# NC

### Framework

#### [Value] I negate and value Justice, meaning policies that respect people’s due.

#### [Ripstein] As agents capable of making choices, people deserve equal freedom. People can use property and negative liberty to set their own ends, so long as they don’t violate others’ ends.

Ripstein: Ripstein, Arthur. [Kantian Philosopher] "Beyond the Harm Principle," 2006. KK

All of the standard objections to the idea of equal freedom conceive of freedom as a person’s ability to achieve his or her purposes unhindered by others. This understanding of freedom, described as “negative liberty” in Isaiah Berlin’s essay “Two Concepts of Liberty,” characterizes any intentional actions or regulations that prevent a person from achieving his or her purposes as hindrances to freedom. Some critics have questioned the special significance of the actions of others in limiting freedom on this account – lack of resources, or internal obstacles may frustrate your purposes just as much as my deliberate actions. The difficulty for the idea of equal freedom is different. It comes from the role of successful attainment of your purposes in this conception of freedom. If our purposes come into conflict, so too must our freedom. Any purpose, whether my private purpose of crossing your yard, or that state’s public purpose of coordinating traffic flow, can come in to conflict with some person’s ability to get what he or she wants. The closest such a conception of freedom can come to an idea of equal freedom is some distributive system that would be likely to equalize people’s chances of success.23 The sovereignty principle conceives of freedom differently, in terms of the mutual independence of persons from each other. Such freedom cannot be defined, let alone secured, if it depends on the particular purposes that different people happen to have, because part of the reason freedom is important is that it allows each person to decide what purposes to pursue. Instead, equal freedom is understood as each person’s ability to set and pursue his or her own purposes, consistent with the freedom of others to do the same. Each person's entitlement to decide how their powers will be used precludes prohibiting many of the setbacks people suffer as effects of other people’s non- dominating conduct. People always exercise their powers in a particular context, but that context is normally the result of other people's exercises of their own freedom. To protect me against the harms that I suffer as you go about your legitimate business, perhaps because you set a bad example for others, or deprive me of their custom, would be inconsistent with your freedom, because it would require you to use your powers in the way that most suited my wishes or vulnerabilities. You do not dominate me if you fail to provide me with a suitable context in which to pursue my favoured purposes. To the contrary, I would dominate you if I could call upon the law to force you to provide me with my preferred context for those purposes. That would just be requiring you to act on my behalf, to advance purposes I had set. That is, it would empower me to use force to turn you into my means. Refusing to provide me with a favourable context to exercise my powers is an exercise of your freedom, not a violation of mine, however mean spirited you may be about that refusal.31

He adds:

In the case of property, even if “abstinence” is the rule that makes up the practice, the harm principle demands a positive case be made to show that enforcing it is the only way to protect the practice. Rules always prohibit their own violation – that is what makes them rules – and rules that make up a practice will “call for” enforcement even in cases where the institution is not in danger. Whenever the rationale for enforcing the rules of chess or baseball, it is not that otherwise chess or baseball would be vulnerable to collapse.16 The most that can be said about games and other purely conventional practices is that making the rules and prohibiting their violation comes down to the same thing. We do not need to look to the effects of violations, either in particular or in general, in order to recognize that the rules create the game by prohibiting their violation. This is not the place to examine the idea that institutions such as property are best analyzed on the model of a conventional game. The problem is that there seem to be only two ways of understanding this idea, and neither of them is consistent with the harm principle. One says that the rules must be enforced on pain of collapse of the practice. But that just reintroduces the distinction between harm and wrongdoing that created the difficulty about our example. If a class of violations are harmless to the practice, the harm principle provides no rationale for prohibiting them. The other model says that the rules make up the practice. It makes no reference to the concept of harm, because it makes no reference to the effects of violations. The harm principle appears to have no way of engaging with the idea of a valuable social practice, and so cannot use it to explain why harmless wrongs should be prohibited.17

#### [Criterion] My criterion is Protecting a System of Equal Freedom. Protecting a System of Equal Freedom means giving all people the ability to pursue their own ends. In other words, my right to swing my fist ends when it hits someone else’s face. Under this standard, the negative burden is to show that private space appropriation *alone* does not violate equal freedom. Conversely, the affirmative burden is to show that private space appropriation *alone* violates equal freedom.

## Contention

#### [Thesis] My thesis and sole contention is that since asserting ownership over something does not, by itself, harm others, the process of appropriation can’t be considered unjust.

#### [Hayase & Ura] The mere process of owning something isn’t the same as using it, it doesn’t justify violating equal freedom.

Hayase & Ura: Hayase, Kohji [Graduate School of Integrated Arts and Sciences, Hiroshima University, Hiroshima, Japan] and Mitsuhiro Ura. [Faculty of Psychology, Otemon University, Osaka, Japan], “Ownership or Taking Action: Which Is More Important for Happiness?” May 2015. https://www.scirp.org/pdf/PSYCH\_2015051309482001.pdf AC

Forty years ago, John Lennon sang, “Imagine no possessions, I wonder if you can”. The concept of possession itself is interesting to consider, and investigate, and debate (Curchin, 2007). A recent report explained happiness and well-being as agential flourishing (Raibley, 2012). Possession (ownership) and taking action are concepts that contrast with each other, since the former represents stasis or little movement, and the latter is dynamic and movement itself. Thus, we have arrived at a significant question, psychologically and philosophically: Which is more important to achieve happiness, ownership (possession) or taking action? There is little research about the preference for ownership or taking action in relation to happiness. In this paper, we examine the happiness that people feel from possession or ownership in comparison to the happiness they achieve as a result of taking action. The purpose of this paper is to investigate Japanese people’s preference for ownership (possession) or taking action, to evaluate the correlations of this preference with gender, age, level of education, and annual income, and to discuss reasons for people’s preference.

**They add:**

On the other hand, there is little research about the preference for ownership (possession) or taking action in relation to happiness. One reason could be the difficulty in differentiating the terms “taking action”, and “experience”. One possible difference between the terms action and experience might be that people valued taking action for its achievement value, in addition to its experiential value (Nozick, 1974) . According to Webster’s New World Dictionary, action is the doing of something and/or state of being in motion or of working, whereas experience is the act of living through an event or events; personal involvement in or observation of events as they occur. These meanings are similar in Japanese. Taking action might have broader meaning beyond its experiential value (i.e., experiencing an event or events), such as work or achievement of value, and/or volunteering and making charitable contributions. Moreover, happiness from taking action is to some extent different from happiness from experience or experiential purchase, in accordance with the distinction between episodic happiness and well-being (Raibley, 2012) , since experience or experiential purchase is related or connected to an episode, an event, or events. We investigated the preference for ownership (possession) or taking action, in relation to hap- piness, considering that the term taking action included the term experience. We think that ownership is not only related to purchasing behavior, but also related to the monopolization of materials, which is close to being selfish. Psychological study of monopolization materials (Why do some people like to monopolize materials instead of freely transferring them to others?) is a very important and useful topic for the psychology of happiness and/or peace. When we look deeply into the question of ownership, we can find very broad and meaningful aspects in ownership, as like as in taking action. We think that taking action and ownership are also comparable in their broad meanings. Then, we carried out the research about the preference for ownership (possession) or taking action in relation to happiness.

#### [Nelson & Block] And private property appropriation respects a system of equal freedom.

Nelson & Block: Nelson, Peter Lothian [Professional engineer], and Walter E. Block [American Austrian School economist]. *Space Capitalism: How Humans Will Colonize Planets, Moons, and Asteroids*. Switzerland: Palgrave MacMillan, 2018. CH

In sharp contrast, each and every transaction that occurs under laissezfaire capitalism can boast volunteerism. When A purchases a pen from B for $1, they both agreed to the transaction. It was unanimous. And the same goes for all other commercial interactions, whether buying or selling, trading or bartering, lending or borrowing, or saving and investing. Thus, if property remains in the private sector, there is no violation of any just law as there is with public property. How can property rights be established? From the libertarian perspective, this is accomplished through homesteading. How does this work? The general rule is simple.8 One mixes his labor with the land, by planting a field or harvesting trees; a man captures and domesticates an animal, or kills one for food. Then, he becomes the owner of the resource owners establishes just title. So, if one man grows corn, and another milks a cow, and then they barter, the farmer owns the milk, even though he did not produce it, as does the rancher the corn, ditto. But, both can trace titles to what they now own to initial homesteading and voluntary interaction. The problem with so-called government ownership is that no politician, no bureaucrat, ever homesteaded or freely traded anything.9 Instead, the king, or the congress, simply declared control over certain territories. But this is on a par with everything else done by this institution. There is no justification, merely the fraudulent claim: “Might makes right.” We therefore conclude that private property, the very basis of the free enterprise system, is justified. Commons What of unowned property not controlled by either government or private individuals? The ethical status of the commons depends upon exactly how and why this occurs. The short answer is, if property is unowned because it is sub-marginal, then all is well. If, on the other hand, this status arises because the state refuses to allow private parties to homestead virgin territory and take ownership over it, then this is contrary to the libertarian ethos. The unowned property itself, of course, is not to blame; it is inanimate. The fault lies with the institution that refuses to allow homesteading and settlement on it. Why is some land sub-marginal? This is because it does not pay to settle on it. The terrain is too rough, or too far away from civilization to be economical, or too dangerous, or for any other reason unsuitable for habitation by any but the heartiest and most adventurous persons and even then, only temporarily.

Since affirming denies rights without any wrongdoing from private entities, it violates the criterion and justice.