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You Are Not Your Own: A Critique of Liberal Social Ethics

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Abstract: Appeals to consent, autonomy, and self-ownership form the basis of much of contemporary liberal and libertarian social ethics. Call these *individualist* theories of social ethics. The plausibility of individualist theories, I shall argue, depends upon a number of background metaphysical commitments that are often left unstated and undefended. These commitments and their problems are the chief subject of this paper.

Appeals to consent, autonomy, and self-ownership form the basis of much of contemporary liberal and libertarian social ethics. Call these *individualist* theories of social ethics, given their emphasis on the moral authority of the self. The plausibility of individualist theories, I shall argue, depends upon a number of background metaphysical commitments that are often left unstated and undefended in the literature. These commitments and their problems are the chief subject of this paper.

I shall argue that individualist theories are inherently deficient in grounding any substantive approach to morality. Substantive appeals to consent, autonomy, and self-ownership must rely on a prior set of moral presuppositions, and as such they cannot form the basis of any system of morality. This is not to say that consent, autonomy, and self-ownership are not important, but rather that the content, scope, and limits of these concepts must be defined by one's prior philosophical commitments. The real debate, then, concerns the philosophical anthropology we adopt.

On that note, I shall argue that a philosophical anthropology based on natural law theory provides much greater explanatory power and plausibility than its individualist counterparts. The latter part of this paper will therefore sketch and defend a natural law approach to social ethics, which will then be briefly applied to a number of moral issues. The resulting theory is best encapsulated in St. Paul's words: "you are not your own." It is an ethic of *stewardship*, not individualism.

Moral Individualism

What rights do we have over ourselves? According to a common individualist slogan, we possess the unlimited right to do whatever we want with our own bodies, provided that we do not harm other people in the process. As the great liberal thinker John Stuart Mill put it: “over himself, over his own body and mind, the individual is sovereign.”¹ This basic rationale has been used to justify a host of liberal social policies, including abortion, homosexuality, transgenderism, prostitution, and recreational drug use.

There are a number of ways of understanding the individualist claim. Many libertarians frame it in terms of *self-ownership*. On this view, we have a general right of ownership over ourselves that is analogous to how we own property. This right functions as a “master right” from which all other rights are derived. Others treat the individualist claim as an extension of the general right to autonomy, or as derived from the authority of consent. Regardless of which view we take, all have the same outcome, namely a very permissive social ethic. All views, however, face the same set of problems.

The Inadequacy of Consent and Autonomy

Consider first the oft-cited appeal to consent as a legitimating standard for social ethics. Slogans such as “we’re consenting adults” are often invoked to shut down debate over the permissibility of certain actions, especially when it comes to sex. However, such an approach is easily shown to be deficient because it simply misunderstands the nature of consent. Consent works by *giving permission* for someone to do something that would have otherwise been forbidden.² Notice, however, that I cannot *give* permission if I do not *already* possess that permission to begin with. I cannot, for example, give permission for you to use my neighbor’s property because I do not have that permission myself. Thus, appealing to consent alone in order to justify some activity amounts to circular reasoning, in that one assumes the moral permissibility of the very activity in question. The mere act of giving consent does not generate permission out of thin air. Consent is not a magic wand that can justify anything.

Put another way, consent only has moral power when considered under the backdrop of an underlying moral theory, similar to how the normative

¹ John Stuart Mill, *On Liberty* (London: Longman, Roberts, & Green Co., 1869), accessed March 1, 2018, www.econlib.org/library/Mill/mlL.bty1.html.

² Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* 7th ed. (New York, NY: Oxford University Press, 2013), 110.

force of a policeman's commands depend essentially on his occupying a position of authority. His commands are authoritative not because of the fact that they are commands, but because they originate from a position of authority that bestows them with normative force. Since the legitimacy of consent is dependent on a pre-existing moral framework, the question we should ask is whether we have any pre-existing duties or obligations that restrict the scope of what we are allowed to consent to.

Appeals to autonomy fare no better. The mere fact that something is chosen does not mean that it is permissible. One's choice of activity is only morally licit if the activity in question is already morally permissible. Like consent, appeals to autonomy derive their force from a pre-existing moral framework.

The Inadequacy of Self-Ownership

The same problem exists for appeals to self-ownership. It does not immediately follow from the fact that one owns himself that his use-rights over his own body are absolute and unlimited. Ownership of something like a cell phone, watch, or pencil plausibly entails an exclusive right to determine how it may be used. But why think that this is analogous to *persons*, who constitute a very different type of thing? The reason why we think that it is permissible to do whatever we want to our "mere property" (short of harming others) is because we implicitly understand that cell phones, watches, pencils, and the like aren't items with basic dignity or intrinsic value. But unlike a cell phone or pencil, persons are moral agents with rights and responsibilities who stand in certain relations to themselves and others. In Kantian terms, persons are intrinsically valuable as ends-in-themselves, whereas mere objects are valuable only as means to further ends.

This radical difference between persons and mere property implies very different standards of treatment between the two. The reason why I can do whatever I want to my watch (such as sell it or smash it) is because there are no morally salient facts about the watch that limit what I can do with it. The watch is a non-moral entity, and as such as I can use without regard to its own well-being. This explains why my right of ownership over "mere property" is unlimited. But if we substitute the watch with something that has inherent moral worth and which can be harmed in morally salient ways, then my use-rights are limited by its well-being. Like consent, the scope of ownership and use-rights are constrained by more basic moral facts.

Thus, if we own ourselves, then we own ourselves in a way that's very different from how we own mere property. Our nature as moral beings sets

limits on the scope of what we may do to ourselves in the name of self-ownership. Since these limits are derived from some underlying moral theory, it doesn't follow from the mere fact of self-ownership that we have an absolute right to do whatever we want to ourselves. This is especially true if we have *duties to ourselves*, which I will argue for shortly. By appealing to self-ownership as an argument in support of certain controversial practices, one simply begs the question by assuming the truth of the very philosophical anthropology being debated.

No Rights Without Duties

Now, appeals to consent, autonomy, and self-ownership are all specific versions of the more basic claim that we have a *right to self-sovereignty*. Let us now consider the merits of this claim. But before we do so, it is useful to first get a handle on the nature of rights.

Rights function as a “moral shield” that protects us as we go about pursuing the good life. Despite their many varieties, all rights are *claims* to some end, whether that be positive claims to be provided with some good or service or negative claims to forbear from a certain kind of action. Notice that rights are irreducibly teleological: they are oriented towards securing certain ends. This fact will prove crucial later on.

But why do we have rights at all? What is it about certain goods that makes them worth protecting, such that others are *obligated* to respect them? It is true that certain goods are needed in order for us to flourish, but this cannot provide a complete answer. Plants need nutrients and hydration in order to survive, yet nobody would say that plants have *rights* to these things. How then do we go from the fact that we need certain goods to the claim that we have a right to them?

Answer: We have rights because we have obligations. The fundamental axiom of morality is that the good should be done and evil should be avoided. This task cannot be accomplished unless we are afforded some degree of protection as we go about pursuing the moral life. This is where rights enter into the moral equation. Rights exist for the sake of the rights-bearer. They protect the goods that we need as we go about fulfilling our duties. Rights obligate others to respect us because we ourselves are obligated ourselves to pursue what is good and avoid what is evil. Thus, the reason why we have rights and why plants do not is because we have an obligation to pursue what is good for us (on account of our being rational beings), while plants do not.

In other words, there are no rights without duties. We cannot talk about rights without also talking about the duties to which they correspond. I have

the right to life because I am obligated to live my life to its fullest extent. I have the right to freedom of expression because I am obligated to develop my talents. The same is true of the right to self-sovereignty: I have a right to self-sovereignty because I cannot pursue my good unless I am able to govern my own activity.

This fact, however, also puts limits on my right to self-sovereignty. Because the point of self-sovereignty is to facilitate my pursuit of my good, it cannot extend to activities that are not conducive to my well-being. This is true of all rights: since the point of a right is protect its bearer as he goes about pursuing his good, a right cannot extend to an activity that undermines his pursuit of his good. Because rights are inherently teleological, they are limited by the end for which they exist. Specifically, they are limited by the obligations we have.

As we have seen, the chief problem facing individualist theories is that they are incomplete. Appeals to consent, autonomy, and self-ownership all rest on a prior moral framework. Specifically, they are all attempts to understand rights without responsibilities. In each case, the scope of what is justifiable must be constrained by our prior obligations.

No Ownership Without Stewardship

So, what are these obligations? While I cannot give a full account of moral obligation here, some cursory remarks are in order. Recall that the fundamental axiom of morality is that the good is to be done and evil is to be avoided. Our most basic obligation is to pursue what is good for us. Now to call something good is to say that it is fulfilling of something's nature or function. For example, a good pen is one that writes well; a good calculator is one that returns the correct answer; and a good firefighter is one that fights fires well. What is good for us, therefore, is determined by what is fulfilling of us as human beings. This includes the various faculties that constitute our makeup. We have an obligation to promote our flourishing and refrain from its frustration.

To put things in more familiar terms, we are obligated to be stewards of ourselves. Consent, autonomy, and self-ownership work together to facilitate different aspects of this obligation. The purpose of consent is to assent to that which we need to fulfill this obligation; the purpose of autonomy is to choose those things that promote the development of our talents; and the purpose of self-ownership is to facilitate self-stewardship.

This last point is worth fleshing out. It is not wholly incorrect to say, as the libertarian does, that we own ourselves, so long as self-ownership isn't

understood to be where the buck stops. As we saw with self-sovereignty, the reason why we own ourselves is because we need a certain domain of control in order to go about fulfilling our obligation to develop ourselves. Without reference to this obligation, there would be no explanation as to why we own ourselves. At the same time, this obligation acts as a constraint on self-ownership. Self-ownership, therefore, is subordinate to self-stewardship. It cannot justify that which does not promote our good.

That all being said, while it is pragmatically useful to speak of “self-ownership” as a shorthand way of referencing the rights we have over ourselves, the actual concept of self-ownership as meant by libertarians appears to be incoherent. Property ownership in general is instrumentally good: nobody owns property for the sake of owning property. The reason we own property is so that we can use it to enhance our well-being. Indeed, that is the *purpose* of property ownership. Even the person who owns an expensive art collection doesn’t own it for its own sake, but for the aesthetic experience, fame, or some other good that the art bestows upon him. Since property ownership serves a purpose that is instrumental to us, *self*-ownership makes no sense. Something cannot be its own instrument, and so I can make no sense out of the idea that we are instrumental to ourselves. The self is the very thing that property is for, so to think of the self as property itself is actually to denigrate its inherent value. We are ends in ourselves, not means to some further end.

A second conceptual worry with self-ownership has to do with a potential bootstrapping problem. To own something is to authoritatively assert a certain set of rights over it. Now I cannot assert ownership rights over myself without first already being in a position of authority over myself. But since the source of my authority is supposed to derive from my owning myself, then we are left with a vicious circle. Ownership is an asymmetrical relationship that requires that property owners be above their property. But something cannot be above itself. So, we cannot own ourselves.

The proponent of self-ownership could escape these worries by adopting a sort of mind-body dualism whereby the self is an immaterial mind that owns a material body. But this isn’t a solution at all, since what we’re left with isn’t actually *self*-ownership, since the body is treated as an instrument that is external to one’s actual self. Moreover, this solution creates more questions than it answers, for what does it mean to say that an immaterial mind owns a body? Certainly, the mind and body may be causally connected, but how do we get from a causal connection to ownership?

Regardless of whether we can salvage the concept of self-ownership, it is better to describe the rights we have over ourselves in the language of stewardship. Linguistically, the term “self-ownership” wrongly prioritizes the

authority of the self, whereas speaking in terms of stewardship rightly emphasizes a proper balance between our self-sovereignty and our obligation to respect our nature. Indeed, stewardship emphasizes that we are beholden to something more fundamental, namely the good as it is hard-wired into our nature. For theists, stewardship also emphasizes the fact that we ultimately beholden to the author of nature himself. We are not our own.

Applications

This view of stewardship as I have framed it has significant implications for applied ethics. Here, I will sketch just a few.

In the realm of morally permissible sex, the stewardship view rules out any kind of sexual activity that disrespects the procreative and unitive functions of sex.³ Additionally, forms of sexual expression that contradict the realities of our human bodies are also prohibited.⁴ Abortion too is ruled out, for abortion constitutes a direct attack on the good of human life.⁵ On these issues, individualist appeals to bodily autonomy ignore the purpose of autonomy, which is to facilitate what is truly good for us.

Outside of sex, the stewardship view rules out physically destructive activities such as smoking and recreational drug use.⁶ Smoking is prohibited because it damages one's body, while recreational drug use is prohibited because it impairs one's ability to reason. We ought to use our rational capacities to pursue good and avoid evil. Since recreational drug use impairs our ability to discharge these obligations for reasons that are irrelevant to our health, it is immoral.

In social ethics more generally, the stewardship view provides a mean between libertarianism on the one hand, and communitarianism on the other. While we are afforded a large degree of self-sovereignty due to the multifaceted ways in which our good can be realized, it is at the same time limited by the

³ For defenses of this view see: Timothy Hsiao, "A Defense of the Perverted Faculty Argument against Homosexual Sex," *Heythrop Journal* 56:5 (2015): 751-758. Also, Timothy Hsiao, "Consenting Adults, Sex, and Natural Law Theory," *Philosophia* 44:2 (2016): 509-529; Also, Timothy Hsiao, "The Perverted Faculty Argument," *Philosophia Christi* 19:1 (2017): 207-216.

⁴ On transgenderism see: Ryan T. Anderson, *When Harry Became Sally: Responding to the Transgender Moment* (New York, NY: Encounter, 2018).

⁵ See Francis J. Beckwith, *Defending Life: A Moral and Legal Case Against Abortion Choice* (New York, NY: Cambridge University Press, 2008).

⁶ See Timothy Hsiao, "Why Recreational Drug Use is Immoral," *National Catholic Bioethics Quarterly* 17:4 (2017): 605-614.

purpose of developing only that which is truly good for us. Moreover, while our good includes things that are individual to us, it also includes relational goods that stem through our nature as social creatures, as made evident through the fact that we possess the ability to communicate and reproduce. All in all, we are left with a balanced view of morality.

Conclusion

I have argued in this paper that individualist accounts of social ethics are essentially incomplete. They have no substantive content unless attached to a prior moral theory. Specifically, they are all attempts at specifying rights without reference to responsibilities. Once these responsibilities are fleshed out, however, we arrive at a set of conclusions that differ radically from that of the contemporary liberal and libertarian. What makes consent, autonomy, and self-ownership worthy of moral protection in the first place is the fact that we are obligated to be stewards of ourselves. There are no rights without duties, and no self-ownership without self-stewardship.

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