**People own their own bodies and as a result have rights to use their bodies.**

**Feser,** Edward. "Robert Nozick." *Internet Encyclopedia of Philosophy*, iep.utm.edu/nozick/. Accessed 12 June 2021. Nate

Nozick takes his position to follow from a basic moral principle associated with Immanuel Kant and enshrined in Kant’s second formulation of his famous Categorical Imperative: “Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only.” The idea here is that **a human being, as a rational agent endowed with self-awareness, free will, and the possibility of formulating a plan of life, has an inherent dignity and cannot** properly **be treated as a mere *thing*, or *used* against his will** as an instrument or resource in the way an inanimate object might be. In line with this, Nozick also describes individual human beings as *self-owners* (though it isn’t clear whether he regards this as a restatement of Kant’s principle, a consequence of it, or an entirely independent idea). The thesis of self-ownership, a notion that goes back in political philosophy at least to John Locke, is just the claim that **individuals own themselves – their bodies, talents and abilities, labor, and by extension the** fruits or **products of their exercise of their talents, abilities and labor.** They have all the prerogatives with respect to themselves that a slaveholder claims with respect to his slaves. But the thesis of self-ownership would in fact rule out slavery as illegitimate, since each individual, as a self-owner, cannot properly be owned by anyone else. (Indeed, many libertarians would argue that unless one accepts the thesis of self-ownership, one has no way of explaining *why* slavery is evil. After all, it cannot be merely because slaveholders often treat their slaves badly, since a kind-hearted slaveholder would still be a slaveholder, and thus morally blameworthy, for that. The reason slavery is immoral must be because it involves a kind of stealing – the stealing of a person from himself.) But **if individuals are inviolable ends-in-themselves** (as Kant describes them) **and self-owners, it follows**, Nozick says, **that they have certain *rights*, in particular** (and here again following Locke) **rights to their lives, liberty, and the fruits of their labor. To own something,** after all, just **is to have a right to it,** or, more accurately, to possess the bundle of rights – **rights to possess something, to dispose of it, to determine what may be done with it,** etc. – that constitute ownership; and **thus to own oneself is to have such rights to the various elements that make up one’s self. These rights function, Nozick says, as *side-constraints* on the actions of others; they set limits on how others may, morally speaking, treat a person.** So, for example, **since you** own yourself, and thus **have a right to yourself, others are constrained morally not to kill or maim you** (since this would involve destroying or damaging your property), or to kidnap you or forcibly remove one of your bodily organs for transplantation in someone else (since this would involve stealing your property). They are also constrained not to force you against your will to work for another’s purposes, even if those purposes are good ones. For **if you own yourself, it follows that you have a right to determine whether and how you will use your self-owned body and its powers,** e.g. either to work or to refrain from working.

**Thus, the state ought not interfere with people since that would violate their rights.**

**Feser 2,** Edward. "Robert Nozick." *Internet Encyclopedia of Philosophy*, iep.utm.edu/nozick/. Accessed 12 June 2021. Nate

So far this all might seem fairly uncontroversial. But what follows from it, in Nozick’s view, is the surprising and radical conclusion that ***taxation*,** of the redistributive sort in which modern states engage in order to fund the various programs of the bureaucratic welfare state, **is morally illegitimate. It amounts to a kind of *forced labor*, for the state so structures the tax system that any time you labor at all, a certain amount of your labor time – the amount that produces the wealth taken away from you forcibly via taxation – is time you involuntarily work, in effect, for the state.** Indeed, such taxation amounts to partial *slavery*, for in giving every citizen an entitlement to certain benefits (welfare, social security, or whatever), the state in effect gives them an entitlement, a *right*, to a part of the proceeds of your labor, which produces the taxes that fund the benefits; every citizen, that is, becomes in such a system *a partial owner of you* (since they have a partial property right in part of you, i.e. in your labor). But **this is** flatly **inconsistent with the principle of self-ownership.**

The various programs of the modern liberal welfare state are thus immoral, not only because they are inefficient and incompetently administered, but because they make slaves of the citizens of such a state. Indeed, **the only sort of state that can be morally justified is** what Nozick calls **a *minimal state***or “night-watchman” state, **a government which protects individuals**, via police and military forces, **from force, fraud, and theft, and administers courts of law, but does nothing else.** In particular, **such a state cannot regulate what citizens eat, drink, or smoke** (**since this would interfere with their right to use their self-owned bodies as they see fit), cannot control what they publish or read** (since this would interfere with their right to use the property they’ve acquired with their self-owned labor – e.g. printing presses and paper – as they wish), cannot administer mandatory social insurance schemes or public education (since this would interfere with citizens’ rights to use the fruits of their labor as they desire, in that some citizens might decide that they would rather put their money into private education and private retirement plans), and cannot regulate economic life in general via minimum wage and rent control laws and the like (since such actions are not only economically suspect – tending to produce bad unintended consequences like unemployment and housing shortages – but violate citizens’ rights to charge whatever they want to for the use of their own property).

**Thus, the standard is consistency with libertarianism. This is the idea that the only moral state is one that protects people’s rights but is *never* morally justified in coercing its citizens.**

**Prefer:**

**1. There is a distinction between harming someone and wronging someone. E.g. if you go in my yard and destroy my mushrooms that’s unethical but if you take down your garage and now I don’t have shade, the same thing results but you acted permissibly.**

**Ripstein**, Arthur. *Force and Freedom*. E-book ed., London, England, Harvard UP, 20**09**. Nate

The second is that **harm**, as such, **is not a category of wrongdoing.** In particular, **interference with the successful attainment of a particular end is not an interference with external freedom.** Harms and benefits—the ad- vancing or setting back of the interests of a person—are only incidental to this analysis. Let me illustrate this with a pair of examples. **Suppose that you and I are neighbors.** You have a dilapidated garage on your land where our properties meet. **I grow porcini mushrooms in the shadow of your garage. If you take down your garage, thereby depriving me of shade, you harm me, but you do not wrong me** in the sense that is of interest to us here. **Although you perform an affirmative act that worsens my situation**—exposure to light destroys my mushrooms—**I do not have a right, as against you, that what I have remains in a particular condition.** Although I do have a right to my mushrooms, which prohibits you from doing such things as carelessly spilling fungicide on them, **I do not have a right that you provide them with what they need to survive, or that you protect them from things that endanger them apart from your activities.** Thus you do not need to protect them from light by erecting a barrier unless your use of the land is the source of that light. Nor do you need to continue to provide a barrier that has protected them in the past. The distinction be- tween depriving me of what I already have as opposed to failing to pro- vide me with what I need does not turn on the difference between action and inaction. **If I grow sunflowers in my yard and you put up a garage on yours, thereby depriving me of light, you harm me but do not wrong me,** because all you have done is fail to use your land in a way that provides me with something I need.

**2. Freedom is a side constraint on all other values. For example, boxing is painful but it’s okay because people consent to it but a similar action, assault, is not okay because people don’t consent to it.**

**3. A-spec: The U.S. government has to respect rights because there are things like the bill of rights and other legally codified rights. This means a framework that thinks the government has to violate rights to promote some good fails because they can’t. I.e. it would be ridiculous to say “the government should start harvesting innocent people’s organs” even if on balance that would promote utility because they can’t do that.**