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Who do outcomes of housework belong to?

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Anarchy, State, and Utopia (1974) written by Robert Nozick is typical of libertarian thought, which is modern liberal one. It is thought that his political philosophy is based on the thesis of self-ownership. It means a normative thesis “that each person is the morally rightful owner of his own person and powers, and, *consequently*, that each is free (morally speaking) to use those powers as he wishes, provided that he does not deploy them aggressively against others.”¹⁾ The origin of this thesis can be traced back to John Locke’s argument on property. He says, “Every Man has a *Property* in his own *Person*. This no Body has any Right to but himself. The *Labour* of his Body, and the *Work* of his Hands, we may say, are properly his. Whatsoever then he removes out of the State that Nature hath provided, and left it in, he hath mixed his *Labour* with, and joined to it something that is his own, and thereby makes it his *Property*.”²⁾

If you accept the thesis, you will defend strong property right because each person has entitlement toward all things they get by using things they have.

This leads to be against income redistribution whose policy is taken in the fields of welfare and social security. That’s why the thesis of self-ownership has been criticized in various ways by anti-libertarian. In this connection, I had an opportunity to hear a type of criticism to the thesis of self-ownership directly. I took part in a workshop for the study of community, which was held by Graduate School of Economics and Management, Tohoku University, on September 24, 2016. The workshop was followed by a party. And then, one of the presenters asked me, “When you accept the thesis of self-ownership, should you think that, for example, curry and rice made by anyone in your family belongs to the person and doesn’t belong to other members?” Then he goes, “It’s an unacceptable conclusion. Ought you to think your possessions are common to everyone from the beginning?” In a word, this claim means the following: “Who do outcomes of housework belong to?” Here, I will reply to this question using the example of making curry and rice as housework, which is for being easily comprehensible.

So, I’ll get back to the presenter’s statement. He seems to think it’s not reasonable

¹⁾ G. A. Cohen, *Self-Ownership, Freedom and Equality*, Cambridge University Press, 1995, p. 67.

²⁾ John Locke, *Two Treatises of Government*, P. Laslett (ed.), Cambridge University Press, 1690, sec. 27.

that property right to curry and rice belongs to only the person who makes that curry and rice, because other members in their family can't get a meal.

Is this view appropriate? In order to make our argument easier, I assume that there is a family with husband and wife, and she usually does the cooking. Then, we have two cases to discuss who has property right to curry and rice. The first case is that the husband works and the wife does housework. The second case is that the wife both works and does housework despite the couple work together for a living.

According to the thesis of self-ownership, in the first case, even though the wife makes curry and rice, it's difficult to say that it belongs to her properly. Because she makes it using foodstuffs which are transformed from her husband's income, or the outcome of his labor. Generally, even though an individual *A* has mixed his labor with possessions of an individual *B*, *B*'s possessions keep on belonging to *B*. Even if a person who wants somebody else's car parked somewhere has painted the car, he will not be allowed to insist on that the car belongs to him because he has mixed his labor with it. Therefore, the curry and rice will belong to the husband as long as you follow the thesis of self-ownership.

Next in the second case, it's clear that the curry and rice made by the wife belongs to her.

Anyway, both in these cases, curry and rice belongs to one of the two. Some people as well as the presenter may think that this is not able to explain the proper mode of life of families.

But worrying like this is needless fear. In fact, Article 762, paragraph 1 of Japanese Civil Law sets the rule on property: "Property owned by one party before marriage and property obtained in the name of that party during marriage shall be separate property." "Separate property means property owned by one party."³⁾ This stands for "the principle that my property is mine even if we are a married couple."⁴⁾ And this rule also expresses the idea of self-ownership. However, the phenomenon that family communities don't

³⁾ Uchida Takashi, *Civil Law, Vol.4: Revised Edition*, Tokyo University Press, 2004, p.33 in Japanese.

⁴⁾ *Ibid.*

work well doesn't appear even when this rule exists.

Actually, in terms of ethics, there is little point in arguing "Who do outcomes of housework belong to?" For Robert Nozick says, "The state may not use its coercive apparatus for the purpose of getting some citizens to aid others, or in order to prohibit activities to people for their *own* good or protection", but "it is only coercive routes toward these goals that are excluded, while voluntary ones remain."⁵⁾ That is to say, it is not banned for a person to spontaneously provide their goods and money in order to help others in need. Moreover, husband and wife are usually bound to each other by the strongest ties of confidential relationship. If they really are, it is natural that they try to help and support each other. Nozick says as if he supports such relationship and family life, "A nation or protective agency may not compel redistribution between one community and another, yet a community such as a kibbutz may redistribute within itself (or give to another community or to outside individuals)."⁶⁾ Therefore, it is all right that one who cooks gives or redistributes meals to other members in a family community regardless of whether outcomes of housework belong to anyone.

If the wife routinely says to her husband in the second case, "I made this curry and rice, so it's mine. You don't have any right to it. If you want to eat it, pay me some money," you would feel your society terribly dull and lonely. How many people want to live in such a bleak society? The idea which leads to assertion like this is opposite to libertarian idea.

Consequently, the thesis of self-ownership doesn't prevent you from running your family community. If anything, when you deny the thesis of self-ownership and think that goods are all common in the society, you will face problems. For even when a person who gets hungry has suddenly visited you and says to you, "Let me get some meal," you can't refuse their requirement.

⁵⁾ Robert Nozick, *Anarchy, State, and Utopia*, Basic Books, 1974, p. ix.

⁶⁾ *Ibid.*, p. 321.