**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.**

**I affirm the whole resolution and will specify anything further in cross ex.**

**Contention 1) Immigration restrictions have no legitimate grounding and violate the rights of migrants and domestic citizens to associate with one another and form relationships.**

**Carens**, Joseph H. "Aliens and Citizens: The Case for Open Borders." *The Review of Politics*, vol. 49, no. 2, spring 19**87**, pp. 251-73, www.jstor.org/stable/1407506. Accessed 27 Dec. 2022. Nate

Consider Robert Nozick as a contemporary representative of the property rights tradition. Following Locke, Nozick assumes that individuals in the state of nature have rights, including the right to acquire and use property. All individuals have the same natural rights--that is the assumption about moral equality that underlies this tradition - although the exercise of those rights leads to material inequalities. The "inconveniences" of the state of nature justify the creation of a minimal state whose sole task is to protect people within a given territory against violations of their rights.2 Would this minimal state be justified in restricting immigration? Nozick never answers this question directly, but his argument at a number of points suggests not. **According to Nozick the state has no right to do anything other than enforce the rights which individuals already enjoy in the state of nature.** Citizenship gives rise to no distinctive claim. **The state is obliged to protect the rights of citizens and noncitizens equally because it enjoys a defacto monopoly over the enforcement of rights within its territory. Individuals have the right to enter into voluntary exchanges with other individuals. They possess this right as individuals, not as citizens. The state may not interfere with such exchanges so long as they do not violate someone else's rights.**3 Note what this implies for immigration. **Suppose a farmer from the United States wanted to hire workers from Mexico. The government would have no right to prohibit him from doing this. To prevent the Mexicans from coming would violate the rights of both the American farmer and the Mexican workers to engage in voluntary transactions.** Of course, American workers might be disadvantaged by this competition with foreign workers. But Nozick explicitly denies that anyone has a right to be protected against competitive disadvantage. (To count that sort of thing as a harm would undermine the foundations of individual property rights.) **Even if the Mexicans did not have job offers from an American, a Nozickean government would have no grounds for preventing them from entering the country. So long as they were peaceful and did not steal, trespass on private property, or otherwise violate the rights of other individuals, their entry and their actions would be none of the state's business.** Does this mean that Nozick's theory provides no basis for the exclusion of aliens? Not exactly. It means rather that it provides no basis for the state to exclude aliens and no basis for individuals to exclude aliens that could not be used to exclude citizens as well.  Poor aliens could not afford to live in affluent suburbs (except in the servants' quarters), but that would be true of poor citizens too. Individual property owners could refuse to hire aliens, to rent them houses, to sell them food, and so on, but in a Nozickean world they could do the same things to their fellow citizens. In other words, individuals may do what they like with their own personal property. They may normally exclude whomever they want from land they own. But they have this right to exclude as individuals, not as members of a collective. They cannot prevent other individuals from acting differently (hiring aliens, renting them houses, etc.).4 Is there any room for collective action to restrict entry in Nozick's theory? In the final section of his book, Nozick draws a distinction between nations (or states) and small face-to-face communities. People may voluntarily construct small communities on principles quite different from the ones that govern the state so long as individuals are free to leave these communities. For example, people may choose to pool their property and to make collective decisions on the basis of majority rule. Nozick argues that this sort of community has a right to restrict membership to those whom it wishes to admit and to control entry to its land. But such a community may also redistribute its jointly held property as it chooses. This is not an option that Nozick (or any other property rights theorist) intends to grant to the state.5 This shows why the claim "It's our country. We can admit or exclude whomever we want" is ultimately incompatible with a property rights theory like Nozick's. **Property cannot serve as a protection for individuals against the collective if property is collectively owned. If the notion of collective ownership is used to justify keeping aliens out, it opens the possibility of using the same notion to justify redistributing income or whatever else the majority decides.** Nozick explicitly says that the land of a nation is not the collective property of its citizens. **It follows that the control that the state can legitimately exercise over that land is limited to the enforcement of the rights of individual owners. Prohibiting people from entering a territory because they did not happen to be born there or otherwise gain the credentials of citizenship is no part of any state's legitimate mandate. The state has no right to restrict immigration.**

**Contention 2) Immigration restriction infringes on a permissible action which is an unjust use of state power.**

**Freiman**, Christopher, **and** Javier **Hidalgo**. "Only Libertarianism Can Provide a Robust Justification for Open Borders." *Politics, Philosophy, and Economics*, 20**22**, pp. 269-90, philarchive.org/rec/FREOLC-3. Accessed 30 Dec. 2022. Nate

Libertarianism provides a straightforward argument for open borders: **immigration restrictions violate the rights of both the citizens of a state that curtails immigration and foreigners who want to immigrate. People often want to form relationships and contracts across borders.** Consider employment relationships. **Suppose that Sandra wants to hire John to work in her business, and John would like to work for Sandra as well. But John happens to be a foreigner who lives in another country and Sandra’s government forbids John from immigrating. In this way, immigration restrictions interfere with Sandra and John’s consensual relationship.** Or **consider the impact of immigration restrictions on other kinds of relationships. Imagine that Sarah wants to rent or sell a home to Rebecca and Rebecca wants to accept this offer. Rebecca, however, is a foreigner. So, Rebecca is unable to occupy the home that Sarah is offering her. In short, immigration restrictions prevent citizens and foreigners from associating with one another on their own freely chosen terms.** Owners of businesses and housing possess a right of disposal over their productive property that entitles them to hire and rent as they see fit. Foreigners as much as citizens possess a largely unrestricted right of occupational choice and freedom of contract which entitles them to accept the employment and rental terms of their choice. And a largely unrestricted right of free association protects both citizens’ and foreigners’ liberty to marry and reside with the partners of their choice. If immigration restrictions violate these rights, then this constitutes a powerful objection to them from a libertarian perspective. Notice that the libertarian presumption in favor of free movement is grounded in the rights of foreigners and citizens. Immigration restrictions are presumptively unjust because they interfere with both the rights of citizens to associate with foreigners and foreigners’ rights to associate with the citizens of other states.10 An objector might respond to this argument by claiming that states also have rights to freedom of association. Furthermore, states can exercise these rights by choosing to exclude potential immigrants. Individuals have a right of exit, given that they may not be forced to associate against their will, but not a right of entry, given that this right would imply that an association may be forced to accept a member against its wishes. However, since states are nonconsensual organizations, libertarians are skeptical that states have rights to freedom of association that can weigh against the rights of individuals. To help motivate this claim, let’s return to the example of Sarah and Rebecca. Imagine that Sarah wants to associate with Rebecca by inviting Rebecca to live in Sarah's house or by employing Rebecca in her business. But suppose that Sarah's neighbors dislike this arrangement and want to prevent Sarah and Rebecca from associating in this way. Sarah's neighbors claim: “our neighborhood has a right to freedom of association. Moreover, this right permits us to exclude Rebecca from the neighborhood.” Yet libertarians would deny that the neighborhood has a right to freedom of association that entitles it to prevent Sarah and Rebecca from associating. Things would be different if Sarah and Rebecca agreed to abide by the terms that their neighbors set. But let’s assume that Sarah and Rebecca never consented to these terms. So, the neighborhood lacks a right to exclude Rebecca. According to libertarians, this same basic analysis applies to states. Libertarians generally hold that states lack rights to freedom of association that can compete with individual rights to associate with foreigners.11 Remember that **libertarians generally believe that an exercise of state power is permissible only under the same conditions that a private actor’s similar actions would be permissible.** With this point in mind, consider a scenario that Huemer describes.12 **Imagine that Marvin is starving. If Marvin is unable to find food soon, he’ll die. So, Marvin sets off for the local market in order to buy bread there. People in the market are happy to sell bread to Marvin. But another person, Sam, decides to stop Marvin from reaching the marketplace.** Sam forcibly prevents Marvin from entering the marketplace. Consequently, Marvin returns home without food and he dies of starvation. **Sam’s behavior is obviously wrong.** Why? One explanation is that Sam coerces Marvin in a harmful way. But let’s also assume that the state may not do what it would be wrong for any nongovernmental person to do. Thus, **if it’s wrong for a private actor like Sam to subject Marvin to harmful coercion, then it’s prima facie wrong for states to subject potential immigrants to harmful coercion too.** In this way, **libertarians’ skepticism of political authority and legitimacy grounds a strong presumption against immigration restrictions.**