such imperatives can be at all stated generally, even if only tentatively and vaguely, is that they don't in the first place derive from the nature of the great multitude and heterogeneity of things to which they apply but rather from the needs of the mind applying them. Simply put, their satisfaction at least to a minimal degree provides for a mental grip necessary to recognize and individuate an entity as such.

Thanks mainly to the naturalistic basis for including the body within the scope of the 'I', the body by and large satisfies these three imperatives of identity as a matter of course. The rules for using

'I' in allusion to the body are to a large extent simply parasitic on our ordinary ontology of living organisms. Consequently, ownership of the body persists as long as the owner exists (though for shorter stretches of time in the case of various body parts); is continuous, in that the rules for using the pronouns to allude to the body permit their application, actual or counterfactual, at any time, including such times as sleep and unconsciousness, during which no phenomenological basis for such application exists; and there are ordinarily (that is to say, excepting such unusual cases as Siamese twins) no claimants to the body other than the owner.

In the case of other objects, to which no natural ties exist, the situation becomes murkier and more problematic. Our phenomenological and pragmatic encounters with objects that license alluding to them by an 'I,' may be brief, or intermittent, and, most damagingly as far as identity is concerned, they may conflict. Occasions can easily arise in which multiple potential claimants are in principle entitled to use the I/my locutions with respect to the same object. So in order to perform adequately the constitutive role I ascribe to them, conventions defining ownership must deliberately replicate or approximate the three imperatives of identity that the body satisfies as a matter of course. To be the owner of an object, and thus to have this object incorporated within the boundaries of one's self, one must ideally be able to allude to it by an 'I' on an enduring, continuous and exclusive basis. The ideal is not always achieved, in part due to the fact that constitutive ownership is often overlaid by other institutionalized relationships to objects that share the same vocabulary though not the same meaning. Nonetheless, two features of ownership attest to the viability of the three imperatives of identity I've listed, thereby lending support to the conception of ownership I urge. First, duration, continuity and

exclusivity are salient aspects of our ordinary conception of ownership and are well recognized at least as regulative ideas in the law.²⁹ Secondly, although the use of possessive pronouns is wide ranging and is not limited to ownership, a common semantic marker, fallible but significant all the same, that distinguishes the owner and the constitutive connotations of her use seems to exist. It is an emphatic use often preceded by “really.” So, for example, I can with perfect legitimacy say that “my plane leaves in five minutes;” but if a misunderstanding were to arise I would clarify: “Oh no, it’s not really *my* plane, but just the one I’m about to fly.” Bill Gates, by contrast, would aver under similar circumstances: “Indeed, it’s really *my* plane I’m talking about.”³⁰

In light of these considerations, the preliminary account of constitutive ownership ventured in the preceding section may be now supplemented to read as follows: *Ownership, as signaled by the application of a possessive pronoun to an object, consists in the permissible inclusion, on a sufficiently enduring, continuous, and exclusive basis, of that object within the scope of the personal pronouns as used by the putative owner.*

3. Value and Ownership: Solving the Puzzles

The preceding account of constitutive ownership offers quite a straightforward solution to the puzzles discussed in part 1. Consider pride first. Why is pride in the car I purchase appropriate? The analogy to the body provide an easy answer. Note first, that both in the case of the car and in the case of the body, there are certain benefits or advantages that one can obtain from the respective objects apart from their being one’s own. So, for example, there is aesthetic pleasure in observing a handsome

face or a well-shaped hand. But imagine that while admiring the reflection or the picture of that face or hand, you realize that it's your own face or hand you're beholding. There is now room not just for the initial pleasure but for a sense of pride as well. Pride is here appropriate because of the recognition that the body's attractive features are deemed one's own. If Paul has a snub nose or long fingers, then Paul himself is snub-nosed or long-fingered. On the account I suggest, taking pride in the red sports car one owns is essentially no different: through ownership of the car one becomes, we might say, red-sports-carred.

The bodily analogy affords a similarly easy solution to the puzzle of harm. Harm is ordinarily understood as a set-back to interests or a diminution of welfare or well-being. But the body provides an arena for harms that cannot be interpreted in such terms. In the case of rape by deception, for example, the victim may not even be aware that sexual intercourse took place. Similarly, a blood sample may be extracted from a comatose patient without the patient's knowledge, or any adverse effects on his health. Yet in both cases it would be agreed that the respective victims were harmed or wronged.³¹ As these cases demonstrate, we commonly hold that bodily intrusions are presumptively *per se* wrongs. Why? A natural explanation invokes the idea of autonomy: the sexual intercourse in the one case and the blood-drawing in the other were non-consensual and as such in violation of the victims' autonomy. But why is the victims' autonomy engaged in these instances, and why is their consent required? The answer cannot of course be that given a choice, these people would have objected to the acts described. People don't in general hold a veto power, not even a *prima facie* power, over others' actions of which they would disapprove. The obvious reason why, in our examples, the respective actions violate

the victims' autonomy is that by intruding upon their bodies these actions bear upon the victims themselves. Autonomy is a matter of self-determination or self-control, requiring people's consent in matters that bear on them. Our judgment that without consent the victims have been wronged rests on the implicit recognition, obvious yet noteworthy, of the body as a constituent of the self and hence as falling under the jurisdiction of the person's autonomy. On the view of ownership I have adumbrated, the same is true in principle of the objects we own. By extending the boundary of the self, ownership expands the reach of my autonomy. Using Susan's summer home without her permission is a *per se* harm (or wrong) for the kind of reason that applies to non-consensual bodily intrusions as well. In both cases Susan's autonomy is at stake, based on her constitutive ownership of the house in the one case and of the body in the other.

Autonomy, however, is not the only value at issue here. There are ways of treating someone's body, and correspondingly ways of treating someone's property, whose wrongfulness is not entirely, perhaps not even primarily, a matter of lack of consent. Consider the case of the body first. Our opposition to corporal punishment, for example, is not mostly based on deference to the offender's supposed preferences in the matter: we would not feel much more comfortable with optional flogging than with mandatory flogging. Why? The most natural way of answering this question is in terms of the idea of human dignity. Dignity is bound up with respect: to say that people have dignity is to say that they ought to be respected. Respect is an expressive, symbolic value, embedded in a system of social meanings. The affront to dignity that flogging involves is a matter of the meaning it carries, and that

meaning does not change with a particular defendant's consent. The body serves here as the medium through which a symbolic message concerning the person is registered and takes effect.

Now similar observations apply to property as well. Like one's body, one's property is a medium through which respect toward one or disrespect may be conveyed, thus providing an additional arena for affirmations and denials of one's dignity. Consider the following example from a recent novel by Philip Roth.³² As a defiant act of protest, a disgruntled poor man, evicted from an apartment whose rent he can no longer afford, defecates, before leaving the apartment, in the living room, and proceeds to smear the walls with his excrement. The owner is obviously the intended target of this action. But how is he supposed to be affected by it? Since the narrative context within which this act takes place concerns resentment against the capitalist system, neither the perpetrator nor the reader should be expected to assume that the physical discomfort of coping with the mess would be visited upon the owner himself. It is much more likely in this context that some janitors will be dispatched to do the clean up. And yet the shocking gesture is rightly perceived as directed against the owner and not against the janitors. Here again, it is the symbolic nature of the action that is of primary significance. But why of all people should the symbolism address the owner? The simple answer is that defecating in someone's living room counts as an expression of disrespect against the person whose apartment it is just as surely as some other actions taken with regard to someone's body count as insults to the person whose body it is. Constitutive ownership provides in both cases the crucial link between the person and the offensive meaning of the actions involved.

These observations about harm lead to the wider issue of value with which I began. How are we to understand the surplus value that owning an object seems to involve over and above the stream of benefits the object provides? To return to my initial example: In what sense can owning a pile of apricot pits endow them with a value they would not otherwise have? The idea of dignity I've just broached provides at least the beginning or an answer. Recall Kant's well-known distinction between dignity and price.³³ Whereas price measures the value of things for people, a value that is contingent upon and relative to their needs and desires, dignity is the categorical value of people themselves. Both kinds of value apply to the body. The value of an arm or an eye is measured in part by its utility for us. But as we have just seen, the body has value apart from the advantages and gratifications that different body parts offer us: As a constituent of the self, the body provides an arena in which a person's dignity can be affirmed or denied through expressions of respect or disrespect. On the view I urge, the physical constitution of the self is not coextensive with the body. Insofar as other objects participate in the self's constitution, they too become avenues for the expression of respect or disrespect, and are in this sense affected with dignity too. In short, ownership value is our own value extended to various objects.

Doesn't applying to property the language of dignity cheapen the idea of dignity or trivialize it? I cannot hope to dispel all the likely worries here (including my own) but will confine myself to two comments in mitigation. The first concerns what we may describe as the ever increasing modularity of the body and the growing permeability of its boundary. The idea of the body as an exclusive physical sanctuary of the self is coming under mounting pressure, in part due to the spectacular rise in the two-

way commerce between the body and other objects. The more that external objects, such as an artificial heart or a baboon's liver, get incorporated into the body, and the more that body parts are usefully detached from it to serve as spare parts for other people's bodies, the more difficult it becomes to accept the normative significance of a rigid boundary along the body's surface.³⁴ The advent of such transactions, though not by itself of great philosophical moment, helps bolster a recognition that nothing in the physical world is ineluctably and securely me, and nothing is irredeemably Other, thus making it ever harder to maintain or pretend that the body remains the only seat of selfhood and dignity.³⁵

Secondly, to say that concerning dignity, no qualitative difference between the body and other objects we own exists is not to deny that important quantitative distinctions can be drawn. After all, such gradations obviously exist with respect to the body itself. Though the body as a whole is a constituent of me, and is thus protected by my dignity, the normative significance of various actions that concern the body or impinge on it will greatly vary depending on which body parts are involved: compare, for example, the touching of someone's genitals to the touching of hands or hair. In a similar vein, the dignitary aspect of property may vary between the important and the trivial. I will not try here to speculate on the complicated determinants of such gradation. I only observe that such a quantitative gradation need not correspond, other than perhaps roughly, to the body/property distinction: considerations of dignity may in principle be more centrally implicated in some actions or transactions that concern one's property than in some actions or transactions that concern some body parts.

I finally reach the last puzzle I've described: Wittgenstein's joke. How can claiming ownership of an object while denying any specific rights with respect to it be meaningful rather than self-

contradictory? For reasons that should be clear by now, my answer is this: far from being a bundle of rights, ownership in the constitutive sense is not essentially a right at all. Such ownership names instead an ontological relation to an object, one of placing it within the boundaries of the self. No rights need be involved in this determination of the self's constitution. However, as we have seen throughout this section, the determination through ownership of the self's boundaries does assume normative significance in light of a background battery of personalized norms and other evaluative attitudes such as dignity, autonomy, pride, and respect. By "personalized" I mean norms and attitudes, either self- or other-regarding, that have particular persons as their objects. The scope of such norms and attitudes will accordingly depend on how the boundaries of self are drawn. The normative significance of ownership in general, and the rights associated with it in particular, are the by-products of these background personalized norms and attitudes. By fixing the boundaries of the self, ownership helps determine the occasions in which these norms and attitudes are activated and apply.

Conclusion

We are now in a better position to see the idea of ownership in its full complexity. We can do so by reuniting the two aspects of ownership that I distinguished early on: the pragmatic aspect, that I tied to the idea of object value, and the constitutive aspect tied to ownership value. The institutions of private property are concerned, for the most part, with assigning people pragmatic ownership, consisting in bundles of rights designed to afford the owner a share in the object's value. In doing so, these institutional arrangements also participate in forming the social and linguistic conventions that

pertain to the use of the personal pronouns and correspondingly to the boundaries of the self. In shaping the use of these pronouns and defining the boundaries of the self, pragmatic ownership gains a new normative significance. This significance derives from those background values, such as autonomy and dignity, whose domain is coextensive with the self and is therefore sensitive to variations in the latter's socially determined composition and boundaries.

ENDNOTES

1. My discussion is limited to the ownership by an individual owner of physical objects. This leaves out, among many things, important forms of wealth such as ownership of stock, collective ownership of various kinds, etc. Though my discussion bears indirectly on these kinds of property holding and raises some interesting questions about them, I do not pursue these issues in the present paper.
2. For purposes of terminological simplicity, I use “personal pronoun” to designate ‘I’ and ‘me’ and “possessive pronoun” to designate ‘my’ and ‘mine.’
3. Though this assumption is mostly taken for granted in discussions of property, it is occasionally explicitly stated. E.g.: "property is also a set of interests, for if the things we own become worthless, we no longer have property." Virginia Held, "Property Rights and Interests", *Social Research* 46 (1979):550-79, at 550. "In the last analysis both primitive and civilized man will only take the trouble to acquire objects because they have value for him", Ernest Beaglehole, *Property: A Study in Social Psychology*, (London: George Allen & Unwin, 1931) at 156.
4. Exchange value, such as that of money, is obviously parasitic on such primary advantages as those I list. However, the concept of object value and the analysis based on it pertain to objects with such secondary value as well.
5. See Wesley Hohfeld, "Some Fundamental Legal Conceptions as Applied in Judicial Reasoning", *Yale L. J.* 23 (1913):16; A.M. Honoré, "Ownership" in A.G. Guest, ed., *Oxford Essays in Jurisprudence* (First Series) (Oxford: Clarendon Press, 1961) 107; Frank Snare,

"The Concept of Property", *Am. Phil. Q.* 9 (1972):200-06; Thomas Grey, "The Disintegration of Property", *Nomos*, J. Roland Pennock and John W. Chapman, eds., V. 22 *Property* (1980) pp. 69-85; Stephen Munzer, *A Theory of Property* (Cambridge: Cambridge University Press, 1990), pp. 22-3.

6. A study of collecting habits among American children lists about 300 different items, some quite outlandish. They include, to mention a few, acorns, beans, birds' beaks, cans, chalk, broken dishes, flint, pebbles, rabbit ears, and sticks. See Caroline Frear Burk, "The Collecting Instinct", *Pedagogical Seminary* 7 (1900):129-207, at 183-85. Apricot pits are collected by Israeli kids. I stick mainly to this example not just out of nostalgia, but because in the collecting-of-worthless-objects department it still strikes me as, well, the pits . . .
7. Positing, as psychologists sometimes do, a "collecting" or an "acquisitive instinct" as the ostensible basis of the value we seem to find in ownership for its own sake faces the same problem without solving it. Obviously, the idea of an "acquisitive instinct" presupposes that of ownership -- to acquire an object is to obtain ownership of it. But if the satisfactions one derives from the object, e.g. from handling it or excluding others from it, depend on having first "acquired" it, what then is the acquisitive instinct a desire for? See, for example, Caroline Frear Burk "The Collecting Instinct", *ibid.*; Leon Litwinski, "Is There an Instinct of Possession?" *British J. Psychology* 33 (1942):28-39. In later studies, some psychologists have attempted to reduce ownership (or possession) to some other, allegedly more basic, instinct or need, such as 'effectance' ("human beings are motivated to produce effects and interact competently in their

environment,” Lita Furby, “Possessions: Toward a Theory of Their Meaning and Function throughout the Life Cycle”, in P.B. Baltes, ed., *Life Span Development and Behavior*, (New York: Academic Press) V. 1, pp. 298-336, at 312). But first, it’s not at all clear how the collectibles I discuss advance such a function; and second, as the interchangeable use of ‘possession’, ‘ownership’, and ‘property’ suggests, this approach does not seem to distinguish ownership, as a qualitatively distinct relation to objects, from simply handling objects in various ways. Some psychologists, though, explain collecting in particular and property in general by the “extension of self” metaphor. See, for example, Russell Belk et al, “Collectors and Collecting”, *Advances in Consumer Research* 15 (1988):548-53 at 550-51; G.W. Allport, *Becoming* (New Haven: Yale University Press, 1955); E. Prelinger, “Extension and Structure of the Self”, *J. Psychology* 47 (1959):13-23. As I point out in the next part, mine is an attempt to give a specific philosophical content to this metaphor.

8. The most extreme cases may be dubbed ‘fetishism’ and thus be deemed pathological. But that would not deprive them of their significance either. The labeling does not resolve the conceptual puzzles; and by exaggerating certain features of the ‘normal’ situation, pathology, here as elsewhere, can be a useful heuristic in studying the ordinary.
9. It might be suggested that even though both scenarios secure precisely the same advantages, in borrowing the car, but not in buying it, you are beholden to someone else. And it is this dependency on or subservience to someone else that mars your enjoyment of the borrowed car. But an account of your greater pride in the purchased car along these lines is unpersuasive.

First, unpleasant as feeling beholden to the lender may be, the connection between it and taking pride in the car is not at all clear. Moreover, the very notion of 'being beholden' to the owner, rather than helping explain the ideas of ownership and its transfer, presupposes those ideas.

After all, when buying the car, the seller might also be imagined to say: "You may now do with this car as you please, provided you're willing to bear the financial consequences." Should you now be beholden to the seller? It cannot matter that the seller, unlike the lender, acts out of self-interest. It's easy to imagine the reverse situation, in which the seller does you a favor in selling you the car and in which the lender is propelled by self-interest. You would still not be beholden to the seller in the requisite sense in the former case, nor would the opposite effects follow in the latter. The reason that you're not beholden to the seller for the opportunity to enjoy the car has nothing to do with the seller's motives in parting with it and everything to do with the car's being now simply *yours*.

10. It has been generally recognized that pride is a peculiarly self-regarding emotion. But though this view seems intuitively compelling, giving a precise account has proved notoriously difficult. Three main suggestions have been made, but none is quite satisfactory. The first, and simplest, is to equate the object of pride with its subject: one can take pride only in (an aspect of) oneself. But unless our ordinary conception of human beings is replaced here by the extended conception of self I later propose, this suggestion is belied by the examples we considered in which property is a source of pride. To accommodate these cases a looser standard has been proposed, requiring only that there be some connection between the object of pride and its

subject. But this is obviously too loose: there is some connection between the subject of pride and anything whatsoever, and unless the kind of connection required is spelled out, and its relevance to pride shown, the standard does not advance our understanding much. The third suggestion is indeed more restrictive than the latter, while being more inclusive than the first, and is for this reason the most promising: the objects of pride are the things we own. But as it stands the suggestion begs the question we consider: what is it about the relation to an object we call ownership that would legitimately give rise to a feeling of pride? See Gabriele Taylor, *Pride, Shame, and Guilt: Emotions of Self-Assessment* (Oxford: Clarendon Press, 1985).

11. See generally Joel Feinberg, *Harm to Others*, ch. 3 and *Harmless Wrongdoing* (N.Y.: Oxford University Press, 1988).
12. N. Malcolm, *Ludwig Wittgenstein - A Memoir* (1967) p. 31, cited in Bruce Ackerman, *Private Property and the Constitution* (New Haven: Yale University Press, 1977) p. 233.
13. The origin of the modern discussion of self-ownership is Locke: "every man has a Property in his own Person," *Two Treatises of Government*, Critical Edition, Peter Laslett, ed. (Cambridge: Cambridge University Press, 1960), II § 27. Though many writers consider self-ownership as involving the body, Jeremy Waldron insists on the importance to Locke's view of the distinction between the person and the body. See *The Right to Private Property* (Oxford: Clarendon Press, 1988) pp. 177-83. For other critical discussions of self-ownership, see for example, J.P. Day, "Locke on Property", *Phil. Q.* 16 (1966):207-20; G.A. Cohen, *Self-Ownership, Freedom and Equality*, (Cambridge: Cambridge University Press, 1995); Alan

- Ryan, "Utility and Ownership", in *Utility and Rights*, R.G. Frey, ed. (Minneapolis: University of Minnesota Press, 1984) pp. 175-95.
14. On the natural-law doctrine of the *suum* as the extension of personality, see Karl Olivecrona, "Locke's Theory of Appropriation", *Phil. Q.* 24 (1974):220-34, at 222-24. The most influential modern theory of this type is Hegel's, in *The Philosophy of Right*, T.M. Knox, trans. (Oxford: Oxford University Press, 1967), pp. 40-57. For an illuminating critical discussion, see Jeremy Waldron, *The Right to Private Property*, op. cit., Ch. 10. A recent revival of this general approach can be found in Margaret Jane Radin, *Reinterpreting Property* (Chicago: The University of Chicago Press, 1993), and "Market-Inalienability", *Harvard Law Review* 100 (1987):1849-1937. In the psychological literature the best known view along these lines is that of William James: "In the widest possible sense . . . a man's Self is the sum total of all that he can call his", *Principles of Psychology* (New York: Macmillan, 1890) V. I p. 292.
 15. The Kantian insight on which I draw is famously expressed by his claim that "It must be possible for the 'I Think' to accompany all my representations." *Critique of Pure Reason* B131 (Norman Smith trans., New York: St. Martin's Press, 1929, p. 152).
 16. Cf., e.g.: "To be an I, a self, is to have the capacity for reflexive self-reference," Robert Nozick, *Philosophical Explanations* (Cambridge, Mass.: Harvard University Press, 1981) p. 78.
 17. Cf., Lichtenberg's well-known response to Descartes, that instead of "I think" all that can be legitimately claimed ought to take the form of "It thinks," with "it" used as in "it is raining."

18. A particularly helpful discussion that reaches a conclusion similar to mine can be found in Hans Sluga, ““Whose house is that?”, Wittgenstein on the Self,” in *The Cambridge Companion to Wittgenstein*, Hans Sluga and David Stern, eds. (Cambridge: Cambridge University Press, 1990) pp. 320-53.
19. Immunity to such error is associated with the use of ‘I’ “as subject,” in Wittgenstein’s terminology. See *The Blue and Brown Books* (New York: Oxford University Press, 1958), pp. 66-7. For a clear statement of the issues involved see Sydney Shoemaker, “Self-reference and Self-awareness,” *J. Phil.* 65 (1968), pp. 555-67.
20. For the phenomenology of the “extension of body” idea, see, for example, M. Merleau - Ponty, *Phenomenology of Perception*, Colin Smith, trans. (1962) esp. pp. 143, 145; John Dewey, *Democracy and Education* (1916, reprint ed. Simon and Schuster, 1997) p. 195. But as Kant, among others, was well aware, the puzzle of ownership arises most acutely when there is no physical contiguity with the body: “I do not call an apple mine simply because I hold it in my hand (possess it physically) but only if I can say: I possess it even when I let it out of the hand that is holding it.” *The Metaphysical Elements of Justice*, John Ladd, trans. (Indianapolis: The Bobbs-Merrill Comp., 1965) p. 54. Kant’s solution is to recognize a noumenal *de jure* proprietary relationship that occurs in the intelligible realm and that involves a union of the subject’s will with the object viewed as a thing-in-itself. *Ibid.*, pp. 55-64.
21. Cf. Eddy Zemach, “The Reference of ‘I’,” *Philosophical Studies* 23 (1972), pp. 68-75. The problem of drawing the boundaries of the entity to which “I” refers is also raised in Michael

- Woods, "Reference and Self-Identification," *J. Phil.* 65 (1968), pp. 568-78.
22. These comments draw heavily on John Searle, *The Construction of Social Reality* (New York: Free Press, 1995); see also Margaret Gilbert, *On Social Facts* (Princeton: Princeton University Press, 1992).
23. The classical text on the social construction of the self is George Herbert Mead, *Mind, Self and Society*, Charles Morris ed., (Chicago: University of Chicago Press, 1934). See also his distinction between self and organism, on pp. 135-44. On Mead's view of the relation between physical objects and the self, see E. Doyle McCarty, "Toward a Sociology of the Physical World: George Herbert Mead on Physical Objects," *Studies in Symbolic Interaction* 5 (1984):105-21. See also Peter Berger and Thomas Luckmann, *The Social Construction of Reality* (Garden City, N.Y.: Doubleday, 1966), pp. 173-80. But for a critical view cf. David Wiggins, "Locke, Butler and the Stream of Consciousness: And Man as a Natural Kind," in Amélie Rorty, ed., *The Identities of Persons* (Berkeley: University of California Press, 1976) pp. 139-73.
24. Isn't the resulting picture of the self in its physical incarnation as spatially discontinuous simply too bizarre? In assessing the oddity of this picture, it should be reassuring that the self is not the only entity with such a spatial configuration: think of the Roman Empire and the United States of America, among many others. The objection in the case of the self may thus be better understood as normative rather than ontological: that allowing for such peculiarities in our conception of the self will play havoc with some fundamental moral and legal understandings.

Suppose that I spend an evening at the theater in the company of friends. In the next morning's paper, I read about a death that occurred the previous evening at the race track. Shouldn't I feel secure in my knowledge that my undisputed alibi gives me a metaphysical warranty against any involvement in this nefarious matter? But such confidence would be ill-founded. I may be implicated in the death and indeed held responsible for it if, for example, it was my horse that threw off its jockey or trampled a hapless onlooker. In a legal regime of strict liability, for example, my responsibility may depend exclusively on my ownership of the horse, irrespective of how I became its owner, e.g., by purchase or inheritance, or of any failure on my part to properly train the horse or prevent the accident in any other manner. This is not the place to explore further our practices of ascribing responsibility. The example is only meant to suggest that rather than contradict the spatial peculiarities I claim for the self these practices tend to validate them. I deal at greater length with these issues in "Responsibility and the Boundaries of the Self," *Harvard Law Review* 105 (1992):959-1003.

25. Cf. the view of self-ownership as stated in 1646 by the Leveller Richard Overton, in his *An Arrow against all Tyrants*: "for every one as he is himselfe, so he hath a selfe propriety, else could he not be himselfe." Cited in Day, "Locke on Property," *op. cit.*, at 219.
26. The order of acquiring the pronouns by children may be reversed, too. See, for example, the comment by W.C. Bronson that "It is as if 'I' was being partly defined by exploration of the notion of what is 'mine' or under 'my' control", in "Developments in Behavior with Age-Mates During the Second Year of Life", in N. Kewus and K.A. Rosenblum, eds., *Friendship and*

Peer Relations (New York: Wiley, 1975), at 145-46. My interest is in the conceptual relation between the pronouns as used by adult speakers.

27. Other people are among the physical objects to which possessive pronouns can refer. Our relationship to other people marked by the use of these pronouns resembles in many ways our proprietary relations to objects. So, for example, I take special pride in *my* child or spouse, and what qualifies someone as one or the other is no less problematic than the proprietary relation to other objects. An extension-of-self analysis suggests itself here as well, though the difference between the case of people and other objects is revealed in the difference between the respective personal pronouns used in the two cases. When other people are involved, the personal pronoun used to refer to, say, my children or wife is ‘we’ or ‘us’ rather than ‘I’ and ‘me’ that serve to encompass other physical objects. Whether and under what conditions ‘we’ and ‘us’ should be interpreted as giving rise to or expressing a collective identity is a question that falls outside my present topic.
28. See sources cited in note 20 *supra*.
29. See for example Blackstone’s classical definition of ownership as “the sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe.” See William Blackstone, *Commentaries on the Laws of England* 11th ed. (London, 1791) Vol. II, p. 2.
30. To criticize, as some authors do, a natural-law approach to property by insisting on the social origins of property is, accordingly, to see only half the picture. See, e.g., Joseph Singer and

Jack Beermann, "The Social Origins of Property," *Canadian J. Law and Jurisprudence*, 6 (1993): 217-48, in which the authors take the American Supreme Court to task for failing to realize that property is socially constructed. Though I find many of their criticisms sound, from my perspective the authors are themselves guilty of a similar omission in not realizing that so is the self.

31. As I mentioned earlier, nothing relevant here seems to me to depend on the preferred locution, whether of 'harm' or 'wrong.' Whatever the terminology, the point is that something untoward was done to these victims, and that they have, counterfactually, something to complain about and protest.
32. *I Married a Communist* (Vintage Books, 1999).
33. Immanuel Kant, *Groundwork of the Metaphysic of Morals*, H.J. Paton, trans. (London: Hutchinson, 1948) pp. 96-7.
34. Considerations such as these motivate the attempt by Samuel Wheeler III to derive property rights directly from rights in the body in "Natural Property Rights as Body Rights," *Noûs* 14 (1980):171-93. The attempt is unsuccessful for reasons forcefully stated -- and sometimes overstated -- in David Braybrooke, "Our Natural Bodies, Our Social Rights: Comments on Wheeler," *ibid.* 195-202.
35. The law is increasingly implicated in the difficulty of maintaining this boundary. See, for example, *Moore v. Regents of the University of California*, 51 Cal. 3d 120, 793 P.2d 479 (1990), a leading case in which the California Supreme Court was split on the issue of the

plaintiff's rights concerning the commercial exploitation of his spleen cells. This is not to deny, however, that real dangers lurk in this direction, as demonstrated, I think, by a piece such as James W. Wiggins, "The Decline of Private Property and the Diminished Person," in *Property in a Humane Economy*, S.I. Blumenfeld, ed. (LaSalle, Ill.: Open Court Pub. Co., 1974) pp. 71-84.