

MARX AND LOCKE ON LAND AND LABOUR

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1. WITHIN political philosophy, we can distinguish three views about the powers of nature and the powers of people. The views differ according as they do or do not encourage an egalitarian approach to the substances and capacities of nature on the one hand, and to the powers of people to modify nature on the other.

There are, first, those who defend an egalitarian approach to both natural resources and human labour. They argue that talented people are merely lucky to be so, and that, to counter the unjustly unequalizing influence of that luck, not only what nature produces but also the product of the powers of people should be distributed according to principles of equality (of, perhaps, in the two cases, appropriately different kinds). John Rawls and Ronald Dworkin are leading exponents of this position.¹

Others, however, such as Robert Nozick, oppose egalitarianism with respect to both human and non-human productive capacity. Nozick claims that, to avoid the endorsement of slavery which he thinks implicit in an egalitarian attitude to people's powers, each person must control his own powers and their products. He holds, moreover, that people exercise their powers legitimately when they gather to themselves virtually unrestricted² amounts of unowned natural resources. That legitimate gathering justifies a skewed distribution of natural resources, the inequality

¹ Rawls regards 'the distribution of natural talents as a common asset' in the benefits of which people should share, in amounts decided by his egalitarian difference principle: *A Theory of Justice* (Cambridge, Mass.: Harvard UP, 1971), p. 101. Dworkin's scheme for taxing talent has a similarly egalitarian rationale: 'Equality of Resources', *Philosophy and Public Affairs*, x, No. 4 (Fall, 1981), 290 ff.

² 'Virtually unrestricted', because Nozick imposes a weak proviso on appropriation: see *Anarchy, State and Utopia* (New York: Basic Books 1974), p. 178. I criticize Nozick's theory of appropriation in 'Nozick on Appropriation', *New Left Review*, No. 150 (March/April, 1985), 89-107.

of which is increased by the fact that Nozick's individuals are entitled not only to what they have themselves taken, but also to the takings of others which come to them by way of trade or gift.

It is possible, finally, to attempt an intermediate course, in which a Nozickian principle of self-ownership is conjoined with an egalitarian regime over the resources of nature only. And in my own recent work,¹ I have been examining that third approach, which I shall here call *partial egalitarianism*, to contrast it with the comprehensive egalitarianism of Rawls and Dworkin on the one hand, and the comprehensive anti-egalitarianism of Nozick on the other. The Rawls/Dworkin and Nozick theories are, of course, sharply conflicting, but they are alike in the important respect that neither distinguishes, so fundamentally as partial egalitarianism does, between the moral status of people's claims to natural resources and the moral status of their claims to their own powers. The first two approaches assimilate the issues of rights over people and rights over nature, though they do so in opposite directions. Nozick endows people's claims to acquired natural resources with the moral quality which belongs, more plausibly, to people's claims over themselves, and Rawls and Dworkin treat personal productivity as subject to egalitarian principles of distribution which they also apply, but less controversially, to the distribution of external wherewithal. The position I have been examining is an intermediate one, since it follows Nozick, and rejects Rawls and Dworkin, in its affirmation (or, at least, non-denial) of self-ownership, but it follows Rawls and Dworkin, and rejects Nozick, in subjecting the distribution of non-human resources to egalitarian appraisal.² I want to see how far one can go, in the direction of some sort of final equality of condition, on the basis of an egalitarianism of external resources which concedes each person's

¹ See 'Self-Ownership, World-Ownership, and Equality' in Frank Lucash (ed.), *Justice and Equality Here and Now* (Ithaca, New York: Cornell UP, 1986); 'Self-Ownership, World-Ownership and Equality: Part II' in *Social Philosophy and Policy*, iii, No. 2 (1986), 77-96; and 'Socialist Equality and Capitalist Freedom' in J. Elster and K. Moene (eds.), *Work, Markets and Social Justice* (Norwegian UP and Oxford UP, 1987). The third article is a compendious presentation of most of the material in the first two, and the first article is a more extended version of the article referred to in n. 2, p. 357.

² Versions of partial egalitarianism were espoused by Henry George, Herbert Spencer, and Leon Walras, and much of the work of Hillel Steiner constitutes a modern variant of it. The approach is called 'The starting-gate theory of justice' at pp. 308-11 of Ronald Dworkin's 'Equality of Resources', in n. 1, p. 357. Dworkin calls the approach 'incoherent', but I have defended it against his strictures at pp. 92-5 of 'Self-Ownership, World-Ownership and Equality: Part II'.

sovereignty over himself, on any view of what equality of condition is, be it equality of income, or of utility, or of well-being (if that is different from utility), or of need satisfaction (if that is different from each of those), or of something else again.

My interest in partial egalitarianism reflects a left-wing political sympathy. It is good strategy for a socialist to postpone engagement against the attractive idea that each individual should decide what is to be done with his own person and powers. Leftists should proceed, initially, as partial egalitarianism does, by rejecting only that part of right-wing thinking which is relatively easy to reject, namely, its cavalier way with external resources, which so readily become, in right-wing thinking, unequal private property. In the end, socialists will have to place some limits on people's claims to self-ownership, since they will not otherwise be able to secure as *much* equality of condition as they believe to be justified. But I believe that they can move far further in the direction of equality of condition from a merely partial egalitarian starting point than many seem to think. For many suppose that the first thing socialists must do is deny self-ownership, and that the debate between left and right is primarily about the rights individuals have over themselves, against the claims of other people. That way of posing the key political question is too kind to the right: it leaves the right's weak side out of consideration.

2. In this evening's lecture I expound and criticize a pair of arguments, which derive from John Locke's *Second Treatise of Government*, and which threaten to undermine the hope that some support for equality of condition might come from an egalitarianism of worldly resources alone. But, before I turn to Locke, I want to describe an anomaly in Marxist views about distributive justice, which must be removed if Marxists are to avert the threat of Locke's arguments.

As everybody knows, Marxists believe in the labour theory of value, or, at any rate, fully orthodox Marxists believe in it, and they are the Marxists about whom I shall speak here. Such Marxists believe that the value of commodities is entirely due to the labour required for their production. And, because of their allegiance to the labour theory, Marxists must assert, and they do in fact assert, that the raw worldly resources to which labour is applied neither possess value, since labour did not create them, nor themselves create value, since they are not themselves labour. Marxists maintain, moreover, that profit on capital comes from exploitation of labour. Capitalists exploit workers when they

appropriate part of the value which only the labour of workers can produce.

Yet when Marxists indicate how workers come to be exploited by capitalists, as opposed to what that exploitation consists in, they suddenly assign extreme importance to natural resources, as I now proceed to explain.

Slaves are exploited because they do not own their labour power, and serfs are exploited because they do not own all of it,¹ but wage-workers, who do own their labour power, are exploited only because they own no means of production. They must therefore sell their labour power to capitalists, on adverse terms. Now most means of production are not raw natural resources, but products of labour, such as tools, machines, and already worked, or, at least, extracted, materials. But, since means of production which are not themselves natural resources are the product, in the end, of natural resources and labour power, it must, ultimately, be some selection of facts about labour power and resource endowments which accounts for workers' vulnerability to exploitation.

Now Marx is emphatic that the answer to the question, how workers come to be exploited, lies in facts about natural resources alone. His commitment to that answer shows up in his discussion of what he called 'the secret of primitive accumulation', which reveals how exploiting capital came into being. Marx disparages the apologetic story in which it was a result of the industry and saving of a 'diligent, intelligent, and, above all, frugal elite'.² If that account were true, then a provident use of self-owned labour power, in the context of an initial equality of external resources, would have created capital. But, according to Marx, the truth is that capital came into being when and because exploitable labour did, as a consequence of the resource dispossession of pre-capitalist peasants. 'The expropriation of the . . . peasant from the soil was the basis of the whole process'.³ Soil, however, is a natural resource, and it follows that, according to Marx, it was a critical loss of natural resources that generated the proletariat. (To be sure, only virgin soil is a natural resource in the strict sense required in this lecture, but it was not because his soil was cultivated that the peasant was exposed to exploitation when it was taken from him.)

It might be objected that, even if lack of land brought the proletariat into being, what they now signally lack are not rude resources but the means of production characteristic of established

¹ See my *Karl Marx's Theory of History: A Defence* (Oxford UP, 1978), p. 65.

² *Capital*, I (Harmondsworth: Penguin Books, 1976), 873-4.

³ *Ibid.*, p. 876.

capitalism. And it is indeed true that, were they provided with those means, then exploitation would cease. But it does not follow that they need those advanced means to escape the necessity of contracting with capitalists. In Marx's account, they sell their labour power to capitalists because otherwise they die, and, if they need existing means of production to live well, a ruder resource provision might nevertheless suffice for them to avoid starvation. It is perhaps for this reason that Marx wrote, in a sentence whose topic was 'present-day' capitalism, and not its origin, that 'the monopoly of land is even the basis of the monopoly of capital'.¹

But the objector could argue that the growth of population which capitalist productivity made possible means that there is no longer enough land per person for each to survive on the basis, initially, of raw resources alone. Yet, even if that is true, it is of questionable relevance in a discussion of the implications of *Marx's* account of the basis of exploitation. It is, moreover, a controversial claim, when, as might be thought appropriate, the land endowment of the whole planet is taken into account. But suppose that it *is* both true and relevant that contemporary workers would, because of their numbers, need relatively sophisticated means of production to escape exploitation. Then why did their forbears not furnish them with them? Not, of course, because they lacked the labour power to produce them, but because they, in turn, lacked means of production, having been furnished with none by their forbears, who were similarly deprived: and so on, backwards in time. By reiterating that impeccably Marxist explanation of each proletarian generation's lack of means of production we arrive at an original loss of natural resources as the ultimate cause of the exploitability of today's proletariat.

Now there is at least an apparent tension here, between the importance imputed to the distribution of worldly resources in the Marxist diagnosis of the cause of exploitation, and the total unimportance of worldly resources in the Marxist account of the source of value. If raw worldly resources do not create or possess value, why should it matter that workers were deprived of them?

3. The Marxist diagnosis of the origin of exploitation is congenial to a redistributive egalitarian policy. But the claim with which it is uneasily conjoined, to wit, that labour is the sole source of value, can be made to serve inequalitarian ends, and such are the ends

¹ *The Critique of the Gotha Programme* in Marx and Engels, *Selected Works in One Volume* (London: Lawrence and Wishart, 1968), p. 321.

which, we shall find, something *like* a labour theory of value is made to serve by John Locke.

To see how the falsehood of the proposition that labour creates value might be encouraging from an egalitarian point of view, let us imagine that nature offered all its resources to us in the form of final consumption goods which there was no need to alter by labour. Suppose, that is, that anything physical which anybody wanted came from nature as a very ripe apple does when it falls from the tree on to a hungry person's lap. Under those benign conditions, labour would not be creating any value, and an equal distribution of worldly resources would tend to foster the final equality of condition which Marxists favour.¹ But in the real world the things we desire depend, in part, for their desirable qualities on labour. Hence, given that people are differentially good at labouring, we have here the makings of a justification of inequality of reward and circumstance, under which more redounds to the more productive and their beneficiaries. Inequality of condition is harder to defend on the hypothesis that, or to the extent that, labour is *not* responsible for the value of commodities. In virtue of the comparative appeal of the self-ownership thesis, which endorses the naturally unequal distribution of personal powers, and the comparative lack of appeal of a similarly unequal distribution of natural resources and energy, the claim people make to the fruits of their labour is the strongest possible basis for inequality of distribution.

There is, then, a danger of discrepancy between Marxism's egalitarianism and Marxism's deprecation of the role of non-labour inputs in the formation of value. To sustain their egalitarianism, orthodox Marxists must distinguish their position from a Locke-like one which asserts both the pre-eminent place of labour in value creation and the labourer's right to his labour and hence to its products.

There are, in principle, two ways out of this dilemma. The first is to reduce the significance of labour in the account of value creation. But that means giving up the labour theory of value, and, therefore, extinguishing orthodox Marxism. The other, and

¹ Not everyone thinks, as I do, that Marxists are egalitarians. A good case for the proposition that Marx himself was not an egalitarian is made by Allen Wood, in 'Marx and Equality' in John Mepham and David Ruben (eds.), *Issues in Marxist Philosophy*, iv (Hassocks, Sussex: Harvester Press, 1981), 205-21. For pretty conclusive argument to the contrary, however, see Norman Geras, 'The Controversy About Marx and Justice', *New Left Review*, No. 150 (March-April, 1985), 71-85.

seemingly more eligible, way out is to deny the labourer's claim to his product. This path seems more open, but two obstacles lie upon it. The first is that, if Marxists deny that the worker has a right to his product, they must then explain why they nevertheless think he counts as exploited, yet they do not usually offer any such alternative explanation.¹ And the second obstacle is that Marxists are, for political reasons, reluctant forthrightly to deny the principle of self-ownership, since they would lose allies if they did so. One expression of that reluctance is the Marxist attachment to the diagnosis of the cause of exploitation which I described in the last section. When Marxists trace exploitation to the producers' dispossession of worldly resources, they account for it without denying self-ownership, and they thereby attract left-liberal support to the anti-capitalist cause.² But if I am right, Marxists can retain their distinctive account of value creation, and yet be egalitarians, only if they assert more difference between themselves and left-wing liberals than they have found it convenient to do.

4. But now I must deal with an objection which informed partisans of Marxist economics would be eager to press. They would complain that, in the foregoing discussion, I rode roughshod over a crucial distinction, the distinction, namely, between (what Marxists call) *exchange-value* and *use-value*. The first, exchange-value, is the power of a thing to exchange against other things on the market, the measure of its power to do so being given by the number of things of any other kind for which it will exchange.³

¹ For a modest attempt at one see my 'Labour Theory of Value and the Concept of Exploitation', *Philosophy and Public Affairs*, viii, No. 4 (Summer, 1979), 357, n. 21, para. 2.

² By 'left-liberals' I do not here mean philosophers like Rawls and Dworkin, but affirmers of self-ownership who are egalitarian with respect to worldly resources, such as the partial egalitarians mentioned in n. 2, p. 358. (See 'Self-Ownership, World Ownership and Equality', op. cit. in n. 1, p. 358, pp. 113-15). Another expression of Marxist reluctance to reject the principle of self-ownership is the Marxist account of communism (see *ibid.*, p. 115).

³ I here give Marx's initial definition of exchange-value, as we find it in the opening pages of Volume I of *Capital*. Later, he implicitly and cheatingly redefines it, in terms of labour time, and thereby turns what was supposed to be the *explanans* of exchange-value into a combined *explanans/explanandum*, thus rendering the labour theory of value tautologous. Under the original definition of exchange-value, virgin land would possess some, but it loses it under the tautologizing redefinition. (Marx's illicit definitional transition is discussed at pp. 350-3 of my 'Labour Theory of Value and the Concept of Exploitation', and also at pp. 309-12 and 325-8 of 'More on Exploitation and the Labour Theory of Value', *Inquiry*, xxvi, No. 3 (September, 1983).)

And exchange-value is different from use-value, which is the power of a thing to satisfy human desire, whether directly or indirectly. A thing satisfies desire indirectly when, for example, it is used to produce another thing which satisfies desire directly, in the sense that, to satisfy desire, that other thing need only be consumed. The term 'use-value' denotes, moreover, not only such a power, but also anything that has such a power, for it is a Marxian verbal convention that whatever *has* a use-value *is* a use-value. Hence anything which contributes to the satisfaction of desire is a use-value, and so, for example, a tract of fertile land both has and is a use-value, since it may be used to produce a use-valuable crop.

Now the Marxist critic would remind me that the labour theory of value is a theory of exchange-value only. The theory does not pretend to explain why a commodity has the amount of use-value it does, but only why it exchanges against a certain number of other use-values on the market. The labour theory's answer to that question is that market exchange ratios are, in the final analysis, a function of the amounts of labour required to produce commodities. And while Marx did say that labour alone creates exchange-value, he amply acknowledged that land, or nature, contributes to use-value, and he was contemptuous of socialists who denied that truth. He criticized the German socialists for opening their Gotha Programme of 1874 with the declaration that 'labour is the source of all wealth and all culture', and admonished them that 'nature is just as much the source of use-values as labour' is.¹ Labour alone produces exchange-value, but nothing has exchange-value unless it has use-value, and, since natural resources are needed to produce use-value, they are a presupposition of the creation of exchange-value, even though they do not themselves have or create any. Thereby, so my Marxist critic would conclude, the seeming tension of which I spoke on p. 361 is dissipated. The worker's lack of worldly resources sets the scene for his exploitation, even though exploitation is expropriation of exchange-value, and worldly resources neither possess nor create exchange-value. One can affirm both that labour is the source of all (exchange-)value and that inequality of natural resources is fateful and unjustified. Consequently, one can affirm the labour theory of value but also protest against the resource dispossession

¹ *The Critique of the Gotha Programme*, op. cit. in n. 1, p. 361, p. 319. Marx interestingly here fails to mention non-natural means of production as a third source of use-value. This confirms the approach of section 2 above, in which they are treated as deriving from the ultimate factors of production, which are land and labour.

from which workers suffer. That answers the question at the end of section 2. And the dilemma constructed at the end of section 3 may also, now, be avoided. One can affirm the labour theory of value and yet call for egalitarian redistribution, without denying the principle of self-ownership, by emphasizing the importance of natural resources in the generation of use-value.

5. But this solution to the problems for orthodox Marxism raised in sections 2 and 3 will not work: the reminder that the labour theory is a theory of exchange-value is of no avail in the present context. For, as I have argued elsewhere,¹ the notion that labour creates exchange-value carries ideological weight only because it is confused with the distinct claim that Marxists officially deny, namely, that labour is the sole creator of the use-valuable product itself. It is only because Marxists (and also their opponents) conflate those two ideas that they are able to suppose that the labour theory of value is a suitable basis for raising a charge of exploitation against capitalists.

To see how the conflation arises, notice, to begin with, that sentences like 'labour creates exchange-value' provide a merely metaphorical rendering of the labour theory of value. What the labour theory literally says is that the exchange-value of a commodity varies directly and uniformly with the amount of labour time required to produce commodities of its kind under currently standard conditions of production, and inversely and uniformly with the amount of labour time standardly required to produce commodities of other kinds. That statement does not imply that labour creates anything. It is the amounts of labour time that would now be required to produce things, a certain set of counterfactual magnitudes, and not any actual sweating toil, which accounts for how much exchange-value things have, if the labour theory of value is true. The past history of a commodity, and, hence, how much labour was spent on it, or even whether any labour was spent on it, have strictly nothing to do with how much exchange-value it has. A commodity has a lot of exchange-value if a lot of labour would be required to replicate it, even if the commodity fell from the sky and therefore has no labour 'embodied' in it at all.

What was required in the past, and still more what happened in the past—these facts are irrelevant to how much exchange-value a commodity has, if the labour theory of value is true. But they are

¹ See 'The Labour Theory of Value and the Concept of Exploitation', *op. cit.* in n. 1, p. 363, pp. 344–59.

not epistemically irrelevant. For, since technical conditions change relatively slowly, the labour time required to produce something in the recent past is usually a good guide to the labour time required to produce it now. Typical past actual labour time is, moreover, the best guide to how much labour time was necessary in the past. Thereby what did occur, the labour actually spent, becomes a good index of what is now required, and, therefore, a good index of the exchange-value of the commodity. It does not follow that, in any sense of 'creates', it creates the exchange-value of the commodity.

The metaphor widely used¹ to convey the labour theory of value makes people think the theory says that workers create something, and, since the most obvious candidate for something created by workers is the physical product, the labour theory of value is, in the end, confused with the idea that the workers create the product itself. It is, moreover, only because of that confusion that the labour theory attracts ideological interest. It has none when it is clearly and distinctly conceived. For real ideological interest lies in claims about the creation of the use-valuable thing in which exchange-value inheres.

To see that this is so, suppose, by way of thought-experiment, that something other than counterfactual labour 'creates' exchange-value, in the very sense in which, in the labour theory, counterfactual labour 'creates' it. (I place scare-quotes around 'creates' in contexts where its use is, at best, metaphorical.) Imagine, in particular, that the magnitude of every commodity's exchange-value is wholly determined by the extent and intensity of desire for it, and that we can therefore say that desire, not labour, 'creates' exchange-value.² But imagine, too, that labour creates the product itself, out of in all senses worthless raw materials, or—the product being a pure service—out of none. Do we now lose our inclination (supposing, of course, that a belief in the labour theory of value induced one in us) to sympathize with the labourer's claim to the product, and, hence, to its exchange-value, even though we are no longer supposing that labour

¹ For example, by Marx. For a list of his uses of the metaphor, see 'More on Exploitation and the Labour Theory of Value', op. cit. in n. 3, p. 363, p. 328, n. 7.

² That desire 'creates' exchange-value may be untrue, but it is not an absurd supposition when, as here, it is the supposition that facts about desire, and not facts about socially necessary labour time, determine exchange-value ratios. The reader who finds absurd the idea that desire 'creates' exchange-value is probably himself confusing exchange-value 'creation' with product creation, and therefore confusing the idea that desire 'creates' exchange-value with the magical idea that it (really) creates the desired product.

'creates' that exchange-value? I do not think we do. The worker continues to look exploited if he creates the exchange-valuable thing and does not get all the exchange-value of the thing he creates. What matters, ideologically, is what creates that thing, or so transforms it that it has (more) exchange-value,¹ not what makes things of its sort have the amount of exchange-value they do, which is what the labour theory of value is really supposed to explain.

If I am right, the labour theory fulfils its ideological function only when it is mistaken for a theory that labour alone creates the product itself. But the latter theory is both false and hard to reconcile with the extreme importance (see pp. 359–61) assigned to non-labour resources in the Marxian diagnosis of what enables capitalists to exploit workers. It is because worldly resources *do* contribute to the creation of the product that they enjoy the importance they have in that diagnosis. The distinction between 'creating' exchange-value and creating the use-valuable product therefore provides no escape from the dilemma in which I sought to place orthodox Marxists at the end of section 3.

6. Recall that the third approach to distributive justice, partial egalitarianism (see p. 358), does not restrict people's rights in their own powers, nor, therefore, in the fruits of the exercise of those powers. It follows that the third approach will not enable much movement in the direction of equality of condition if one can say that the things people want are largely the product of human labour, as opposed to of non-human resources. And that, to turn now to Locke, is precisely what he says. He claims that labour is responsible for virtually all of the use-value² of what human beings want or need, while natural resources are responsible for virtually none of it.

¹ Whatever creates a valuable thing or enhances the value of a thing in *that* sense creates (some of) its value, but that is not the sense of 'creates value' in which labour is supposed to create value in the labour theory of value: see my 'Labour Theory of Value', section X.

² Locke uses the word 'value' when he makes this claim, but, as I argue in section 7, the claim concerns use-value, since, for Locke, 'the intrinsic value of things . . . depends only on their usefulness to the life of man' (*Second Treatise of Government*, para. 37). Elsewhere, Locke contrasts 'intrinsic' and 'marketable value', that being his way of expressing the Marxian 'use-value/exchange-value' distinction: see *Some Considerations of the Consequences of the Lowering of Interest and Raising the Value of Money* in John Locke, *Several Papers Relating to Money, Interest and Trade, Etcetera* (1696) (New York: Augustus M. Kelley, reprint edn., 1968). In the rest of this lecture, I use 'value' to mean 'use-value', in conformity with Locke's *Second Treatise* practice.

Some typical embodiments of Locke's claim:

... labour makes the far greatest part of the value of things we enjoy in this world. And the ground which produces the materials is scarce to be reckoned in as any, or at most but a very small, part of it . . .

'Tis labour, then, which puts the greatest part of value upon land, without which it would scarcely be worth anything . . . Nature and the earth furnished only the most worthless materials, as in themselves.¹

Uncultivated land creates virtually no value, and, Locke infers, it therefore possesses virtually no value. It is 'scarcely . . . worth anything', since it 'furnishe[s] the most worthless materials' only.

Locke repeatedly emphasizes the claims that labour creates almost all of the value of things and that natural resources have almost no value. Clearly, then, he thought something pretty important followed from them. But it is not so clear what he thought the important conclusion was. I shall presently describe two conclusions which might be thought to follow from Locke's contrast between the contributions of land and labour. Each conclusion has been attributed to him by commentators. I shall not try to say which of them he really drew himself, partly because my philosophical interest in Locke is not so historical as that, but also because, when I come to criticize Locke, I shall focus, for the most part, on his premiss that labour creates virtually all value, and what plainly was his argument *for* it, rather than what, not equally plainly, his inference *from* it was.

One conclusion which Locke has been thought to draw from the premiss that labour creates virtually all of the value of things is that no one should object very strongly to currently existing inequality, since it largely descends from people's exercise of their self-owned powers and subsequent disposal of what they created by using them. And the other conclusion is that the original formation of private property in unowned external things was justified by the fact that those things were nearly valueless before their labouring appropriators envalued them: appropriators gathered nothing worth mentioning when they established exclusive control over tracts of natural resources.

So we find in Locke, or attributed to Locke, a pair of arguments, with a common premiss. The common premiss is that labour is responsible for virtually all the value of what we use and consume. The conclusion of one argument, which I shall call the value/

¹ *Second Treatise of Government*, Chap. V, paras. 42 and 43, and see, too, paras. 36, 37, 40, and 41. Further references to Locke's two Treatises of Government will be by *Treatise* and para. number.

appropriation argument, is that a person who labours on unowned natural resources becomes, thereby, their legitimate owner. And the conclusion of the other argument, here called the value/inequality argument, is that inequality in distribution is justified, since, or to the extent that, it reflects unequal value-creating applications of labour. I am sure that Locke wanted to draw one or other of these conclusions, or both of them, or conclusions similar to them, from his premiss that labour creates nearly all value, since it is otherwise impossible to explain the importance which he attached to that premiss.

The common premiss of the value/appropriation and value/inequality arguments should not be identified with another, and more famous, Lockean claim. That different claim is that, when one labours on something, one mixes one's labour with it, thereby placing within it something one owns. Locke uses the labour mixture claim as a premiss to justify the original formation of private property out of what nobody privately owns. By mixing what he owns, to wit, his labour, with something unowned, the labouring appropriator becomes the legitimate owner of the resulting mixture, since he alone has any right to any of it.

Let us call that the 'labour mixture argument'. Note now that the labour mixture argument is different from the value/appropriation argument, whose *conclusion* it shares. The value argument for legitimate appropriation has a different rationale from the argument for labour mixture, although many (and sometimes, perhaps, Locke¹) are prone to confuse the two. It is easy to confuse them, since it is (at least standardly) by labouring on something that you enhance its value, and perhaps your action on it should count as labour only if it does enhance its value. Nevertheless, in

¹ The most explicit 'labour mixture' paragraph is II: 27, in which Locke writes:

Whatsoever then he removes out of the State that Nature hath provided, and left it in, he hath mixed his Labour with, and joyned to it something that is his own, and thereby makes it his Property. It being by him removed from the common state Nature placed it in, hath by this labour something annexed to it, that excludes the common right of other Men.

I think what gets 'annexed' (or, in II: 28, 'added') to nature is labour, not value, but, if it is value, then Locke is confusing the two arguments. Better evidence that he confuses them is II: 44, which, after several value-creation paragraphs (i.e., II: 40-3), reverts to the labour mixture theme, as though continuing the same discussion; and also the first sentence of II: 40, which, given what precedes and follows it, seems to represent labour's prodigious power to create value as the explanation why its mixture with things confers title in them on the labourer.

the logic of the labour mixture argument, it is labour itself, and not value-creation, which justifies the claim to private property. If you own what you laboured on because your own labour is in it, then you do not own it because you have enhanced its value, even if what deserves to be called 'labour' necessarily creates value. And, for the value/appropriation argument, it is the conferring of value as such, not the labour by which it is conferred, that is essential. If you magically enhanced something's value without labouring, but, say, by wishing that it were more valuable,¹ then you would be entitled to whatever the value argument justifies you in having, even though you had not performed any labour.

Locke's principal labour mixture paragraphs in Chap. V of his *Second Treatise of Government* do not, in my view, invoke the consideration that labour enhances the value of that to which it is applied.² And Karl Olivecrona may be right that when, in later paragraphs of the chapter,³ Locke does bring value enhancement to the fore, he is not there trying to defend the initial appropriation of private property, but, instead, advancing the differently concluding value/inequality argument. He is purporting to justify the extensive inequality of goods that obtains now, when original appropriation has long since ceased. The justification he offers is that almost all of present inequality is due not to any unequal initial appropriating but to the labour which followed after initial appropriation. Locke is prepared to concede that untouched natural things have some little value, but he urges that at least 90 per cent and (probably 99 per cent) of the value of things which have been transformed by labour is due to that transforming labour,⁴ so that, unless you would rob people of what they produced, or of what they rightfully received, directly, or at the end of

¹ Note that the magical supposition that wishing creates use-value is different from the unmagical one (see p. 366) that desire 'creates' exchange-value, and that the wisher would not desire what he wishes were use-valuable unless and until his wish had worked.

² The principal labour mixture paragraphs are II: 27–34. Paras. 27 and 28 *perhaps* invoke value enhancement, but, as I said in n. 1, p. 369, I do not think they do.

³ See his 'Locke's Theory of Appropriation', *Philosophical Quarterly*, xxiv, No. 96 (July, 1974), 231–4. The relevant later Locke paragraphs are II: 40–3.

⁴ 'I think it will be but a very modest computation to say that of the products of the earth useful to the life of man nine-tenths are the effects of labour; nay, if we will rightly estimate things as they come to our use, and cast up the several expenses about them—what in them is purely owing to nature, and what to labour—we shall find that in most of them ninety-nine hundredths are wholly to be put on the account of labour' (II: 40). II: 37 gives the same figures, and II: 43 multiplies the larger of them by ten.

a chain of transfers, from labouring producers, you cannot object to the greater part of the inequality that now prevails.

I shall show, in a moment, first, that Locke provides inadequate support for the premiss of the value arguments; second, that that premiss is indefensible; and, third, that, even if it were true, it would not sustain the conclusions drawn from it. But, before offering those criticisms, I must first clarify what the value-creation premiss says, and why Locke was so confident that it was true.

7. Locke's premiss is often described as a rough statement of what, since Marx, has been known as the labour theory of value. That is misleading,¹ since the value which Locke says is (nearly all) due to labour is not the value Marx says labour created. Locke's topic is use-value, not exchange-value. Suppose you own a quantity of wheat. Then the use-value you own is measured by the number of bushels of wheat you have, or, more abstractly, by the amount of life and enjoyment, or of utility, those bushels will afford, whereas their exchange-value is measured by the quantity of other commodities they will fetch on the market. And use-value and exchange-value can vary independently of each other: the self-same quantity of wheat, with the self-same use-value, will undergo a change in exchange-value as market conditions change, and different quantities of wheat, and hence of use-value, will, under appropriately different market conditions, possess the same exchange-value.

If you read Locke with this distinction in mind, I think you will agree that his labour-praising premiss praises labour as the source of use-, not exchange-, value. Consider, for example, these excerpts from II: 37:

... the provisions serving to the support of human life produced by one acre of enclosed and cultivated land are (to speak much within compass)

¹ The frequency of the misleading description is no doubt due to '... the emotional appeal' of the labour theory of value, which 'has induced some historians to interpret as many authors as possible' as proponents of it: Joseph Schumpeter, *A History of Economic Analysis* (New York: Oxford UP, 1954), p. 98. See, for example, Richard Aaron, *Locke* (Oxford UP, 1937), p. 280; John Gough, *John Locke's Political Philosophy* (Oxford UP, 1950), p. 81; George Sabine, *A History of Political Theory* (New York City: Henry Holt, 1958), p. 528. John Dunn (*Locke*, Oxford UP, 1984, p. 44) is strictly wrong when he says that 'the tangled history of the labour theory of value ever since, in the justification and rejection of capitalist production, was already foreshadowed in the ambiguities of the theory which he [Locke] fashioned', but he is substantially right, to the extent that the theory of value typically enters such debates in the ideologically misread form described in section 5 above.

ten times more than those which are yielded by an acre of land of an equal richness lying waste in common . . . I have here rated the improved land very low, in making its product but as ten to one, when it is much nearer a hundred to one.

Hence land without labour is, as we saw, 'scarcely . . . worth anything'. But the increase in its value which is here assigned to the action of labour is an increase in its use-value. For Locke's figures have to do with the comparative physical yields, or use-values, which virgin and cultivated land produce, not with what virgin and cultivated land would respectively fetch on the market.

Notice, now, how Locke determines the contribution of labour to use-value.¹ He does so by comparing the yield of the land with and without labour, his tool of comparison being what I shall call 'the subtraction criterion'. It operates as follows: you subtract what the land yields without labour from what it yields with it, and then you form the fraction got by putting the result of that subtraction over what the land yields with labour. The resulting fraction, to wit,

$$\frac{\text{Amount land yields with labour—amount it yields without it}}{\text{Amount land yields with labour}},$$

is supposed to indicate the proportion of use-value which is due to labour, with the rest, consequently, being due to land. I shall later criticize this procedure for gauging comparative contributions to use-value creation, but, for the moment, just note what it is, and that it has nothing to do with exchange-value. Land which produces one-tenth without labour of what it would produce with it is not consequently going to fetch, on the market, one-tenth in its virgin state of what it would fetch if it were cultivated.

Since Locke's *explanandum* is use-value, his is not the *explanandum* of the Marxian labour theory, exchange-value. But the *explanans* in Locke's theory is also not the same as the labour-theoretical *explanans*, since, in the labour theory, exchange-value is a positive linear function of labour time,² and labour time plays no comparable role in Locke's theory. And that is because the amount of a thing's use-value could not conceivably be imagined to co-vary in a simple way with the labour time required to produce it, even by someone who thought that its use-value was entirely due to labour. As Karl Marx saw, Locke's *explanans* is 'concrete labour',

¹ See, in particular, II: 40, 42, 43.

² The qualifications which need to be put on that statement to cope with the complexities addressed in Volume III of *Capital* are not relevant here.

which is to say labour considered in its concrete form of ploughing, sowing, and so forth, not, as Marx put it, labour 'as a quantum'.¹

To see how labour times play no essential role in Locke's theory, suppose that every piece of land within a given economy is of the same fertility, and that an economy-wide deterioration in fertility, affecting every piece equally, now supervenes. Both before and after the deterioration one acre of the land would yield one bushel of corn per day without labour and a maximum of ten with it, but three hours a day was required to make it yield its maximum ten bushels when the land was good and six hours after it has deteriorated. Then the yield of the cultivated land would not have more value for Locke in stage two than it had in stage one, and that is because the use-value of its yield would have remained the same, even though, on labour-theoretical premisses, its exchange-value would, *ceteris paribus*, have risen.

A simple proof that Locke's is not a labour theory of value in the Marxian sense is that he says only that *almost* all of the value of the product is due to labour. But that point aside, he was not a Marxian labour theorist, for the two reasons rehearsed above.

The second of those reasons was that Locke's *explanans* of value is not the amount of labour time required to produce the product. Yet he does emphasize how prodigious is the amount of labour that goes into elementary consumption goods, reminding us that

'tis not barely the ploughman's pains, the reaper's and thresher's toil, and the baker's sweat, is to be counted into the bread we eat; the labour of those who broke the oxen, who dug and wrought the iron and stones, who felled and framed the timber employed about the plough, mill, oven, or any other utensils, which are a vast number, requisite to the corn, from its being seed to be sown to its being made bread, must all be charged on the account of labour, and received as an effect of that. Nature and the earth furnished only the almost worthless materials as in themselves. (II: 43)

Still, the extensive labour catalogued here is not here measured in the relevant Marxian way, as a quantity of undifferentiated labour time with which exchange-value might be thought to vary. Locke's point is rather that a great deal of variously concrete labour is needed to get consumable bread from an almost worthless natural starting point. It is, moreover, not entirely clear how Locke's catalogue is supposed to serve his own purpose, which is to

¹ *Theories of Surplus Value*, i (London: Lawrence and Wishart, 1969), 366. On the difference between concrete and abstract labour see my *Karl Marx's Theory of History*, op. cit. in n. 1, p. 360, p. 101.

affirm that labour is the source of (almost all) use-value. For his reason for saying that unworked materials are worthless would apply even if only very little labour were needed to transform them into something worthwhile. The application of the subtraction procedure for determining labour's contribution requires no information about the amount of labour, in any sense, that has been spent. (A speculation about Locke's motive for nevertheless emphasizing labour's amount is offered in the following section.)

Finally, a footnote about Marx. As I remarked earlier (pp. 372–3), he saw that Locke was not propounding a labour theory of exchange-value. But the passage in which Marx expresses that insight is also interesting for another reason. Having observed that, for Locke, 'labour gives things almost all their value', Marx then added this partly curious gloss:

value here is equivalent to use-value, and labour is taken as concrete labour, not as a quantum; but the measuring of exchange-value by labour is in reality based on the fact that the labourer creates use-value.¹

The curious part follows the semi-colon. Almost certainly, Marx is there stating something he believes to be true, rather than merely something he believes Locke thought true. But then Marx's statement is curious, for how could he think labour's creation of use-value was the basis for 'the measuring of exchange-value by labour' (alone) when, as he knew (see p. 364), land too creates use-value? A Marxist might reply that creating use-value is but a necessary condition of a factor's being a measure of exchange-value. But then what further relevant condition does labour, and not also land, satisfy?² To answer that question, one must say more than merely: that it is labour.

8. My main criticism of Locke's value arguments is an objection to the basis on which he asserts their premiss, which is the premiss that labour is responsible for almost all of what the land yields. He establishes that premiss on the basis of his subtraction criterion.

Consider a piece of cultivated land which yields ten times as much crop as it did before it was cultivated. Is it true, for the reason Locke gave, and with the sense he attached to the following statement, that labour is responsible for 90 per cent of the crop of

¹ *Theories of Surplus Value*, loc. cit.

² For several attempts to distinguish in a Marx-supporting way between labour and land see Nancy Holmstrom, 'Marx and Cohen on the Labour Theory of Value', *Inquiry*, xxvi, No. 3 (September, 1983), 300–2. But see, too, my 'More on Exploitation and the Labour Theory of Value', *ibid.*, p. 327, on why, in my view, all of her attempts fail.

the cultivated land? In its intended sense, the statement contrasts the contribution of labour with that of the land itself, which here would be 10 per cent of the crop: the point of the statement is to deprecate the contribution of land itself to use-value.

In my view, the desired statement is not true in the required contrastive sense for the reason Locke gave, since that reason, to wit, Locke's subtraction criterion, is unacceptable. One ground for saying that it is unacceptable is that it has intuitively unacceptable consequences. Another ground is that it generates a logical contradiction.

To see that the subtraction criterion has intuitively unacceptable consequences, suppose that only one hour a year of labour is required to draw a hundred bushels of wheat per year from a field which produces only a single bushel a year spontaneously. Or, to take a more realistic example, suppose that just one hour of digging creates a well which yields a thousand gallons of water a year, where before there was only a measly annual ten-gallon trickle. It would surely be wrong to infer, from the fact that the digging *raised* the water yield from ten to a thousand gallons, that the digging is responsible for 99 per cent of the water yielded by, and, hence, of the use-value produced by, the dug land, while the land itself is responsible for only one per cent of it.¹

As Locke recognized, land frequently produces consumables without any labour having been applied to it. Contrast the hide of a cow, which produces no shoes, and not merely very few, when no tanning and cutting and shaping of it goes on. Must we therefore say that land which is, spontaneously, modestly productive, makes some small contribution to the use-value of the bread baked from its wheat, whereas cowhide makes none to the use-value of shoes? Or that land which, spontaneously, produces a bit of wheat, but no apples, makes a small contribution to use-value if it is used to produce (more) wheat, but none if it is used to produce apples? These contrasts are absurd, but they are forced upon us by Locke's subtraction criterion.

Locke's criterion fails because the *difference* application of a factor makes to output, its marginal contribution, cannot be treated as its contribution to that output *by contrast* with the

¹ *Perhaps* Locke emphasizes how extensive labour's contribution is in II: 43 (see p. 373) to still the sort of doubt I have here raised about the consequences of his criterion, and of which he may have been obscurely aware. But his catalogue will not silence that doubt, if only because, as the well example attests, a lot of labour is not always required to draw extensive consumables from spontaneously unfruitful land.

contribution of other factors. But it is just such a contrast that Locke needs, so that he can upvalue the contribution of labour and devalue the contribution of land. He needs, in other words, to pass from the unexceptionable premiss of the following argument to its invalidly derived conclusion. It will often be true that

(1) The application of labour makes virgin land produce ten times what it did before.

But it does not follow that, in such a case,

(2) Labour produces 90 per cent of the product of applying it to virgin land.

No one can think such an argument valid once he gets its premiss and conclusion distinguished from each other in his mind, but that sometimes takes effort, since many sentences can be used to express either the premiss or the conclusion, and thereby the argument can acquire an appearance of validity. One might think (2) follows from (1) because one inattentively uses such a sentence as 'the additional output of 90 per cent is due to labour' to express now (1) and now (2).

Some claim that the fallacy exposed above is too simple to attribute to a thinker of Locke's stature. They say that I have not captured the intuitive power of his reply to the egalitarian, which is that the goods the latter would redistribute are so largely due to labour that redistribution of them would violate rightful claims in them. But I think the intuitive power of that reply depends entirely on its ambiguity. It is true in sense (1), but polemically interesting only in sense (2). Unless we represent Locke as confusing (1) and (2), or as unjustifiably inferring (2) from (1), we cannot explain why he lays so much emphasis on (1). (1) serves no labour-praising and land-diminishing polemical purpose when (2) is neither derived from it nor confused with it.

I said that Locke's criterion for determining relative contributions to use-value not only has unintuitive consequences, but also leads to a contradiction. On that criterion, if a piece of land is croplless without labour, but yields a crop with it, then labour is responsible for all of that crop, and land is responsible for none of it. But though the land is entirely croplless without labour, it is equally true that the labour, the ploughing and harrowing and so on, would yield no crop on infertile land. The value of the following fraction, is, consequently, 100 per cent:

$$\frac{\text{Amount labour yields with land—amount it yields without it}}{\text{Amount labour yields with land}}$$

Then, on a natural generalization of Locke's procedure, we should have to add conclusions (5) and (6) to (3) and (4), which are the ones he draws:

- (3) Labour is responsible for all of the crop.
- (4) Land is responsible for none of the crop.
- (5) Land is responsible for all of the crop.
- (6) Labour is responsible for none of the crop.

This set of sentences fails to award the palm to labour. But, beyond that, it also entails a manifest contradiction. For even if (3) and (5) are somehow consistent with each other, (3) and (6) (and (4) and (5)) are certainly not. *If* there exists a defensible criterion for assigning relative contributions to output of labour on the one hand and the original properties of the soil on the other, then it is not Locke's.

For my part, I doubt that there exists such a criterion, and I must therefore distinguish what some economists might think would supply such a criterion from the sort of criterion I doubt exists. Economists call the problem of rewarding co-operating factors of production *the value allocation problem*. An early solution to that problem was provided by Lloyd Shapley. He laid down seemingly plausible axiomatic constraints on any solution, and he proved that the only procedure consistent with them was to allocate to each factor the average of its marginal contributions in all possible orders in which the factors might be combined with one another.¹

Now the reason why I nevertheless say that there is no criterion which should replace Locke's unacceptable one is that, while Locke seeks, in the end, to answer something like² the Shapley allocation question, his criterion is, immediately, not of how to allocate portions of what is produced to factors, in the sense of rewarding them, but of how to diagnose what different factors contribute to the product (in order, on that basis, to do some

¹ The 'Shapley value' is explained in Lloyd Shapley, 'A Value for N-person Games', in H. Kuhn and A. W. Tucker (eds.), *Contributions to the Theory of Games*, ii (Princeton UP, 1953), 307-17. A brief exposition of Shapley's solution and of subsequent work developing out of it will be found in Martin Shubik, *Game Theory in the Social Sciences* (Cambridge, Mass.: MIT Press, 1982), pp. 180 ff.

² *Something* like it, because Locke's question is explicitly normative, whereas the Shapley value is presented as an answer to the question what rewards owners of factors should *expect*, as a matter of fact, to get from co-operation. The Shapley answer to that question might nevertheless be treated as an answer to the corresponding normative question of what it would be appropriate for them to get, as sovereign owners of the factors they supply.

appropriate rewarding). In short, Locke goes from (i) facts about marginal contributions, to (ii) claims about comparative physical contributions, to (iii) conclusions about rewards. His argument says, roughly, that since land without labour produces hardly anything, and land with labour produces an enormous amount, labour contributes vastly more to output than land does, and labour, should, accordingly, be appropriately rewarded. There is nothing in Shapley which corresponds to the second stage of this argument. He proceeds directly, by dint of his axioms, from (i) to (iii), thereby, unlike Locke, refraining from answering what may be a pseudo-question. I am confident that Locke affirms (ii), since he starts with (i) and ends with (iii), and I do not see how he could otherwise think he has traversed the distance between them. He certainly did not anticipate Shapley's axioms, which have, by the way, distinctly non-Lockean distributional consequences.¹

To conclude. If J. R. Ewing, or Donna Krebs, produces a well yielding one thousand barrels of oil a day after five minutes' excavation, then we cannot infer, on the Lockean ground that no oil comes without digging, that his or her labour, *as opposed to the land*, is responsible for all of that oil. The conclusion is unavailable, not only because it is absurd so to praise so mere a whiff of labour, but also because, by the same Lockean token, labour is responsible for *none* of the oil, since a digger on oil-less land produces no oil: the digger cannot be both responsible for all of the oil and responsible for none of it.²

¹ Suppose land yields one gallon of water without labour and ten gallons with it. Since it is also true that labour yields no water without land, the Shapley value assigns 5.5 gallons to the land and 4.5 gallons to labour.

² (i) According to Israel Kirzner, there is no vexing problem about the original appropriation of valuable resources, since resources are valueless, and even, 'in the relevant sense', non-existent, until appropriators perceive the uses to which they can be put, and thereby endow them with value. An argument similar to the foregoing one against Locke might also apply against Kirzner's bizarrerie, since perception that a resource could be used thus and so would yield nothing if the resource lacked the properties that made the perception correct. See Kirzner's 'Entrepreneurship, Entitlement, and Economic Justice' in J. Paul (ed.), *Reading Nozick* (Totowa, New Jersey: Rowman and Littlefield, 1981), especially pp. 400-7.

(ii) In the examples used above, a single labourer applies himself to the land, so there is no problem of disaggregating the contributions of a plurality of interdependent labours. For that problem see Amartya Sen's critique of P. T. Bauer's Locke-like defence of inequality by reference to differential productive contribution, in Sen's 'Just Desert', *New York Review of Books* (4 March, 1982), and 'The Moral Standing of the Market', *Social Philosophy and Policy*, ii, No. 2 (Spring, 1985), 14-17. Note, by the way, that a critique of an argument for

9. So Locke's defence of his premiss, that labour is responsible for nearly all the use-value of things, is unacceptable. And the premiss is, moreover, indefensible, even if my suspicion that it answers a pseudo-question is unfounded.

I say that it is indefensible for two reasons. The first is that I do not see how one might try to defend it other than on Locke's unacceptable basis: what else could lead one to think that it is true? But my second reason for saying that it is indefensible is more positive. If Locke is right, then land in general has nearly no use-value. Well, consider some land which Locke would regard as particularly friendly to his case, because it yields nothing without labour, though very much with it. One could not say of such land that it has virtually no use-value, let alone, as Locke's criterion would have it, none at all. One could not say that, precisely because the land yields so much *with* labour. Its use-value cannot be considered trivial, since it has a prodigious power to satisfy human desire, in virtue of how it reacts when labour is applied to it.

10. But even if we were to accept Locke's indefensible—and, perhaps, meaningless—premiss, we should still be able to resist the conclusions he is supposed to have derived from it, which are that original appropriation and/or currently existing inequality are justified. For even if land never produced anything without labour, so that, Locke here being assumed to be right, labour was responsible for all the use-value drawn from the land, the land-owner would not thereby be justified in taking all of the land's fruit, on the supposition that he or relevantly connected predecessors had performed all the labour on it. For that inference ignores the consideration that not everyone might have had an equivalent opportunity to labour on land, because there was no land left to labour on, or because the land left to labour on was less good than what the more fortunate laboured on.¹ It is generally thought²

rewarding productive contribution which turns on the collective nature of labour does not defeat the claims of productively discrete collectives to all of what they produce, however it should be divided among the individuals within them.

¹ This rejection of the Lockean inference might be thought inconsistent with my criticism of orthodox Marxism in section 2, for I there imply that, since land is needed for production, it must have use-value. But there is, in fact, no inconsistency. I am saying that the necessity of land for production defeats the Lockean inference even if (what I am sure is false) the fact that land is needed does not prove that it has use-value.

² But see, for impressive, and, in my view, nearly convincing, dissent, Jeremy
[footnote cont. on p. 380]

that, when Locke advanced his labour mixture argument (see pp. 369–70), he made it a condition of the power of labour to create title in land that the labourer leave ‘enough and as good’ land for others to labour on. To cope with the consideration just mentioned, something similar would have to be added to the value creation premiss, in both of its uses. But then both of the arguments based on it would fail, since enough and as good has not in fact been left for others.

To that complaint of opportunity denied, Robert Nozick has responded that no grievance results, since the landless are no worse off than they would have been had the appropriated land remained unowned. But in focusing only on how the landless in a fully appropriated world would have fared in a wholly unappropriated one, Nozick suppresses other pertinent questions, such as how they would have fared had they, or their forbears, had the opportunity to do some appropriating, and his response therefore fails to allay the grievance here envisaged.¹

This is the right place to comment on a brilliant Lockean argument for private property, which exploits labour’s creative powers in a different way from the arguments discussed above. I mean Locke’s contention that the improving cultivator

who appropriates land to himself by his labour does not lessen but increase the common stock of mankind . . . he that encloses land, and has a greater plenty of the conveniences of life from ten acres than he could have had from a hundred left to nature, may truly be said to give ninety acres to mankind: for his labour now supplies him with provisions out of ten acres, which were but the product of a hundred lying in common.²

This argument has the virtue that it requires no claim that the cultivator is responsible for 90 per cent of what he draws from nature. The cultivator’s gift to ‘the common stock’ is not, I think, the surplus provision he produces on his own ten acres,³ all of which he might himself consume, but the bounty of nature on the ninety acres he is able to vacate for the use of the rest of mankind,

Waldron, ‘Enough and As Good Left for Others’, *Philosophical Quarterly*, xxix (October, 1979), 319–28.

¹ For Nozick’s position on the grievances of non-appropriators see *Anarchy, State and Utopia*, op. cit. in n. 2, p. 357, pp. 175–82. For criticism of Nozick’s position see the article mentioned in the same note.

² II: 37. This passage did not appear in the original composition of the *Treatise*: Locke added it years later. See the remarks by Laslett at the relevant point of his edition of the text.

³ Though see the Spain example near the end of II: 36, which suggests that Locke may mean, rather oddly, what I think he does not mean.

because of his productivity on the ten he privatizes. And the argument does justify private property, at any rate if people own their own powers and therefore owe no fruit of them to others, since, on that assumption, this privatizer only benefits the rest of mankind when he retires to his own plot: they now have an additional ninety acres to reap the fruit of. But the argument justifies private property only as long as appropriation generates an expanding common for the privately unendowed to forage on, and it therefore fails to justify actual private property in the real and fully appropriated world. To justify private property in a fully appropriated world in which some own none, something like Nozick's move would be needed, but that move, as I have said, fails.

11. I expressed uncertainty (see section 6) about what conclusion(s) Locke hoped to draw from his premiss that labour creates (nearly all) value, but I also expressed confidence that he thought something important followed from it in favour of private property and/or inequality. I believe, moreover, that he thought what followed favoured private property and/or inequality both in the pre-governmental state of nature and in society under government. James Tully's interpretation of Chap. V of the *Second Treatise* would, if correct, create difficulty for that understanding of Locke, and I shall therefore criticize his interpretation here.¹

According to Tully, Locke does not seek to justify property which is truly private, either in the state of nature or under government. What God gives to men in common undergoes what Tully calls 'individuation', but not full privatization. And one reason why Tully's Locke refuses to endorse fully private property is that the latter's entitlements would militate against the welfare of the community. But both (a) Tully's attribution to Locke of welfarist intentions, and (b) his denial that individuated property is private seem to me to depend on misuses of Locke's texts.

(a) Some of the material offered by Tully in defence of the first thesis gives it no support whatever. He refers to II: 39 in support of his statement that 'it is the duty of governments to organize the community's possessions and strength for the public good', but nothing in II: 39 bears on that issue.² He cites II: 50 to show that

¹ *A Discourse on Property* (Cambridge UP, 1980).

² *Ibid.*, p. 170. Here is the whole of II: 39: 'And thus, without supposing any private dominion, and property in Adam, over all the world, exclusive of all other men, which no way can be proved, nor any ones property be made out from it; but supposing the world given as it was to the children of men in

[footnote cont. on p. 382

the community's laws must 'confine the possession of land' so that everyone can enjoy it,¹ whereas all II: 50 says to the point is that 'in governments the laws regulate the right of property, and the possession of land is determined by positive constitutions'. And he invokes II: 135 in justification of the amazing claim, about which II: 135 says nothing,² that, for Locke, 'government is required to constitute a new order of social relations which will bring the actions of men once again in line with God's intentions'.

Tully thinks the actions of men fell out of line with God's intentions in the state of nature, when the introduction of money disrupted naturally ordered relations³ by facilitating a development of inequality which would have been impossible or unlikely before money appeared. Yet it is not, as Tully groundlessly says, the wealthy themselves who—for Tully's Locke, unjustifiably—'claim to be entitled to their enlarged possessions'⁴ in the texts he cites, but John Locke who presents that claim for them. According to Locke, the accumulator of monetary wealth 'invade(s) not the right of others', since 'the exceeding of the bounds of his just property' lies not 'in the largeness of his possession', but in 'the perishing of anything uselessly in it' (II: 46), and money does not perish.

In the *First Treatise* (I: 42) Locke imposes on those who have more than they need a duty to give to those who are in want, and we might reasonably imagine that a Lockean government would enforce that duty (although it is interesting that Locke does not actually say that it would). But there is little reference to a duty of charity in the *Second Treatise*, notwithstanding Tully's straining efforts to show the contrary, some of which I now expose.

Citing II: 37, Tully says:

if a case of need arises then, *ipso facto*, one man's individual right is overridden by another's claim, and the goods become his property. By failing to hand over the goods, the proprietor invades the share now belonging to the needy and is liable to punishment.⁵

This twists what II: 37 says. It says nothing about needy people. It does say that if a man takes more than he can use, so that some of common, we see how labour could make men distinct titles to several parcels of it, for their private uses; wherein there could be no doubt of right, no room for quarrel.'

¹ Tully, *op. cit.* in n. 1, p. 381, p. 152.

² *Ibid.*, p. 154. II: 135 is too long to reproduce here, so the reader is invited to verify my allegation.

³ Tully, *op. cit.* in n. 1, p. 381, p. 154.

⁴ *Ibid.*, p. 152.

⁵ *Ibid.*, p. 132.

it spoils, then he invades 'his neighbour's share', but he invades it *whether or not his neighbour is needy*. It is not as though a person is allowed to keep fruit which he cannot use unless and until 'a case of need arises'.¹ Rather, he is not supposed to have it at all. He has no presumptive right to it which someone else's need might, as in I: 42, override.

The duty of charity laid down in I: 42 might be called a duty of the abundantly endowed to *preserve* others, but I have not found a duty to preserve others, in that sense, imposed on the well endowed, or on anyone else, in the *Second Treatise*. Hence I do not agree with Tully when he cites II: 6 in support of 'a natural duty of each man to preserve himself, and, *ceteris paribus*, others'.² In fact, II: 6 forbids people to harm others, or to deprive them of what they have produced for themselves, but it does not, as Tully's gloss on it suggests, lay down that, having succeeded in preserving himself, a person is obliged to set about working for the preservation of others, should such activity now be necessary and possible.³ Note that not even I: 42 obliges a person to labour for the sake of anyone else's preservation.

Tully quotes from II: 149⁴ in further supposed support of this 'natural duty to engage in the end-directed activity of preserving man', but no duty of the individual to preserve anyone but himself is mentioned in II: 149.⁵ And when Tully points to II: 11, in which Locke speaks of 'the right he [man] has of preserving all mankind',⁶ he refrains from mentioning that the said right is here exercised solely in preventing or deterring others from killing people. Locke is grounding a right to punish aggressors against

¹ Ibid.

² Ibid., p. 62.

³ The most Tully-supporting clause of II: 6 reads as follows, 'he' being 'every one': 'when his own Preservation comes not in competition, ought he, as much as he can, *to preserve the rest of Mankind*', but the sentence concludes as follows: 'and may not unless it be to do Justice on an Offender, take away, or impair the life, or what tends to the Preservation of the Life, Liberty, Health, Limb or Goods of another.' I do not think the 'and' at the beginning of that concluding segment is an ordinary conjunction, but one that introduces a clause in apposition to what went before, in order to specify what is here *meant* by preserving the rest of mankind. I think it is because 'and' is here used to introduce an apposition that, unlike what precedes it, what follows it is not italicized.

⁴ Tully, op. cit. in n. 1, p. 381, p. 62.

⁵ To be sure, there is a reference to 'the preservation of the Community' in the first sentence of II: 149, but the duty to achieve it lies on the legislative, in execution of the trust reposed in it. It does not follow that anyone ever has a duty, independently of contract or fiduciary relationship, to preserve anyone.

⁶ Tully, op. cit. in n. 1, p. 381, p. 62.

oneself and others, not addressing himself to need and to the preservation of needy people.

I remarked that not even the *First Treatise* says that the duty of charity is to be enforced by government. Nor do I agree that it 'attributes to Filmer the theory that property in land is independent of social functions and admonishes that it is the "most specious thing"'.¹ For the thing Locke here calls 'most specious' is the idea that if one man (e.g. Adam) were the legitimate proprietor of the whole world, he would have a consequent right to starve everyone else into submission to him. It hardly follows that Locke would think it similarly specious to deny social functions to property where it was distributed with less extravagant inequity.

Tully also cites the *Essays on the Law of Nature* to support his claim that Locke 'finds a theory of property which is not conditional on the performance of social functions an "absurdity"'.² But what Locke there declares to be an 'absurdity' is not some theory of property, but a theory of morally correct motivation according to which

it would be unlawful for a man to renounce his own rights or to impart benefits to another without a definite hope of reward . . . to grant or give anything to a friend, incur expenses on his behalf, or in any other manner do him a favour out of pure kindness.

Locke is denying that 'the rightness of a course of action be derived from expediency', not affirming that property rights are conditional on social service. He urges that, if it were wrong for a man to act against his own selfish interest, then, absurdly, it would be wrong for him to 'renounce his own rights' for the sake of a friend. Locke's words imply that property rights include, as one might expect, the right not to give away what one owns (on which a kind man will not always insist). Hence, far from sustaining Tully's eccentric interpretation, the *Essays* passage actually contradicts it.

(b) So much against Tully's attribution to Locke of welfarist intentions. I turn to the connected issue distinguished at p. 381 above, to wit, Tully's denial that the legitimate 'individuation' of what God gives to men in common amounts to the formation of private property.

According to Tully, what most commentators have thought was private property in Locke is, in fact, 'exclusive property

¹ Tully, *op. cit.* in n. 1, p. 381, p. 99, quoting I: 41.

² *Ibid.*, p. 103, citing John Locke, *Essays on the Law of Nature* (ed. W. von Leyden, Oxford UP, 1970), pp. 213-15.

within positive community'. The individuation of the world 'does not dissolve, but merely realises property in common'. This is supposed to be demonstrated by II: 26, in which, comments Tully, an 'agent with an exclusive right still remains "a tenant in common"'.¹

But that comment is a misuse of II: 26. The agent in II: 26 is an Indian who has established an exclusive right in some fruit or venison. The fruit did belong to mankind in common, but, once the Indian has appropriated it, it no longer does: the common property in the fruit is entirely 'dissolved'. What he remains 'a tenant in common of' is the land itself, over no part of which, however, does he have any exclusive right, and Locke's point in II: 26 is that private property is so unavoidable that even a tenant in common must privatize the fruit of the common to get any benefit from it. The individuation of land itself arises only later, at II: 32, where Locke says 'it is plain, that property in that too is acquired' as property is acquired in venison and fruit: with full private right. The idea that individuation 'does not dissolve, but merely realises property in common' is entirely without foundation.

Continuing his advocacy of 'exclusive property within positive community', Tully makes curious and unjustified use of paragraphs 28 and 35 of the *Second Treatise*:

Locke is quite explicit in saying that his model is the English Common. 'We see in Commons, which remain so by compact, that 'tis the taking any part of what is common, and removing it out of the state nature leaves it in, which begins the property; without which the common is of no use' (2. 28. cf. 2. 35).²

Now, as II: 35 makes clear, a common by compact is, by contrast with a common in the state of nature, one whose parts may not be privatized: the compact is an agreement that the land will remain held in common. All that one can privatize here is the fruit of the common, not the land itself, and Locke's point in II: 28 is that *even* when the land is held in common by compact, something must be privatized for it to be of any use. So II: 28 supports the idea that individuation 'realises property in common' just as little as the Indian example in II: 26 does.

Tully's 'cf. 2. 35' is, moreover, hard to construe. II: 35 adverts to the impossibility of privatizing the land of a 'common by compact', but points out that 'it is quite otherwise' for commons

¹ Tully, *op. cit.* in n. 1, p. 381, p. 105.

² *Ibid.*, pp. 124-5.

lacking in legislated status.¹ Where the common is natural you can take land, but you thereby cancel common ownership of the part you take. Where the common is by compact, you can take only fruit, thereby dissolving the common ownership of that fruit. The formula favoured by Tully, of 'exclusive property within positive community' is in no case satisfied, and I do not understand why he refers us to II: 35.

12. In my old-fashioned perception of Locke, he holds that men enter political community in order to secure their lives and their possessions, both of which are at risk in the state of nature.² Now it is obviously, because necessarily, the very lives which they had in the state of nature, and not, *per impossibile*, some freshly distributed ones, which come under communal protection once men enter political society. And I believe, with most commentators, and against Tully, that, although it is not equally necessary, it is equally true that, for Locke, the possessions men enjoy in society are, initially, the very possessions which belonged to them in the state of nature, and which they had aimed to make more safe: they do not enter community in order to have some or other secure possessions, but in order to secure the possessions they already precariously enjoyed. In the paragraphs bearing on this issue Locke's language does not distinguish between preservation of life and preservation of property in the way it would if there were not between the two preservations the similarity on which I am here insisting.

In Tully's different view of Locke, once government is established, 'all the possessions a man has in the state of nature . . . become possessions of the community',³ which determines the members' use of them. But Tully's interpretation confuses possession, or ownership, with political rule. When people join the community, they submit *themselves* to its rule, and, as Locke makes plain (II: 120), they must, on pain of contradiction, submit their property to its rule too. But it no more follows from the community's rule over a person's possessions that they now 'belong to the community'⁴ than it does from its rule over him that he belongs to it in the relevant parallel sense of being its slave. The community does not own his goods any more than it owns his person. To be sure, it enacts and enforces rules of criminal and civil law, to

¹ Cf. II: 32-4.

² See, e.g., II: 123 ff., 138.

³ Tully, *op. cit.* in n. 1, p. 381, p. 164.

⁴ *Ibid.*

which his property and person are subject. One may therefore say, as Locke does, that it 'regulates' (II: 50, 139) property, but it hardly follows that 'the *distribution* of property' is 'in the hands of government'.¹ Its distribution is, temporally speaking, pre-politically grounded, and, speaking in terms of justifying principle, sub-politically grounded. That is why II: 138 emphasizes—on Tully's account, unintelligibly—that the legislature 'cannot take from any man any part of his property without his own consent': if the legislature distributed property in the first place, it could surely redistribute it, when circumstances have changed, on whatever basis underlay the original distribution.²

When Locke writes that men, 'by compact and agreement, settled the property which labour and industry began' (II: 45), the natural reading of his words is that it was the very property which each compactor had gathered as a result of his own labour (or that of relevantly connected others) which was now to be 'settled': it was rendered secure, by being placed within a political framework. On Tully's alternative reading, the pre-politically well-endowed would, improbably, have agreed to a dispossession which reduced them to equal standing with the pre-politically indigent. Commenting on II: 45, he tells us that, for Locke, 'property in political society is a creation of that society',³ but there is no warrant there, or elsewhere, for this assertion, or for Tully's extravagant conclusion that 'community ownership of all possessions is the logical consequence of the premisses of Locke's theory in the *Two Treatises*'. It is no more entailed by Locke's premisses than community ownership of individuals is.

13. For the political reasons which were stated on p. 359, I want to emphasize the contribution of non-human resources to human life and enjoyment. Nothing positive about the size of that

¹ Ibid., p. 171, emphasis added. In another place ('A Reply to Waldron and Baldwin', *The Locke Newsletter*, xiii (1982), 37) Tully invokes the authority of John Dunn, who writes that, once government is formed, 'property *now* is what the legal rules specify' ('Consent in the Political Theory of John Locke' in G. Schochet (ed.), *Life, Liberty and Property: Essays on Locke's Political Ideas* (Belmont, California: Wadsworth, 1971), p. 140). But Dunn's statement does not entail that legal rules decide property's distribution. For pretty conclusive evidence that Locke distinguishes between the power to regulate property and the power to decide who owns it see the first sentence of II: 139.

² Cf. on this, and related matters Jeremy Waldron's decisive 'Locke, Tully and the Regulation of Property', *Political Studies*, xxxii (1984), 98–106.

³ Tully, *op. cit.* in n. 1, p. 381, p. 98. Compare the comments at p. 165 on II: 136, 138, which seem to me similarly incorrect, albeit less demonstrably so.

contribution emerges from the present lecture. But I think I have shown that Locke's claim that its size is small cannot be sustained.¹

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