

Now It's *Personal*: From Me to Mine to Property Rights*

David Shoemaker (Cornell University) & Bas van der Vossen (Chapman University)

In *Anarchy, State and Utopia*, Robert Nozick famously (and infamously) writes that: “Taxation of earning from labor is on a par with forced labor.”¹ The claim is hyperbolic, as there are many and obvious differences between being forced to labor and having one’s earnings from labor taxed away. But Nozick aimed to make a broader point. When our possessions are taken, this does not just involve inanimate objects or numbers in bank accounts. Such takings represent something personal, a potential incursion of the self. In this sense, he thought, taxation might be somewhat like things that are done to our bodies.

This is our topic: what is the connection between our persons or selves and the things we own as our property? Nozick seems to have favored understanding this connection as one of extension, in particular the extension of rights. On that view, the rights we have over our property are extended versions of the rights we have over our selves. Since the rights we have over ourselves are part of natural justice or morality, and this approach sees rights over property in the same way, we can call this a *naturalist* approach. Obviously, a naturalist approach sees property rights as natural rights, rights that are of a piece with (because extensions of) rights over our persons.

* We are grateful for the helpful remarks we received from several people who read earlier versions of this paper, including Andrei Marmor, Shaun Nichols, Hannah Carnegie-Arbuthnott, Sean Aas, John Thrasher, Keith Hankins, Bart Wilson, and Kelvin McQueen. We’d also like to include on this list our thanks to the many anonymous referees from journals that rejected earlier versions of this paper. In a few instances, they actually made the paper better. Finally, we are grateful to Steve Wall, Bryan Leonard, and Vernon Smith for helpful informal discussions of some of the ideas contained herein

¹ Nozick, Robert. 1974. *Anarchy, State, and Utopia*. New York: Basic Books

Naturalism about property rights is not popular, as the approach has several well-known problems. More popular today is a *conventionalist* approach. On this view, property rights are not a part of natural morality, extended or otherwise. Instead, property rights are parts of social systems of norms, rules, or conventions. The rights these regimes confer on people are morally important, but they are different in kind and significance from the moral rights we have over our persons under naturalism. Property arrangements here are more like those of promising or etiquette, capable of creating rights and wrongs, but only as parts of a larger social practice.

One major source of trouble for naturalism is its reliance on identifying some act or moment in virtue of which the rights over one's self are extended externally. John Locke, for instance, advocated a naturalist view in claiming that property manifests labor that has been mixed with external objects. And this mixing of labor is said to extend our rights over our persons to include external things. As we will see, such defenses are untenable.

Most commentators have drawn the conclusion that Nozick's point that property is a personal matter must be rejected. This, we argue, is a mistake. We aim to vindicate Nozick's point that property is indeed a deeply personal matter, something that directly implicates the self. And we can maintain this point while avoiding the standard problems of naturalism. The core naturalist insight thus survives – property is personal – even if naturalist theories of property rights have to be replaced with a more conventionalist treatment.

The Appeal and Problems of Naturalism

Naturalism captures an important intuition about property: What we own is somehow essentially associated with our selves, manifesting, expressing, embodying, or representing who we are as persons. As Margaret Radin put it in her influential work, our personhood gets tied up with our

property. Radin illustrates the idea with examples like family heirlooms or one's house.² It's not hard to find more examples. Sometimes objects can quite literally manifest our personhood, such as artistic creations. And it's very intuitive that having no control over such manifestations can make our personhood feel diminished, disrespected, or negated. This seems to be part of Marx's ideas about alienation and exploitation, for example. As part of his critique of capitalist exploitation in *Capital*, Marx wrote:

[T]he free worker gives the capitalist 6 x 6 hours or 36 hours of surplus labour every week. It is the same as if he worked 3 days in the week for himself and 3 days in the week gratis for the capitalist³

Exploitation here consists in the capitalist extracting labor from the worker. And while Marx would not have put it this way, naturalism offers an easy interpretation of his critique: Regardless of how it's treated by society, the labor is a manifestation of the *worker*. In being *his*, it's *him*. To take it then seems a kind of assault, a clear matter of injustice.

We are tied up with what we own, in other words.⁴ When people exploit *my* work or steal *my* ideas, they run roughshod over *me*, as these things are *mine*. This is the basic intuition that gives rise to the naturalist thought: There is an extremely tight connection between me and mine.

Naturalism explains this connection in terms of *rights*. Rights over persons are extended outwardly as rights over property. Naturalist theories thus focus on identifying the precise actions or moments by which this extension of rights occurs. But this is the point at which naturalism's problems arise.

² Radin, Margaret. 1982. "Property and Personhood" *Stanford Law Review* 34: 957-1015

³ Karl Marx, *Capital Vol. 1*. Fowkes, B. (transl.) (London: Penguin Classics; Reprint edition, 1992 [1867]), p. 346

⁴ Compare Steinbeck's description of owning (real) property in *The Grapes of Wrath*: "If a man owns a little property, that property is him, it's part of him, and it's like him. If he owns property only so he can walk on it and handle it and be sad when it isn't doing well, and feel fine when the rain falls on it, that property is him, and some way he's bigger because he owns it. Even if he isn't successful he's big with his property" See John Steinbeck, *The Grapes of Wrath* (New York, NY: Penguin Classics, 2006 [1939]), p. 37.

To see this, consider the most familiar such extension-argument. This is, of course, John Locke's argument that property rights represent owners' labor. According to Locke, the property we own involves our persons in a quite literal way. Consider his early example of (what he considers uncontroversial) original appropriation: When someone uses something unowned for nourishment, it "must be his, and so his, *i.e. a part of him*, that another can no longer have any right to it."⁵ To Locke, incorporating things into the self is just what property acquisition consists in more generally, and rights over the former extend to the latter through his designated method, namely, labor.⁶

But Locke's is far from the only theory that embraces the naturalist thought that property is part of the self. Hegel offers a different interpretation, focusing on the things we own giving some objective or external reality to the self (our subjectivity). Again, the things we own are to be rights-protected because the rights we have over our selves have been extended outwardly by our actions, the actions that incorporated these things into the self.⁷

In her interpretation of this tradition, Radin argued that property protects "personhood," pointing out that "objects are closely bound up with personhood because they are part of the way we constitute ourselves as continuing personal entities in the world."⁸ In this tradition, the extension of the self often takes the form of identification with, or the involvement of, external

⁵ John Locke, *Two Treatises of Government*. Laslett, P. (ed.) (Cambridge: Cambridge University Press, 1988 [1689]), Second Treatise, sec. 26 (emphasis ours).

⁶ Locke, *Two Treatises*, Second Treatise, sec. 28. This element of Locke's thought is emphasized by Karl Olivecrona: "That a thing is 'my own' means, in the opinion of Locke, that it is part of myself. For that reason nobody else can have any right to it." See Karl Olivecrona, "Locke's Theory of Appropriation" *The Philosophical Quarterly* 24 (1974): 220-234, p. 222.

⁷ In Hegel's phrasing, property helps us in "superseding and replacing the subjective phase of personality." See G.W. F. Hegel, *The Philosophy of Right*. T.M. Knox (trans.) (Cambridge: Cambridge University Press, 1967 [1821]), para. 41a.

⁸ Radin, "Property and Personhood," p. 959

things in one's personal projects.⁹ Since our personhood is protected by rights, so too should be the possessions that are closely bound up with it.¹⁰

The naturalist view thus typically understands the connection between selves and their property as established by an act which constitutes the outward extension of the self. The rights that protect the self are then said to accompany this extension, and for that reason, to protect those things to which we become connected in precisely the same way that they protect the self. Thus, Radin believes that the moral case for rights-protecting property depends on the extent to which one's possessions become bound up with one's self.¹¹

Unfortunately, these and other attempts to articulate how the self extends are problematic. The problems with Locke's labor argument are well-known, and we need not detail them here. In short, many plausible cases of (even original) property acquisition seem to involve little to no real labor. As Locke himself pointed out, the mere picking of an acorn would seem to suffice.¹² Other examples are easy to come by. I own my cat, but it seems plainly false to say I mixed my labor with her. Fencing in some land may suffice for appropriation of the entire lot, but it at most involved mixing labor with the land directly beneath the fence. Labor is not necessary for the acquisition of property rights. Nor is it sufficient. After all, sometimes labor is simply wasted, as when we spend all day at the beach digging holes in the sand.

The Hegelian view fares little better, as there are clear disconnects between property rights and a sense of identification. If you lend a friend a book, you do not thereby risk losing

⁹ See also Jeremy Waldron, *The Right to Private Property* (Oxford: Clarendon Press, 1988), ch. 10; Dudley Knowles, "Hegel on Property and Personality" *The Philosophical Quarterly* 33 (1983): 45-62.

¹⁰ A recent and intriguing version of this argument has been offered by Dan Russell. According to Russell: "psychological identity and the activities in which it consists are 'embodied': the boundaries of the self include one's body as well as—and for the same reason—certain parts of the extrapersonal world." See Daniel C. Russell, "Embodiment and self-ownership" *Social Philosophy and Policy* 27 (2010): 135-167.

¹¹ Radin, "Property and Personhood," p. 978ff.

¹² Locke, *Two Treatises*, Second Treatise, sec. 28.

ownership, even if your friend holds onto it for a long time and even if you end up forgetting you lent it (and so have lost all sense of identification with it). Even so, it makes perfect sense to ask your friend to return the book, even if after years *she* is the only one with any sense of attachment to it.

Problems like these generalize to all naturalist arguments. The problem is a simple one: it's just not plausible to understand property rights as generated through people's individual outward actions. While there are many cases in which such actions seem very plausible instances of morally legitimate property rights being generated, there are equally many cases where either (a) no such action seems present, yet legitimate property rights still obtain, or (b) similar such actions are present, yet no legitimate property rights arise. As we'll see below, this is where conventionalism finds its appeal.

Before turning to that, we should consider whether some naturalist theorists might actually welcome these implications. Consider Radin's view, for example. Radin wants to draw a distinction between rights over "personal property" (which she thinks merit strong protections) and other kinds of possessions or "fungible property" (which to her mind do not).¹³ Currency that sits in an account lacks the same strong sense of attachment and so merits less strong protections, according to her.¹⁴ We disagree,¹⁵ but the problem for now is that the view misfires in the other direction as well. People often feel very attached to things they do not own, including in ways that involve their personhood, e.g., a summer family vacation rental, a blue jay that comes every morning to visit your backyard bird bath, an underground musician you've followed who is

¹³ Radin, "Property and Personhood," p. 960.

¹⁴ Radin, "Property and Personhood," p. 1014-5.

¹⁵ That is, we disagree with both Radin's diagnosis of the involvement of the self (more on that below) and with the implication she draws in terms of the protections such possessions merit.

becoming more well known. We might make detailed plans about how to use a home we want to buy, developing very strong personal attachments to the place. Yet no property rights exist here either.

Perhaps Radin's view is best understood as follows: Only where we have a conventionally-designated ownership stake *and* our personhood is somehow significantly involved do we enjoy full-fledged property rights. That is close to the truth. However, this suggestion does not avoid the problems with naturalism. If property rights are conventionally designated, Radin's version of naturalism lacks an explanation of why the self is involved at all. Property conventions plainly do not track personal identification, labor-mixing, or any other act. (Nor does it seem particularly desirable that they would.) This revised naturalist argument thus does not ground property rights in the way that is needed to retain its core intuitive appeal.

The Appeal and Problems of Conventionalism

The alternative rejects the thought that property rights are extensions of any rights protecting the self. Instead, it sees property rights as a function of social or legal rules allocating possessions to people. Here, property rights are not (extensions of rights that are) part of natural justice, but claims enjoyed as allocations exclusively within a social practice.

There is much to support this view. There exist many different legal systems of property rights, for example, with quite different rules constituting ownership. It seems implausible to insist that only one (or some) of these systems is just because only one (or some) captures the correct naturalist story about the self and its extensions. The reason is fairly straightforward. It's likely that the rules of ownership should be sensitive to social circumstances in ways that naturalist theories simply cannot ignore. These circumstances have to do, among other things,

with the social costs and benefits of maintaining a system of rules or norms relative to the costs and benefits of the available alternatives. To use Harold Demsetz's famous example, a community that treats furs as common resources might well have to shift to treating them as private property once a fur trade begins to develop.¹⁶

In actual communities, in other words, the development of property systems is as much about what social rules help such communities navigate conditions of potential conflict, shared values, and scarcity as it is about natural moral claims over labor, extensions of personhood, or whatnot.¹⁷ To avoid widespread attributions of injustice to successful and long-embraced property systems, therefore, it is more plausible to think of legitimate systems of ownership generally as humanly created networks of norms, rules, or conventions, aimed at solving social problems. Call this position *conventionalism*.¹⁸

By contrasting conventionalism and naturalism, we do not mean to suggest that these theories are contraries, wholly exclusive of one another. Conventionalist theories often draw upon elements of natural justice or morality in the theory of property, stressing that property systems must satisfy several general moral constraints in order to be justifiable (including procedural demands of fairness, equal treatment, and so on). We need some account of why it's this or that value that is relevant to morally evaluating existing property systems, and such judgments seem inevitably to involve reference to some moral standard that is not itself a product of social convention. Perhaps such a standard can only be part of natural justice or morality.

¹⁶ Harold Demsetz, "Toward a Theory of Property Rights" *The American Economic Review* 57 (1967): 347-359

¹⁷ Robert C. Ellickson, "Property in Land" *Yale Law Journal* 102 (1993): 1315-1400, pp. 1344-1362, 1387-1397.

¹⁸ S. Holmes and C. Sunstein, *The Cost of Rights: Why Liberty Depends on Taxes* (W. W. Norton & Company, 2000); C.M. Melenovsky and J. Bernstein, "Why Free Market Rights are not Basic Liberties" *Journal of Value Inquiry* 49 (2015): 47-67; Shmuel Nili, "The Idea of Public Property" *Ethics* 129 (2019): 344-369; L. Murphy and T. Nagel, *The Myth of Ownership: Taxes and Justice* (Oxford University Press, 2004).

The reverse is true as well, as naturalists often stress that their view is consistent with much of the conventionalist position. The naturalist view simply identifies certain core elements that just property systems must possess, but this leaves much room for conventional specification, so the argument goes. Thus, for example, Eric Mack argues that when judges come to verdicts about whether rights protect people against minor infractions, they are thereby producing concrete specifications of the “abstract rights” that the naturalist has in mind.¹⁹ And more recently, Billy Christmas has developed an intriguing argument showing how natural rights can render such conventional specifications authoritatively binding.²⁰

However, these points do not collapse the distinction between naturalism and conventionalism as we are using it here. What’s at stake is not whether the characterization of property rights includes some reference or other to natural moral standards. Nor is the issue whether the specification of property rights has a social dimension. Rather, what’s at stake is whether the moral protections established in property rights are, at least in part, a function of extending the (natural) rights of the self outward into the world. The naturalist (as we define it) asserts that such a connection between the self and external property exists. The conventionalist denies this.²¹

While the conventionalist position has much appeal, its conception of property rights as allocations within a larger social practice does have downsides as well. Most obviously, it means

¹⁹ Eric Mack, “Elbow Room for Rights.” In: Peter Vallentyne, David Sobel & Steven Wall (eds.) *Oxford Studies in Political Philosophy*, Vol. 1. (Oxford University Press, 2015). pp. 194–221, 219-220. Cf.

A. John Simmons, *The Lockean Theory of Rights* (Princeton University Press, 1992), pp. 104, 270, 316.

²⁰ Billy Christmas, “Answering the Conventionalist Challenge to Natural Rights Theory” *Res Publica* 27 (2021): 329-345.

²¹ Thus, our arguments here are not in conflict with Christmas, “Answering the Conventionalist Challenge to Natural Rights Theory.” In Christmas’ argument, there is no sign that natural rights to property must involve an extension of the self. This avoids the standard worries with naturalism (as it is defined here). However, it raises the same question that conventionalism faces: whether property has a personal dimension. Our argument below answers this question.

the position forfeits some intuitively appealing aspects of naturalism. This is a significant problem. While many conventionalists might be happy to resist Nozick's idea that property has a personal dimension (as well as the rest of his conclusions), there are other cases in which this intuitive idea is much harder to deny.

Consider, for example, colonial expropriation. If property rights are merely a function of a community's social rules or norms, it would follow that their application—and the possibility of their violation—is limited only to the members of that community. This is true in general for conventional claims. Compare for example keeping kosher. Gentiles eating ham sandwiches violate no such rules at all, as Jewish dietary norms simply don't apply to them.²²

The conventionalist position has similar implications for property rights: There is simply no sense in which something is owned independently of what has been determined as such by the social group. But this means that when outsiders come into a society and take things from people without their consent, they *cannot be said to wrong them*, or at least they can't be said to wrong them in the same way that their fellow community members would have had they done the very same thing. This must be false. The wrongness of taking people's stuff in this fashion can't be a function of which group the taker is a member of. Expropriating outsiders ought to be as equally condemned as thieving insiders.

Might the conventionalist reply that this misrepresents their view? Consider an analogy. If we've got a specific system of etiquette set up, perhaps one in which we tip our heads only to the left in greeting acquaintances, but we tip our heads only to the right when greeting strangers, no one who comes into our world from the outside could aptly be blamed for a violation of

²² This point about conventionalism is widely accepted in conventionalist theories of promising. See e.g. T.M. Scanlon, "Promises and Practices" *Philosophy and Public Affairs* 19 (1990): 199–226; Habib Allen, "Promises." *The Stanford Encyclopedia of Philosophy* (Fall 2017 Edition), ed. Edward Zalta, URL = <http://plato.stanford.edu/entries/promises>

politesse when he tips his head forward in greeting us all. But perhaps there is nevertheless a general right that people be polite to us, a right whose *form* social conventions like ours specify in accordance with local conditions, histories, and preferences. Thus, when outsiders come in, they are in fact bound to respect that more general right, as it does apply to them as well. So too, then, perhaps the conventionalist can say that there is a general right to own property, which legal or social conventions render specific by allocating ownership in particular cases. In that case, outsiders may be said to be bound to respect that general right, as it applies to them as well.

But this fails to explain why a slightly different version of colonial expropriation would still be wrong. Suppose that the colonialists came in and claimed (as they often did) that local property conventions were suboptimal, something they could easily improve. They proceed to expropriate the locals as they impose an entirely new, “modernized” property convention on society. Even if the new convention comports with the conventionalist requirements of acceptable property systems, there still seems to be a real violation here. Yet the abstract right to own locally specified property claims cannot be said to have been violated.²³ Conventionalism lacks the resources to fully account for the wrongs that are involved in these types of cases.

The Possibility of a Third View

At naturalism’s core are two claims: (a) As a matter of natural morality, property rights are personal rights, that is, *self-rights*, where that means that because persons/selves have natural moral protection, then insofar as those persons/selves are extended into various external objects, that same natural moral protection extends to apply to those objects as well; and (b) persons

²³ It’s worth recalling here that many conventionalists find an attractive feature of the view that it *allows* governments to reallocate and reorganize their own property systems, thereby altering and sometimes nullifying prior claims of subjects within that system. See e.g. Nili, “The Idea of Public Property”, p. 356.

become extended into various external objects (thus granting them natural moral protection) via some universally specifiable and recognizable *activity*, for example, labor-mixing, forming a sense of attachment, identifying with the object, or something else. Conventionalists, by contrast, start by denying (b), offering powerful objections to any proposed universal activity of self-extension. They then infer that (a) must be false, because if there's no universally specifiable self-extending activity that can plausibly generate the extension of self-rights to external property rights, then these latter rights also can't be personal in the way the naturalist contends.

There's a more attractive middle route available here, though. Along with the conventionalist, we too deny (b): there's no single, universal activity that extends the self into external possessions. But we nevertheless affirm that persons/selves can extend into their possessions, so that property is *personal* in a morally significant sense. Even so, the naturalist's version of (a), as it stands, doesn't capture the right relation between property and persons. Below, we advance a version of (a) that does.

The alternative view we propose affirms that property rights are quite often deeply personal—self-involving—and it also affirms that there is natural moral protection for the self. But we deny that the property *rights* one enjoys are the product of any self-extending acts, and we also deny that property rights are a species of self-rights, the natural moral protections enjoyed by the self. Instead, property rights are indeed the product of social or conventional determinations. The basic idea is that, while one's property right over some object does not depend on any act of self-extension into it, when there is a personal feature embedded in that property, the attached property right has *additional and distinctive normative weight*. The *full* moral significance of property rights exceeds that of mere social or conventional rights.

Such a view has several attractive features. Most obviously, it overcomes the problems in both naturalism and conventionalism. Unlike conventionalism, it can get persons into their property, which is arguably the most compelling intuition of naturalism. But unlike standard naturalist arguments, it delivers this feature of property rights without any acts of self-extension, which was the main source of naturalism's troubles. Our alternative, in other words, brings together the typical pre-conventional *personal* nature of possession with its post-conventional *property rights* status.

As a teaser of its advantages, this combination allows one to adequately address the above worry about external expropriation. When outsiders steal native people's possessions, a wrong occurs precisely because they violated conventionally rights-protected selves. While those outsiders might not be a party to the conventional scheme, the moral significance of the rights that had been assigned does not just derive from social designation. That moral significance is in part a function of the natural moral protections of the *selves* who have been assigned property rights within those social schemes. These property protections may be conventionally designated. But they are protections that anyone—inside or outside of the regime—is morally expected to respect in virtue of their personal nature.

This presupposes, of course, that we can make good on the view sketched here. The view contains two central claims: (1) that property rights can be personal, involving the self, and (2) that, when they are, such rights have a distinctive normative significance. We now proceed to defend these claims.

From Me to Mine: The Extended Self Thesis²⁴

²⁴ The phrase "extended self," as articulated in terms of possession, was first put forward in Russell W. Belk, "Possessions and the Extended Self." *Journal of Consumer Research* 15 (1988: 139-168), an article that has been

Skepticism about naturalism often spills over into skepticism about the idea that property involves the self. So, let us begin by rendering precise one compelling intuition behind this idea: Who we are can extend outwardly to include parts of the external world. Call this *The Extended Self Thesis*. It is not only a descriptive thesis but a normative one.

Start with the descriptive thesis, which is about our self-conceptions. Human universals—features of human cultures, behavior, and societies of which there are no known exceptions—include ritualized ways of dealing with the deceased, sports, calendars, dancing, decorative art, government, penal sanctions, and more. The thought that the self extends outwardly in ways that incorporate parts of the external world is among them.²⁵

Wherever there are people living together, they consistently use *possessive locutions*,²⁶ and these locutions refer to a wide range of things to which they take themselves to bear a personal relation. This is what we will call the *mineness* relation. People’s *mineness* conceptions extend outward via a wide and varied range of interactions with the world, but they are construed universally as extending the *self*—how we conceive ourselves, what features we take to be most fundamental to our self-representations—outward. This fact about humans and their self-conceptions is demonstrated again and again around the world, so much so that Belk declares “we are what we have” as “the most basic and powerful fact of consumer behavior.”²⁷ Belk was

quite influential on us. Meir Dan-Cohen, “The Value of Ownership” *The Journal of Political Philosophy* 9 (2001): 404-34 takes a similar approach to thinking about the self in extended terms in order to understand property and its value. We will note where we differ from Dan-Cohen in the text.

²⁵ Donald E. Brown, *Human Universals* (New York: McGraw Hill, 1991), pp. 139-40; Charles F. Hockett, *Man’s Place in Nature*. (New York: McGraw Hill, 1973), ch. 11; Lionel Tiger and Robin Fox, *The Imperial Animal*. (New York: Holt, Rinehart and Winston, 1971), ch. 5; George P. Murdock, “The Common Denominator of Cultures.” In: Ralph Linton, (ed.), *The Science of Man in the World Crisis*. (New York: Columbia University Press, 1945), pp. 123-142, p. 124; Clark Wissler, *Man and Culture*. (New York: Thomas Y. Crowell Company, 1923), pp. 74-5.

²⁶ Cf. Dan-Cohen, “The Value of Ownership,” p. 405; Bart Wilson, *The Property Species: Mine, Yours, and the Human Mind*. Oxford University Press, 2020), ch. 5.

²⁷ Belk, “Possessions and the Extended Self,” p. 160.

doing consumer research, thus the label. But what he says applies to human self-conceptions generally, and is as natural as it gets.

What are these external objects to which we extend our selves? *Property* is only one small subset, to which we will eventually return.²⁸ But there are many others, including physical traits and characteristics (my arms, my crooked smile), psychological traits and characteristics (my dispositions, desires, beliefs, and intentions), bodily productions (e.g., my blood, sweat, tears, and labor), psychological productions (my ideas), other people (my spouse, my friends, my family),²⁹ and even neighborhoods, communities, and nations (as in “My neighborhood is going to hell,” or “My country, right or wrong”).

This self-conception is abundantly revealed, and perhaps even dispositionally constituted, by what psychologists call our “self-conscious emotions”.³⁰ These emotional responses make sense only to the extent that we are conceiving these objects and their fortunes as parts of ourselves. Consider first pride, which we experience in response to things that we take to reflect well on us and ours. I feel pride for winning a race, but I may also feel pride in the accomplishments of *my* children, *my* teams (both the ones I play for and the different ones I merely root for), *my* neighborhood, and *my* country. Pride is perhaps most often a reflection of things with which we have actively identified, but sometimes it may reveal to us the range of things to which we are already *passively* identified. Perhaps I consciously aim to pay no heed to my university’s baseball team and I voice my irritation with how their games clog traffic on campus, but when I hear that they have won the championship, I may suddenly find myself

²⁸ We will refer to the things falling under the mineness relation as things we *possess* or things that are our *own*, where this does not necessarily imply that they are our *property*, which is a term we will restrict to those possessions over which we have the familiar *rights*.

²⁹ Brown, *Human Universals*, p. 132; Belk, “Possessions and the Extended Self,” p. 141.

³⁰ See e.g. J.P. Tangey and K.W. Fischer (eds.), *Self-Conscious Emotions: The Psychology of Shame, Guilt, Embarrassment, and Pride*. (Guilford Press, 1995)

swelling with pride: It turns out I was identified with my university's baseball team after all, regardless of my voiced claims to the contrary.

On the flipside, I may feel shame or embarrassment for things that reflect poorly on me and mine. This includes, of course, my actions, but it also includes many other of "my" things. Perhaps my dad is a drunken buffoon; when I see him stumbling home from the bar yet again, railing against vaccinated "sheeple," I cringe and hide. This is a shame many people also experience when they travel to other countries during times of shameful public policies at home.

I (we) also feel gratitude for benefits to me and mine, jealousy for insufficient attention to me and mine, anger at slights to me and mine, and fear at threats to me and mine (i.e., I fear threats to my partner, my books, my dog, my house, my neighborhood, and much more). But the most important and compelling emotional evidence for The Extended Self Thesis comes from humans' responses to the unwanted *loss* of some objects. If things that are "mine" are conceived as a part of "me," then (unwanted) losses of what's mine should be appraised as losses of a *part of me*. And this is in fact how such losses are emotionally perceived and evaluated, overwhelmingly and universally. When what we conceive as ours is taken or destroyed, we respond with sorrow, grief, or despair, sometimes calling it an "invasion," or a "pollution," even an assault akin to "rape."³¹ Importantly, people feel this sense of personal loss even when what's been taken or destroyed is the result of a natural disaster.³² This sense of loss also applies to "my neighborhood": People report feeling less a part of their communities after having been burglarized.³³ It applies as well to losing "my spouse" in a divorce or losing "my parents" or "my

³¹ Belk, "Possessions and the Extended Self," p. 142.

³² Georg Simmel, *The Sociology of Georg Simmel*. Kurt H. Wolff, (trans.) (Glencoe, IL: Free Press, 1950), p. 322.

³³ Barbara B. Brown, "House and Block as Territory." Paper presented at the 1982 Conference of the Association for Consumer Research, San Francisco, CA.

friend” to death.³⁴ And people often engage in creative activity after an involuntary loss, as an explicit attempt at *self-restoration*.³⁵ Children have an implicit understanding of all this too. When attempting to aggress against a sibling who they aren’t allowed to physically hurt, they often break their sibling’s toys instead.³⁶

The origins of extended selves are traceable to the developments of self-other recognition, basic self-understanding, and self-consciousness,³⁷ that is, to the beginnings of a *self*. (We do not speculate on the chicken-and-egg puzzles thereby raised; we merely want to highlight the correlations). As Belk notes, children start to develop a self-other differentiation often by coming to see that their mothers (in particular, their mothers’ breasts) are not under their control, which triggers angry frustration. Infants and toddlers display anger most predictably when toys are taken from them and given to others (Piaget 1943;).³⁸ At around three years of age, when children start to distinguish between different types of standards,³⁹ they develop abilities to appraise themselves relative to those standards (Lewis 2000;).⁴⁰ This is the point at

³⁴ Kenneth J. Doka, “Loss Upon Loss: The Impact of Death After Divorce.” *Death Studies* 10 (1986): 441-449; Belk, “Possessions and the Extended Self,” p. 156. As William James put it: “This sort of interest is really the *meaning of the word ‘my.’* Whatever has it is *eo ipso* a part of me. My child, my friend dies, and where he goes I feel that part of myself now is and evermore shall be.” See William James, *The Principles of Psychology*. Vol. 1. (New York: Henry Holt, 1890), p. 201 [324].

³⁵ William G. Niederland, “Clinical Aspects of Creativity” *American Imago* 24 (1967): 6-34 ; William G. Niederland and Bahman Sholevar, “The Creative Process—A Psychoanalytic Discussion.” *The Arts in Psychotherapy* 8 (1981): 71-101; Belk, “Possessions and the Extended Self,” p. 143.

³⁶ James W. Wiggins, “The Decline of Private Property and the Diminished Person.” In: Samuel L. Blumenfeld (ed.) *Property in a Humane Economy*. (LaSalle, IL: Open Court, 1974). pp. 71-84. The acquisition of property concepts in young children is discussed in Federico Rossano, Hannes Rakoczy, and Michael Tomasello, “Young Children’s Understanding of Violations of Property Rights” *Cognition* 121 (2011): 219-27.

³⁷ D. Hart and M.P. Karmel, “Self-Awareness and Self-Knowledge in Humans, Apes, and Monkeys.” In: A.E. Russon & K.A. Bard (eds.) *Reaching into Thought: The Minds of the Great Apes*. (New York: Cambridge University Press, 1996), pp. 325-347.

³⁸ Ruth Feldman, Daphna Dollberg, and Roni Nadam, “The Expression and Regulation of Anger in Toddlers: Relations to Maternal Behavior and Mental Representations.” *Infant Behavior and Development* 34 (2011): 310-320.

³⁹ Larry P. Nucci and Elliot Turiel, “Social Interactions and the Development of Social Concepts in Preschool Children.” *Child Development* 49 (1978): 400-407.

⁴⁰ Daniel Hart and M. Kyle Matsuba, “The Development of Pride and Moral Life.” In: Jessica L. Tracy, Richard W. Robins, and June Price Tangney. (eds.) *The Self-Conscious Emotions*. (New York: The Guilford Press, 2007), pp. 114-133, p. 119.

which they start to see themselves extended in ways that give rise to shame (over things associated with their selves that fail to meet certain standards) and pride (over things associated with their selves that supersede some standards).⁴¹

Not surprisingly, this is also the point at which they learn to respond *correctly* to effects on various possessions. That is, there is normativity attached to The Extended Self Thesis, as some self-conscious emotional responses are *correct* and some are incorrect. Those that are correct are the ones appraising things as part of one's self that actually *are* part of one's self, whereas those that are incorrect appraise things as part of one's self that really aren't. You shouldn't howl with anger or frustration, we tell our children, when the actual owner of a toy you're playing with takes her toy back. You shouldn't fear the unleashed barking dog on TV, as it doesn't threaten you or yours. There's no reason to be proud of a stranger's accomplishments.

Pancultural self-conscious emotions are deep and powerful. We take them to manifest our common humanity. These are natural evaluative responses to various effects on objects into which our selves have been extended: fear evaluates events as personal threats, anger evaluates actions as personal slights, frustration evaluates setbacks to personal goals as maddening, grief evaluates deaths as personally grievous, and sorrow evaluates things as sorrowful, as personal losses. So, when we are faced with threats, slights, maddening goal-blockages, grievous deaths, and sorrowful losses, we have reasons to emotionally evaluate them as such, that is, to appraise them as *personal*.⁴²

⁴¹ Hart and Matsuba, "The Development of Pride and Moral Life."

⁴² These are called *reasons of fit, pro tanto* reasons to feel something that may be outweighed, all-things-considered, by *pro tanto* reasons from other domains. If the rabid dog before me can smell fear, then while I still have a reason of fit to feel fear at its threat to me or mine, I have a stronger reason of prudence not to. See Justin D'Arms and Daniel Jacobson, "Sentiment and Value." *Ethics* 110 (2000): 722-748; Justin D'Arms and Daniel Jacobson, "The Significance of Recalcitrant Emotion (or, Anti-Quasijudgmentalism)". *Royal Institute of Philosophy Supplement* 52 (2003): 127-145.

The Extended Self Thesis says, quite simply, that who we are extends to what is ours. We humans tend to respond in pan-culturally similar ways, with sorrow, grief, or despair, to losses that are personal, that is, to destruction of or damage to what is *ours*.⁴³ A loss of *mine* is a loss of (a part of) *me*. To the extent that the lost item was mine, an outward extension of me, I have a reason to feel the emotions appropriate to such loss.⁴⁴

But now we can see the moral dimension in play. Reasons to feel self-conscious emotions apply just to those who have incurred a personal loss. But because these are all painful emotions, that immediately means that people generally have moral reasons—*pro tanto* reasons, to be sure, but moral reasons nonetheless—not to cause such pain in others. I have moral reason not to cause you the pain of sorrow, grief, or despair associated with personal loss, that is, with loss of person. And this is true regardless of, and prior to, convention.⁴⁵

We take the widespread acceptance and intuitive plausibility of The Extended Self Thesis to reveal an important relation between me and mine: possession is personal, as is its loss. We also take there to be, as just noted, a natural moral protection against being caused the pain of personal loss. But there remains a crucial gap between this sort of mineness and *property*. After

⁴³ Are these emotions fitting in virtue of their being correct responses to the antecedent fact of our self's extension, or is the range of the self's extension actually determined by the fittingness of emotional responses to loss? We take no stance on this hard metaphysical question. All that matters for our purposes is that there is a natural normative relation between the two.

⁴⁴ Interestingly and importantly, The Extended Self Thesis isn't restricted to cases of individual possession. Some communities make claims about traditional cultural expressions. Those expressions are *theirs*, it is thought, and so its members will tend to be angry or grief-stricken in response to their appropriation or loss. This is because these expressions are a function of their combined creative activity. The loss felt by individuals, then, is partly a matter of their identification with that group: Appropriation of *my group's* creative expression is appropriation of *me* qua co-owner of that expression.

⁴⁵ We are well aware that there are also other, typically more powerful, moral reasons not to damage other people and their things, grounded in values like well-being and respect. These may be natural moral facts as well. They can't capture, however, the *pro tanto* reasons against my causing you heartbreak by breaking up with you, for example, or the sorrow you cause me by selling to a stranger the old records of mine that I gave you. These reasons are typically outweighed by others, but that doesn't eliminate their status as *pro tanto* reasons that must go into the deliberative hopper, and whose defeated status as reasons is nevertheless reflected in the emotional residue of that defeat.

all, my country, my neighborhood, and my friends are not my property, that is, I have no *right* to them (whatever that could possibly mean). How, then, can we get from mineness to property rights? The naturalist story says we do so only via some universal (and universally recognized) activity that takes the property rights protection I already have in myself to extend outward, but that's just not what self-extension is about or how it works (and there are counterexamples to all such naturalist proposals). The only way to get from mineness to property rights is by drawing on the insights of conventionalism.

From Mineness to Property Rights

Not everything that's mine is my property. As Dani Attas argues, property regimes contain positive and negative principles.⁴⁶ Positive principles identify conditions for just ownership. Negative principles rule out certain kinds of property rights, even in cases where positive principles apply.

Determinations of property and property rights, we have argued, may be plausibly conceived as parts of a social enterprise, with particular possessions counting as protected property as a result of conventional designation. Nevertheless, property rights often overlay and protect a subdomain of the *personal*, that is, of what's mine. And where there are natural moral reasons against intruding on, damaging, or destroying me and mine (fittingly appraised by the emotional pain of personal loss), those reasons will also obtain when what's me or mine is further designated to be something over which I have property rights. Property rights are constituted by their own distinct set of moral reasons. But this *combination* of moral reasons—

⁴⁶ Daniel Attas, "The Negative Principle of Just Appropriation." *Canadian Journal of Philosophy* 33(2003): 343-372

personal and proprietary—is what generates the distinctive moral significance of the most familiar property rights.

These property rights touch upon two different human sensibilities and generate two different types of moral reasons. On the one hand, they are *rights*, and infringements of rights typically trigger a sense of having been *wronged* (which most often manifests in resentment and indignation). Rights also generate moral reasons to be respected. On the other hand, property rights very often overlay things that are also *personal*, things into which our selves are extended, and whose destruction or damage triggers a sense of *loss* (which most often manifests in the self-conscious emotions of sorrow, grief, or despair). The prospect of such personal loss generates moral reasons against causing it.

When part of what is personal is overlaid with rights, and those rights are infringed, what is typically triggered is the combination of emotions associated with *wrongful loss*, or, more familiarly, a sense of *personal violation*. And, consequently, when conventional systems of property rights protect what's personal, the nature of the complaint we may already have against someone's causing a loss to our selves takes on a new and distinctive moral quality.

Infringements of a rights-protected extended self are wrongs, but the wrongs they represent are reducible neither to mere intrusions on that self nor to mere infringements of rights. They are *violations of persons*.

This point is recognizable, again, in the typical responses associated with each. As we saw in our discussion above, when parts of the self are overlaid with property rights, and those rights are infringed, a combination of emotions associated with personal violation (or assault) are typically triggered: resentment or indignation at the wrong, but also the gut-punch sorrow, grief, or despair of personal loss or betrayal. A paradigm case is the combination of emotions one

likely feels when walking into one's just-burglarized home: outrage at the burglar, heartbreak at the loss of one's things, and a powerful feeling of violation at the invasion of one's personal space.⁴⁷

This combined, distinctive sense of personal violation is what's absent when we absorb a loss to things that are ours but that aren't protected by rights. Given our current conventions, when you publicly humiliate *my* friend, shut down *my* bar, or fail to cite *my* published paper, you have caused some kind of loss to me, and this will tend to trigger the associated feelings of personal shame, sorrow, or despair, but without those associated with my having been wronged in the process (so no sense of *violation* will tend to be triggered).⁴⁸

At the other end of the spectrum, when our non-personal rights are infringed, we tend to have a sense of having been wronged, but without any of the self-conscious sorrowful feelings associated with personal loss. If, for example, you have promised to meet me for lunch, I have a right to your showing up, but there seems to be no loss—no *damage*—to me or mine if you, without excuse, fail to show up. Or perhaps a malicious county clerk deletes my name from the list of potential jurors. There may be no sense of personal loss, let alone of violation, triggered in that case, even though a right of citizenship has been infringed.

The *full* moral significance of our most familiar cases of property rights is constituted by the overlap of mineness and rights, the location where (naturalist) mine and (conventionalist) rights meet. There, and there alone, we contend, do we typically find the fitting emotional

⁴⁷ Recall Belk's finding that when what we conceive as ours is taken or destroyed, we respond with sorrow, grief, or despair, sometimes calling it an "invasion," or a "pollution," even an assault akin to "rape." See Belk, "Possessions and the Extended Self," p. 142.

⁴⁸ Carla Bagnoli discusses the notion of *moral distress*, which is the subjective experience of having been wronged. According to Bagnoli, the person who feels this may certainly be mistaken—they might not have been wronged after all—but that doesn't undermine the claim for *normative attention* they are demanding through the experience and expression of their distress. Such moral distress, we think, is close to what we have in mind for the feelings called up by loss or damage caused to me and mine. See Carla Bagnoli, "Feeling Wronged: The Power and Deontic Value of Moral Distress." *Ethical Theory and Moral Practice* 25 (2022): 89-106.

responses associated with wrongful personal violations, which are indicative of their distinctive immorality.

This dynamic can again be observed in proto-form in young children. As they develop a sense of self, they start to respond to the loss of anything in their possession as an assault, as a personal violation, accompanied by howls of outrage and despair. But not every loss is a personal violation. Indeed, one powerful reason for having a property regime is precisely that we need restrictions on what *counts* as a personal violation. These young children have yet to develop a discriminating sense of property. But that's not a natural sense: it must be developed and corrected, in accordance with conventional standards. Children's sense of property develops accurately only in alignment with their recognition of the various norms of the property system in which they find themselves, as well as the benefits that result from it. It's a matter of coming to recognize which of what is theirs is protected in the special way grounding that distinctive, multiply emotional sense of personal violation. If the little boy howls in rage when the toy he's been playing with is returned to its rightful owner, he's mistaken, even though any associated despair he may feel—perhaps it had already become a small part of him—might be appropriate.

It's crucial to note that this account is not simply another version of the naturalist theory discussed before. We do not hold, as the naturalist does, that the moral significance of property rights is exclusively a function of the self's outward extension. We hold instead that where property conventions designate rights protection, where we come to own things, our selves may be implicated. And when they are, it's the *combination* of persons and property that lends property rights their distinctive moral significance. This may occur in two ways. The first is the way we've been discussing, when property rights are overlaid onto existing self-extensions, onto those things that are already ours in the "mineness" sense. But there's a second way, and it's

quite contrary to the naturalist position. Conventionally determined property rights may also encircle a zone of individual protection enabling *new* self-extensions. That is, we can become personally bound up with the things that have been designated (by convention) as our property, and we can become bound up with them *as a result of* seeing them as things within our control, the control provided and secured by property rights.⁴⁹

To explain, once we see things as in our control, they may come to take on distinctive personal significance for us (and so come to manifest the naturalist relation). Those objects are now connected to our selves in a way that they were not before, and we thereby become vulnerable to the personal sense of loss or violation when those things are intruded upon. This vulnerability need not have been present otherwise. We can come to think of things as ours in the personal sense because they are ours in the property rights sense. Such cases are instances in which our possessions become part of our selves, not as the result of any naturalistic appropriative acts, but as the result of being conventionally designated as our property. Once a sphere of morally protected possession has been established, the self may stretch out into it.⁵⁰

What's personal and what's property overlap, but neither is a subset of the other. And there will invariably be exceptions. Perhaps you "borrowed" a book of mine many years ago and I just now realize that you still have it. I have a claim on you to give it back, and if you keep it, you'll be wronging me—infringing my property rights—but that wronging may not feel personal, as that book may no longer have any real "mineness" in it. Or perhaps I've just

⁴⁹ Cf. Dan-Cohen, "The Value of Ownership"; Wilson, *The Property Species*.

⁵⁰ Anna Stilz recognizes that conventionally designated property rights can have naturalist moral import, but holds that this moral significance extends only to what is sometimes called personal property. This, we argue, is mistaken. It seems to follow from Stilz's account that the money in my retirement account, say, is not imbued with personal moral significance. But this is plainly false: retirement savings are a deeply personal matter, and having them expropriated would represent an assault in just the way we detail here. See Anna Stilz, "Property Rights: Natural or Conventional?" In: *The Routledge Handbook of Libertarianism*, ed. Jason Brennan, Bas van der Vossen & David Schmidtz. (New York: Routledge, 2018).

inherited a large tract of land, and you repeatedly and deliberately trek through a corner of it each day to get to work a bit faster. You are trespassing, and you are infringing on my property rights, but again, it may not feel like a violation of *me*, as I'm not yet "in" that land. But of course, in both cases, that sense of personal violation may also nevertheless be present: seeing that book again may generate all sorts of personal emotions, and there are certainly many people who would feel a sense of personal violation at your everyday trespassing, as you are tromping on something over which I'm supposed to be sovereign.

Occasional exceptions notwithstanding, most property regimes tend to cover what is already, or what will tend to become, personal. When these personal property rights are infringed, multiple emotions are apt in response to the multiple moral wrongs. Obviously, though, these emotions tend to differ by degrees for different kinds of losses. And they will plainly differ in feel and force for different persons. Some people will experience them more intensely, or for different degrees of loss, or both. Others may experience them much less frequently or intensely. Our claim is not that any case of a property violation will invariably trigger these emotional responses. All that matters for our purposes is that these are recognizably fitting responses to most cases of property rights infringement.

Testing the Theory

The account outlined above combines three elements: naturally extended selves, conventionally determined property rights, and the distinctive moral significance attached to their overlap. When all the elements are in place, the self is extended in some ways that are morally protected both naturally and conventionally. This overlap contains the cases that are what we believe Nozick

had in mind when he pointed out that taking people's possessions has a personal dimension, a dimension that capturing the full wrong of paradigmatically wrongful takings must involve.

To better understand this account, let us see what it predicts for a range of cases. We will test the theory by applying it to the cases that caused trouble for naturalist and conventionalist accounts, as well as two cases that might seem more difficult for our view.

Our view easily avoids the standard worries of naturalist theories. The main problem for naturalism is identifying plausible acts by which property rights that apply to the self are extended outwardly to generate rights over external objects. The account developed here does not rely on the existence of any such acts, nor does it presuppose natural *property* rights in one's self (or person). Rather, it presupposes only natural moral reasons against causing loss to what's personal.

Similarly, our account is well placed to handle the case of colonial expropriation. Pure conventionalism struggles here, we said, because it cannot explain why expropriation by people who are not party to the social convention nevertheless wrongs the native people. Their property rights apply only within and between community members, on the conventionalist understanding, so where's the wrong in taking their stuff? But on our view there are clear property-associated wrongs. The expropriators will have caused the painful emotional responses of loss—sorrow, grief, and despair—associated with incursions on the self, on what's personal. Our account can explain why these incursions are wrongful in the full sense of personal violation by drawing on the natural moral reasons against causing damages of the protected self. Indeed, there are especially potent natural moral reasons against causing such pain when these extensions of the self have also been designated conventionally (perhaps for a very long time) to be *rights*-protected. These reasons are in play because the *wrongful violation* responses in question—

which are more powerful than “mere” responses to personal loss—are quite predictable and utterly reasonable. Since these reasons are non-conventional and apply universally, colonial expropriation is wrongful in ways akin to personal assault.

For the same reason, our account can explain why it would be wrong for colonialists to forcibly replace people’s possessions via the introduction of another (“fairer” or “more efficient”) scheme of ownership. The pure conventionalist theory cannot explain this wrong, even if we assume that conventions merely put in place local allocations of a more general right to property. On this latter view, individual owners would simply see one set of conventionally designated possessions replaced by another, and this new allocation might well be equally acceptable from the point of view of conventionalism. By contrast, our view explains why there would nevertheless be real wrongs involved here. What is violated by the colonial expropriators is not merely some localized version of a general right to own property, but an already-rights-protected part of people’s extended selves. And these parts cannot simply be replaced. When the self is involved, replacement of lost possessions, even if qualitatively identical, may be impossible, in part due to various historical properties belonging only to the originals. Replacing *my* dead spouse with an exact replica is just going to be creepy, but it also surely won’t be a true replacement. And when my house is burgled, I may replace the stolen goods with exact replicas, but there may well remain an apt sense of loss for the originals.⁵¹

Our account behaves well in these cases. But other cases might seem more troublesome. Of particular concern are cases where (a) the self is extended into possessions for which there is

⁵¹ One might think there is another wrong involved here, one resulting from an attack on the political right of collective self-determination. This attack occurs because the colonialists are changing the content and allocation of property rights, which the native people have a right to determine. Nothing in our discussion here is inconsistent with this point. Our claim implies only that this collective right cannot explain the case fully: there also are direct wrongs to the individual owners involved.

a natural moral argument to rights-protect them (as property), but there is no conventional rights designation in place; and (b) the self is extended into possessions for which there is a conventional property rights designation, but there is a naturalistic moral case against having one. Let us take these in turn.

Consider an extreme example of the first case: a society in which slaves have all their possessions legally expropriated by slaveholders. Since there exist no conventionally recognized property rights for people deemed slaves in such societies, our account seems to imply that this expropriation cannot be condemned as a wronging. This result, of course, would be highly problematic. If anything counts as an injustice, a wronging, this would be it.

Several things can be said in response. First, there exist, we claim, natural moral reasons against damaging the extended selves of those slaves via the taking of their possessions. These reasons are simply a species of the more general (and natural) moral reasons against damaging persons. With or without conventional rights, such damaging, and especially the severe kind involved in the wholesale denial of the self that slavery represents, constitutes a grave injustice. Our account actually deals well with this worry.

Second, nothing in our account denies that there can be compelling natural moral reasons for granting conventional property rights to people deemed slaves. Given the truth of the Extended Self Thesis and given the importance of protecting with rights those outward extensions of the self, it's likely that no morally acceptable practice of ownership could deny people property rights. Or at least no morally acceptable practice of ownership could deny such rights to some *but not to others*.⁵² Such an argument would need to be constructed, and it would

⁵² Note that this idea does not entail that morally acceptable property conventions must grant people *private* property rights. It may be that we can imagine (and perhaps historically pick out) just societies in which possessions are held in common. But the slaves in our example are denied even this.

be a substantive natural moral argument, but that is not our concern here. Our point is merely that if the argument can indeed be successfully constructed, then there would be an additional injustice here, namely, that the slaves are being denied rights to which they are morally entitled.

All this might still seem to fall short of the mark, though. Above we said that there is a distinctive and apt sense of personal violation that arises at the intersection of the extended self and conventional rights. Might it be urged, then, that our account cannot explain why expropriated slaves might aptly feel *that* kind of violation? It's true that our account implies that there's no *aptness* to the robust feeling of personal violation available for the slaves. However, our account does deliver something quite close, and maybe close enough. While such slaves would not have any conventionally protected property rights violated, they would be denied the ability to enjoy conventional property rights *which they are naturally entitled to enjoy*, rights that would protect them in their extended selves. Such a denial seems a grave injustice in its own right, and indeed an injustice that closely implicates the self. This injustice so closely resembles the injustice of expropriation that it would be patently reasonable for victims to respond to these wrongings in similar ways.

Still, our theory implies that being denied the right to own property is a different wrong from having one's existing property rights violated. The latter is often a wronging assault on one's morally protected extended self. And that assault, we've argued, has a distinctive moral quality, typically revealed in a *mélange* of emotional responses. But we do not deny that the former is also an assault, one that might have a distinctive moral quality of its own. This kind of assault would be on one's ability to extend one's self in a rights-protected manner, a manner that would share in the full moral distinctiveness of property rights. Such an assault strikes us as serious and personal, and even if it's not identical to the assault constituted by expropriation of

conventionally rights-protected possessions, it's a very similar wrong. (That said, it's perfectly consistent with our view that the injustice of slaves being denied the possibility of owning property is a deeper or graver wrong than the injustice of infringing conventionally protected property rights.)

The final case to explore involves conventionally-protected extensions of selves where there are natural moral reasons *against* having them. Consider again a society with slavery, but viewed this time from the perspective of the slaveowners, who have been granted conventional/legal property rights over their slaves. It's plain that natural justice prohibits the ownership of other persons. Yet under slavery, some people are designated as owners of others, and we might even imagine that the slaveowners see their selves extended *into their slaves*, so that losses or damage to them are taken personally.

The worry here is that our account might seem to imply that such ownership has moral significance, too. After all, the slaveholders are conventionally-designated owners of other people, a matter that is indeed personal. We have said that the intersection of the personal and rights is where property has its most powerful constraining moral reasons. But in this case, there seem to be no moral reasons whatsoever against keeping these slaves.

Fortunately, our account involves no support for slave ownership! The normative significance of the rights-protected extended self derives ultimately from natural morality, in our view, from the natural moral protection of selves. And in this case, that significance is simply lacking or contradicted. Since there could be no plausible moral grounds in favor of people owning others, our account does not in any way imply that such conventional or legal ownership "rights" could be morally significant in the way we've discussed above. As a result, our account provides no moral reasons against the ending of unjust systems of legal ownership.

Nevertheless, as we've noted, the slaveholder in such a case may still feel a deep sense of personal loss and distress were his slaves taken from him. Some slaveholders did indeed feel toward their slaves as if they were their children. Would the feeling of loss be apt? Sure. The Extended Self knows no moral limits. This means there is a moral reason against causing such a loss. But this reason is both insufficient to support the full moral significance of ownership we've been discussing, and it is so heavily outweighed by the massive injustice being done to the slaves that it would effectively be silenced all-in.⁵³ There thus exists no case for considering the slave-owners' mere conventionalist claims as morally significant in the same way as claims made under a legitimate system of property rights.

⁵³ Perhaps, as some libertarian thinkers suggest, justified slavery is possible, if slaves have given their voluntary consent. In that case, our view indeed has the implication that the ownership of others can have its full moral significance. But if this libertarian position on slavery is true, then this is how things should be. For, in that case, we are really dealing with a morally unproblematic case of ownership.