

PPE Workshop IGDR Mumbai

Libertarianism and Capability Freedom

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17 May 2016

- 1** Freedom and Justice
- 2** Libertarianism
- 3** Justice and Capabilities

■ Recap:

- *Negative Freedom*

“Freedom from”, “absence of external constraints”, “freedom of the natural person” ...

- *Positive Freedom*

“Freedom to”, “ability to act (overcoming internal or personal constraints)”, “freedom of the ‘self’ or a group”.

- *Republican Freedom*

A “robust” version of negative freedom ... (we will not pursue this here).

- We now know what freedom *is* and that it is something valuable (in various ways). But ...
 - Knowing what a thing is and how valuable it is does not say anything about how society should be organized.
 - If we believe that freedom is valuable, then we need a theory of political and economic organization that places freedom at its core. Such theories are theories of justice and they answer the question “who ought to get what?”

- Our task in this lecture: Look at two broad classes of theories where freedom is the core element and we see how these theories are characterized by different conceptions of freedoms.
 - Procedural or entitlement theories based on negative liberty:
Libertarianism.
 - End-state or patterned based theories based on positive liberty:
Capability Theory.

■ What are ...

- *Procedural* (or entitlement) theories?

Basically: if the procedure is just by some standard, then whatever arises from the procedure is also just.

- *End-state* (or patterned theories)?

Basically: a predetermined pattern, such as equality in, or sufficiency of, “mana” is achieved. The history of the distribution of “mana” plays no role.

	Procedural	Patterned
Negative Freedom	Libertarians	Egalitarians
Positive Freedom		Egalitarians, Socialists

The General Conception

The foundational claim of Libertarianism is that each individual is surrounded by an impenetrable perimeter fence. This fence consists of various duties in all other persons other than the person not to interfere. These duties are a set of obligatory forbearances that jointly imply the impermissibility of any action from all others that would obstruct the person acting within that perimeter

The General Conception

As a theory a theory of political and economic organization which states:

- *Direct Claim*

Once a set of basic rights has been defined and allocated (“self-ownership” in particular), any distribution of resources, goods, and welfare that arises from this initial allocation of rights is just provided no individual rights have been violated.

- *Indirect claim:*

In order to achieve a just allocation of resources, goods, and welfare, we only need to determine a special set of rules that define for each individual what they may or may not do and the outcomes they can bring about.

The General Conception

The Libertarian ethos:

- Libertarians are peaceful and non-harmful rights respecting agents. They do not steal, physically or verbally harm, and leave all other individuals to lead the lives they choose to live.
- Libertarians do not trade-off the rights of one individual against another.
- Libertarian societies are minimally coercive and emphasize the primacy of the individual.

Special Conceptions

Libertarianism come in two broad forms, distinguished by the concern for another important value: equality.

- *Right Libertarianism*

Concerned only with equality in an “initial situation” (before individual choices are made).

- *Left Libertarianism*

Concerned with equality in an “initial situation” (before individual choices are made) and after some choices have been made.

- The canonical special conceptions share the same foundational assumption of self-ownership of the individual (each as full claim rights over their bodies) but differ with respect to claims over the external world.

Nozick's Right Libertarianism

Once individuals are entitled to their holdings, any distribution that emerges from their free and voluntary exchanges is just.

1. *Justice in acquisition*: An account of how people initially acquire their holdings, e.g., the mixing labour argument and the Lockean Proviso.
2. *Justice in transfer*: Whatever is rightfully held can be transferred, such that the new holding is equally rightful.
3. *Communitative justice*: Those whose entitlements have been violated are owed rectification.

The Nozickean Proviso

You may acquire previously unowned resources (and its fruits) if and only if you make nobody else worse off than she would have been in a state of nature in which no resource is privately held but each is free to obtain and consume resources.

- This form of Libertarianism can lead to major inequalities. But this inequality has arisen by just steps from an initial state of equality (a feature of market economies ...)

The Intuitive Case: Wilt Chamberlain (Nozick)

Imagine an equal distribution of wealth D_1 . It is accepted and all the holdings are considered legitimate as well. D_1 is therefore just. Suppose among the members there is Wilt Chamberlain, and that he has as a condition of his contract with his team that he will play only if each person coming to see the game puts 25¢ into a special box at the gate of the sports arena, the contents of which will go to him. Suppose further that over the course of the season, one million fans decide to pay the 25¢ to watch him play. The result will be a new distribution, D_2 , in which Chamberlain now has \$250,000, much more than anyone else – a distribution which thereby breaks the original pattern established in D_1 . Is D_2 unjust and therefore requiring a redistribution via taxation of Wilt Chamberlain's earnings?

Answer — For everyone in D_1 was, by hypothesis, entitled to what he had; there is no injustice in the starting point that led to D_2 . Moreover, everyone who gave up 25¢ in the transition from D_1 to D_2 did so voluntarily, and thus has no grounds for complaint; and those who did not want to pay to see Chamberlain play still have their 25¢, so they have no grounds for complaint either. But then no one has any grounds for a complaint of injustice; and thus there is no injustice.

- Libertarians with a concern for equality have tried to fix the problem by altering the proviso.
- The intuitive case that is at the source of the proviso fix is the case of “bald and hairy in a fridge ...”.
- ... as a taster:

Left Libertarianism and the Egalitarian Proviso

Someone else's share is as advantageous as yours if and only if it is such that she would be able (by producing, consuming, or trading) to better herself to the same degree as you, where "betterment" is to be measured in terms of level of welfare understood as the satisfaction of the self-interested preferences that the individual would have after ideal deliberation while thinking clearly with full pertinent information regarding those preferences.

- An alternative theory of justice is to postulate that a society is just if and only if some baseline in positive freedom is achieved.
 - This baseline may be equality, sufficiency, priority in some measure of positive freedom.
 - A common measure is the so-called capability set.

- Two theories:
 - Nussbaums's Aristotelian set of “flourishings”.
 - Amartya Sen's set of “potentially achievable functionings of an individual”.

Nussbaum's List of Basic Capabilities

1. *Life* — live a normal length life.
2. *Bodily Health* — good health, including reproductive health.
3. *Bodily Integrity* — free physical movement, absence of harm, sexual satisfaction.
4. *Senses, Imagination, and Thought* — ability to develop and use mental capacities.
5. *Emotions* — ability to have attachments to things and other beings, including grieving at absence.
6. *Practical Reason* — ability to form a conception of the good and engage in critical reasoning.
7. *Affiliation* — ability to live with others, and possess the basis of self-respect.
8. *Other Species* — ability to have concern for other species and live with them.
9. *Play* — ability to laugh, play, and enjoy recreation.
10. *Control Over One's Environment* — political participation and ownership of property.