

# The Defects of Libertarianism

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**Abstract:** *Libertarianism has defects in the principle of transfer, the principle of self ownership, the principle of initial possession of justice, the principle of supremacy of freedom, the theory of mutual benefit and the philosophical basis of libertarianism. Libertarianism ignores equality, ignores others, replaces justice with freedom, and emphasizes absolute property rights. Its theory is based on the atomic individual and extends the priority of free choice from physical to value.*

**Keywords:** *libertarianism, freedom first, property rights, Nozick*

## 1. Introduction

Libertarianism insists that freedom is supreme relative to other values. Libertarianism firmly upholds individual freedom and attaches great importance to individual property rights. On the issue of freedom, libertarianism is based on absolute individualism. This means that in a certain range, people should follow their own free will, including their own values and preferences; And within this scope, the interests of the individual are above everything else, and are not bound by others. It can be seen that the core of libertarianism is to safeguard individual freedom, and individual freedom is their basic and primary value. This leads to a series of theoretical defects in the qualification theory of libertarianism, such as the principle of transfer, the principle of initial acquisition of justice and the principle of self ownership. And these are closely related to the modern philosophy of rationalism.

## 2. The defect of transfer principle

Nozick's transfer principle holds that anything obtained through proper channels can be transferred freely. For example, if I have a piece of land, I can transfer it in any way I want. According to the principle of transfer, if our acquisition of something is justified, we have absolute property rights to it. We are free to deal with it as we wish, even if these transfers are likely to lead to great inequality in the distribution of income and opportunities. Because people are born with different natural talents, some people will get rich rewards, while others who lack market skills will get little rewards. Because of the differences in natural gifts, some people will live well, others will starve. And these inequalities will affect the opportunities of the next generation. These are the possible consequences of the principle of unlimited transfer.

Nozick acknowledged that the transfer principle would produce these consequences, and he defended it. For example, basketball superstar Chamberlain signed an agreement with a team that he would get a 25 cent commission from every ticket for every home game. A lot of people are attracted by superstars to watch the game. Every time people buy tickets, Chamberlain earns 25 cents. For these audiences, it's worth paying so many tickets. Suppose that in a certain season, 1 million people watch his game, so Chamberlain finally gets \$250000, and his income is much more than the average income of people. Nozick believes that Chamberlain's income is just, because people could have used the money for other purposes, but people still choose to give Chamberlain their 25 cents, which is their own choice.

Nozick's argument is persuasive because it conforms to our intuition about choice. But this example ignores another intuition: to deal with inequality. In the face of such inequality, libertarianism holds that the material and behavior required for the implementation of equal rights belong to others, and the ownership of other people's material and behavior cannot be infringed. Therefore, people have no right to dispose of other people's material and behavior, and they have no right to implement such equal rights. This will strengthen social inequality.

Nozick's transfer principle attaches importance to people's free choice, but ignores people's equality.

This kind of indifference will aggravate the polarization of society. In the process of resource transfer, only those with sufficient resources have freedom, and those without resources have no freedom. In fact, libertarianism replaced justice with freedom. This kind of freedom will damage the freedom of many people, so it is a kind of harmful freedom [1]. Nozick really cares about the rights of the individual, not about everyone. Actually, freedom and equality are not contradictory. Only the realization of equality can guarantee the realization of freedom. In some cases, restrictions on individual freedom will not weaken freedom, but can expand it to a greater extent.

### **3. Defects of self ownership**

Nozick believes that individuals have rights, and individual rights can not be violated, whether in the name of others or in the name of the collective. Society must respect these rights, because they reflect the Kantian principle as the foundation: the individual is the end, not just the means. You can't sacrifice or use them for your own purposes without personal consent. In a libertarian society, people are regarded as people with dignity and individual rights. Society respects us by respecting rights.

Nozick believes that self ownership can lead to the ownership of property. The reason is that if an individual has his own abilities, he will have everything that he can obtain by using these abilities in the market. This means that people are the owners of themselves, and the government can not intervene in the market by force, otherwise it will infringe on people's self ownership.

However, self ownership cannot lead to absolute property rights. Because some things can not be created by man's own ability. The content of market exchange is more than the use of all abilities of self [2]. For example, I can use my ability to increase the output of cultivated land, but I have never created land. Therefore, my qualification for the land and my right to use the land in the market exchange are not only based on my ability to use it.

In addition, according to the principle of self ownership, if B is shipwrecked and dying, A promises that as long as B becomes a slave of A, he can help B. So B agreed to be a slave to A. This process seems to have gone through B's free choice, but the result is obviously unjust. Distribution based on the principle of self ownership will inevitably lead to the damage of other people's self ownership. Only relying on the distribution of self ownership will cause contradictions, so it is unjust..

### **4. The defects of the initial acquisition of justice**

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Nozick realized that the content of market trading is more than the use of all the abilities of self. According to his theory, my qualification for external property originated from others, and was transferred to me according to the principle of transfer. This assumes that the earlier owners are entitled. If we go back, we will come to a question of the initial acquisition of justice. For example, a piece of land, land is not created by anyone, it exists before the existence of people. There should be one person who initially took possession of the land in a just way. Nozick puts forward the principle of initial acquisition of Justice: if we leave enough and good resources to others, we are entitled to occupy some of the external world. For example, if the enclosure movement keeps people's overall interests unchanged or even better, then the occupation of land is acceptable. And libertarians believe that the lack of enclosure will make everyone better overall, even for those who have no land to enclosure. Tragedy of the commons can support this view.

Tragedy of the commons means that because the land is public, the fruits of personal labor will be taken away by others. In this way, individuals will no longer be willing to work in the commons, thus reducing the efficiency of production. This requires the privatization of land“ The tragedy of the Commons has a worse situation. That is, people may make predatory demands for resources regardless of long-term benefits, leading to resource depletion.

However, there are some problems in the principle of initial acquisition of justice. In Nozick's view, the principle of initial acquisition of justice stipulates that "leaving enough and good resources to others" only includes material resources, and Nozick ignores other things besides other material

resources. In fact, enclosure deprives others of two kinds of Rights: one is the right to speak about the ownership of the previously occupied land, and the other is the right to use their own labor force. And some people don't plunder natural resources. That is to say, Nozick did not take into account the fact that the occupied will be subject to the occupier when evaluating the fairness of occupation. Here, Nozick only considers the freedom of the possessor's enclosure, but ignores the freedom of the possessor's choice. In his opinion, freedom is too important to sacrifice for equality [3]. Moreover, in view of the principle of initial possession of justice, why not assume that the world is jointly owned by people, but that the world is initially ownerless?

### **5. The defects of the principle of rectifying injustice**

Nozick believes that the initial acquisition obtained by using the powerful way is improper, so the current qualification is also improper. Therefore, capitalists have no right to deprive workers of the right to obtain the products and profits of the existing mode of production. Ideally, the impact of improper acquisition should be corrected, and resources should be returned to the proper owners. However, it is often impossible for us to know who is the rightful owner, because we do not know who has illegally taken the resources from whom. Nozick suggested that according to Rawls' principle of difference (advocating the realization of the maximum interests of the least beneficiaries), a one-time comprehensive redistribution of resources may be able to correct the reality of improper qualifications. Only after this kind of distribution can the transfer principle of libertarianism be established. In a word, once we know who is the right owner, we should return the resources to whom. But this is obviously not feasible. For example, it is impossible for the current U.S. government to agree to return a lot of land in North America to the Indians. Ironically, there are not many Indians in America now.

According to Nozick's theory, the legitimacy of the present qualification depends on whether the prior qualification is legitimate or not. If the prior qualification is justified, any new distribution through market exchange is just. This is the justice theory of libertarians. However, the corollary of this theory is that if the prior qualification is improper, the new distribution will be improper. Common sense tells us that what really matters is whether the current distribution will promote people's freedom and meet people's needs. Therefore, we should ignore the historical original sin of improper occupation of resources. Nozick thinks that justice is a historical issue, not a matter of purpose. He opposes the definition of justice based on the state of purpose, such as the satisfaction of needs, the promotion of utility, and the reward of merit. He insisted that only the standard of history is the standard of justice. Because most of the initial acquisition is actually improper, Nozick's theory can not make the existing property free from redistribution. Even if the original qualification is corrected, people will deny the equal care of others when they possess ownerless resources [4].

### **6. The defects of the principle of supremacy of freedom**

Libertarianism only considers property rights. Libertarianism's understanding of power is more focused on the private property right as its core right. In order to guarantee individual freedom, the first condition of libertarianism is absolute private property system. A person's right to possess, use and transfer property legally is regarded as having absolute value. Libertarians strongly advocate the privatization of property. Their logic is that only when property is in a decentralized state can power be in a decentralized state. Decentralization is the basis of freedom and democracy, because the distribution of tax is a violation of people's rights, so it is essentially wrong.

But property right is not the only moral right. People have other rights as well. Our moral intuition tells us that the right to be free from hunger is greater than the right to property, which has greater moral pressure. Sometimes, although it violates the so-called intrinsic value of rights, we admit it, because we know that it is legitimate and just. Although Nozick stressed that the poor can be given voluntary subsidies and handouts, but without mandatory measures and the existence of strong, these so-called "voluntary" basis will be very weak [5]. Market freedom is either a means to maximize the utility or a means to protect political rights and civil liberties. We see people's property rights as a way to increase utility or stabilize democracy. Therefore, if we can promote utility or stabilize democracy through other ways, it is just for us to restrict property rights. From this point of view, Nozick's argument is also flawed.

## 7. The defects of the theory of mutual benefit

Mutual benefit theorists believe that there is no so-called moral equality. Apart from our natural physical inequality, there is no so-called moral equality. What people think is an objective moral value is only a personal subjective preference. Therefore, as far as human behavior is concerned, there is no right or wrong at all, that is, the behavior of hurting others. However, although it's not an internal mistake to hurt you, it's better for me not to hurt you, provided that no one else hurts me. It is mutually beneficial to follow the rule of not harming each other. In this way, we will not have to waste resources to protect ourselves and our property, and we will be able to establish stable mutual cooperation. Acting according to our own short-term interests will shake the foundation of our mutual cooperation and restraint, so it will harm everyone's long-term interests. In this way, the Convention of mutual benefit is regarded as a social contract. It can be said that the Convention of mutual benefit provides a certain moral standard for society.

The difficulty of this theory is that although it is in everyone's interest to agree with the contract or convention, it may not be in everyone's interest to abide by it. For example, everyone is in favor of limiting fishing in order to maintain the sustainable development of the environment, because it is obviously in everyone's interest. If the fish are destroyed, it will endanger everyone's livelihood. But if others continue to overfishing, my constraints on myself are almost meaningless. Because just because I don't fish doesn't stop the extinction of those fish. In addition, if I believe that others will cooperate, then it is rational for me to betray. If no one else overfishing, my betrayal will not affect the overall situation. From the moral point of view, this seems unfair, but from the perspective of mutual benefit theory, there is no moral point of view independent of self-interest. To be sure, if everyone thinks that their betrayal is irrelevant, everyone will betray, and the whole system will collapse. Therefore, in order to ensure the results of collective rationality, it is not enough to just agree with specific norms. It is also necessary to establish some mechanisms to prevent people's betrayal. In this way, it increases the risk of bribery and high costs.

Libertarians believe that respect for self ownership is mutually beneficial. It's in everyone's interest to give self ownership to others and not try to force others to promote our interests. Of course, the premise is as long as others respect our self ownership as well. However, mutual benefit does not justify other rights. For example, the interests of the rich are to protect their own resources, but the poor lack the ability to get them. Libertarians based on mutual benefit believe that everyone has the ability to defend their talents and assets. Because in terms of physical strength, the weakest can kill the strongest. In the sense of harming and being harmed, people have almost equal natural ability. This kind of equality in fact constitutes the basis of equal respect for self ownership. But in fact, many people lack the ability to protect themselves, so they can't ask for self ownership on the basis of mutual benefit. Mutual benefit will make the individual's self ownership subordinate to the strength of others. Nozick's theory explains why everyone has equal rights which have nothing to do with negotiation control, but it can not explain why people's rights should not include some requirements for social resources. The theory of mutual benefit gives up the idea that human beings have inner moral status. The theory of mutual benefit is not the explanation of justice, but the substitution of justice.

On this basis, mutual benefit theorists believe that the reason why people should act according to morality is that doing something can satisfy some of my own desires. That is to say, "justice accords with its interests". If moral behavior cannot promote the satisfaction of desire, I have no reason to engage in these moral behaviors. In this way, it is a judgment to equate rationality with the pursuit of self-interest with maximum efficiency. In fact, the essence of others is similar to our purposeful existence. The evidence of moral equality is "our consistency in human nature". Therefore, the statement that "justice is in line with its interests" is not correct. According to the theory of mutual benefit, some people will deprive others of their property by their ability and infringe upon others' property ownership. So mutual benefit only provides a very limited defense for property rights.

## 8. The philosophical defects of libertarianism

In philosophy, libertarianism has two defects. One is the abstract subject, the other is the value of freedom.

The abstract subject can be traced back to Descartes' thought of "I think, therefore I am". In Descartes' view, even if God deceives me in any possible way, I can know my own existence, because I affirm my own existence through this completely spiritual activity of doubt. Everything in the world

can be doubted, and "I'm doubting" is certain. Doubt must have a subject. Since doubt is certain, the subject of doubt is certain. This is "I think, therefore I am". The subject determined in this way is a thinking entity, which does not need any position and does not depend on any material things. Therefore, it can be absolutely sure that there is a self. Such self, that is, subject, is an abstract subject. This subject is divorced from reality, from all social relations, and ignores all other people. Such a subject is an orphan who is enclosed in his own thinking. Such abstract subject thought is reflected in political philosophy, that is, starting from the atomic individual, pursuing the maximization of individual interests, emphasizing individual freedom while ignoring collective interests and freedom.

As for the value of freedom, there is an asymmetric value proposition in libertarianism [6]. According to libertarianism, free will is the only ability worthy of protection. According to the principle of self ownership, I own myself. Therefore, if other people want to get my property or other belongings from me, they must get my consent. On the other hand, it's reasonable for me to do something immoral with my consent. Take a shipwreck as an example. Someone is in a shipwreck, drifting to the shore and dying. At this time, someone is willing to provide assistance, but only if that person becomes his slave. In this case, that person can only be forced to agree in order to survive. Therefore, it is not right to regard free will as the main value and ignore other values such as happiness, equality and justice. Libertarianism interprets choice as a matter of explicit consent, that is, choice. Choice is valuable, and the ability to choose is physically superior to other abilities. For example, I have to choose whether to exercise my body or my intelligence first, and then I can take all kinds of actions to promote physical fitness or intellectual growth. However, physical priority does not necessarily mean value priority. People usually want to gain some value when they make choices, but what we want to achieve is not necessarily the value of choice itself. The ability to choose takes precedence over other abilities, but in the final analysis, choice is only a means, not an end. Put the value of choice above all other values, and other things will be sacrificed. This means that the development of human ability will be hindered. For example, when the shipwrecked person agrees to become a slave, his conditions are not equal to those of the other party, and he will lose the opportunity of all-round development because of his choice to become a slave.

## 9. Conclusion

To sum up, libertarianism has defects in the principles of transfer, self ownership, initial possession of justice, supremacy of freedom, mutual benefit theory and philosophy of libertarianism. Libertarianism ignores equality, ignores others, replaces justice with freedom, and emphasizes absolute property rights. Its theory is based on the atomic individual and extends the priority of free choice from physical to value. The analysis of the defects of libertarianism is not only of great significance to the improvement and development of our own political system, but also to our better understanding of the behavior patterns of other free and democratic countries.

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