

Self-Ownership as Birthright



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I’ve been thinking a lot about the idea of “children’s rights” over the last several months; really wrestling with it. I’ve read the attempts by Rothbard and others that address the question “Do children have the same rights as adults?” without much satisfaction. They mostly address things like “child abandonment” and “parental obligation.” What seems to be missing (and my research may be incomplete) is “Are children self-owners?” and the NAP-based implications of that. So here I would like to do some thinking-out-loud on the idea and its implications that: self-ownership is a birthright.

The Idea

Libertarians and voluntaryists all agree that adults possess self-ownership, or a property right in one’s mind and body. How they get to this “axiom” of self-ownership varies, but all agree that each adult has the exclusive right of control over their bodies. From here we can argue for things like religious freedom, or freedom of conscience and the mind, consumption freedom, or the right to consume whatever we choose to consume (food, drink, drug), freedom of association, or the right to associate and interact with others of mutual choosing, freedom of speech, or the right to express ourselves, and many other such freedoms and rights. They all come back to a property right in one’s own mind and body, or self-ownership.

That adults are self-owners is one thing, but what about human beings that have yet to reach adulthood? And when is adulthood reached, anyway? Rothbard argued (ch. 7) that adulthood is reached when a child willfully takes control of his body, meaning, I guess, that he defies his parents’ orders and then moves out of the house. If he hasn’t the maturity to make such a move, then he’s not yet an adult. This makes sense in light of the concepts of Lockean and Hoppean homesteading, that the first user of a resource becomes its rightful owner. When a child refuses the orders of his caretaker and then picks himself up and moves outside of the caretaker’s “domain,” he is in effect claiming exclusive right of control over his body. He thus becomes a self-owner.

Everyone (except, I suppose, the mentally handicapped) will one day “homestead” themselves and move out from under their parents’ control. Therefore everyone will one day become (or try to become pending force) a self-owner. Can it be said, then, that self-ownership is a natural “birthright” of everyone who has been or will be born? A birthright is “a right or privilege that you are entitled to at birth.” If a parent has *not* the *right* (as versus might) to prevent his child from obtaining his self-ownership, then it logically follows that his child was born *entitled* with the right to one day become a self-owner.

If this were not the case, then the parent, or someone else, has the right to prevent the child from taking control of himself, his life, and in effect, enslaving him for the rest of that person’s life (at which point the child, now grown, would become unowned and could homestead himself). This would fly in the face of libertarian property rights theory, and the entire purpose of property rights (to reduce conflict in a world of scarcity). But, hey, maybe there’s something there, but I doubt it.

The Implications

So what are the implications of self-ownership as a birthright? I don’t believe any of the implications involve a positive duty on parents or caretakers to provide for their child, but on the other hand, it may involve a duty to notify others when one wants to abandon their claim to raise a child, a la Block. That aside, I believe the implications are mostly negative, meaning, what actions are a child’s parents or caretaker *prevented* from taking toward their child?

If one is a self-owner, nobody else has the right to initiate aggression (property invasion) against him. Hence the NAP, or non-aggression principle. Likewise, then, if one is entitled to one day become a self-owner, I think the same restrictions apply. This is so as a matter of integrity. The parent or caretaker cannot be the child’s owner unless that ownership is perpetual. At most, the parent or caretaker is a *steward* over the child’s body until the day the child fulfills his entitlement of self-ownership. Since the parent or caretaker is not the owner of the child, and since the child will one day own himself, it logically follows that the child’s mind and body must remain free from aggression by the parent or caretaker, or anyone else. In other words, the bodily integrity of the child must remain intact. A parent has no right to chop off his child’s leg (or foreskin/genitalia) because that would violate the child’s entitlement to self-ownership. The “self” that he is entitled to one day own has been aggressively changed. Chopping off body parts and bruising are separated by degree only. Both are aggressions against the child and his entitled ownership interest.

We can see then that self-ownership as birthright has quite a number of implications toward parents, caretakers, and everyone else. If one must adhere to the NAP when approaching children, then one cannot use aggression or the threat of aggression to punish a child or force the child to do what he doesn’t want to do. At most, an adult can only do

what he can do to other adults, ie. persuade, love, lead, guide, etc. Parents and caretakers, by virtue of their children's entitlement to self-ownership, can only legitimately raise their children in a non-aggressive manner, and the logical and ethical consequences of that are the philosophies of peaceful parenting and radical unschooling.

Final Thoughts

Like I said, this was an exercise in thinking-out-loud. I think the idea of self-ownership as birthright deserves a hearing and debate among libertarians and voluntaryists. I am certainly open to the possibility that I have erred somewhere, either in the idea, its premise, or in its implications. I would very much like to hear feedback from others.