Property, Labour, and Theft

Lecture 4: World-ownership

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Recap: the story so far

We still don’t know whether or not the toy flute is Carla’s property…

Let’s assume that…

The toy flute is Carla’s property if and only if each of the factors of production was her property.

Let’s assume that…

Carla’s labour is her property, as is her body.

So if Carla made the flute out of her thighbone, then it is her property.
Let’s assume that Carla made the flute out of a piece of wood.

Was this piece of wood her property?

It was her property if she acquired it in a voluntary exchange from Bob, whose property it was previously.

But how do we know if it was Bob’s property previously?

It was his property if he acquired it in a voluntary exchange from Anne, whose property, etc.
One possibility is that the piece of wood was at some point *appropriated*.

It used to be nobody’s property, and then it was transformed into somebody’s property.

Perhaps somebody, possibly Carla herself, mixed their labour with it…

Perhaps somebody took control of it, while satisfying the Lockean or Nozickean provisos…
Concerns about the labour-mixture theory...

1. It is metaphysically spooky.

2. It is based on a more general theory of appropriation by mixture that has unacceptable consequences.

‘If I own a can of tomato juice and spill it in the sea so that its molecules… mingle evenly throughout the sea, do I thereby come to own the sea, or have I foolishly dissipated my tomato juice?’

(Robert Nozick, *Anarchy, State, and Utopia*, p.174-175)

3. Where do we draw the line?
The Nozickean proviso…

If Y was previously nobody’s property, and X has taken Y under his/her control, and this leaves nobody else worse off than they would have been if Y had remained nobody’s property, then Y has become X’s property.

Concerns…

1. It can be used to justify enormous inequalities of property.

2. Why not prefer the counter-factual: ‘this leaves nobody else worse off than they would have been if they had taken control of Y instead’.

3. It can be used to justify appropriation that, in a sense, leaves everybody worse off.
Previously, nobody controlled the field. Now, Anne does.

This satisfies the Nozickean proviso. Everybody is better off than they would have been if, still, nobody controlled the field.

But everybody would have been better off if Bob had taken control of the field instead of Anne.
The story so far

The Lockean proviso…

If Y was previously nobody’s property, and X has taken Y under his/her control, but there are still countless Y-like objects available to be taken under the control of people, then Y has become X’s property.

Concerns…

1. Is there any use for the concept of property under conditions of super-abundance?

2. Under these conditions, we have no reason to object to appropriation. But equally we have no reason to object to confiscation.
‘You may acquire previously unowned worldly resources if and only if you leave enough so that everyone else can acquire an equally advantageous share of unowned worldly resources.’

(Michael Otsuka, *Libertarianism Without Inequality*, p.24)

If I take control of Y, and this leaves somebody else with less than equal opportunity to do well in life, then I have not acquired property in Y.
Equal initial portions

Suppose that there are \( n \) persons in the world.

Then every person starts out with private property rights over a \( \frac{1}{n} \) share of all the objects in the world.

‘…our equal original property rights entitle us to equal bundles of things… We are each entitled to an equal share of (at least) raw natural resources.’

(Hillel Steiner, *An Essay on Rights*, p.236)
One concern about this theory is that it permits enormous inequalities of income and power.

Suppose that every person starts out with private property rights over a $1/n$ share of all the objects in the world.

Naturally talented people will be able to extract far more income from their $1/n$ share than naturally untalented people.

Perhaps naturally talented people will be able to extract so much more income that they can buy the $1/n$ shares of naturally untalented people in return for a weekly wage.

We will then have a capitalist class and a labouring class.
Ronald Dworkin thinks that this sort of 'starting-gate theory' is 'hardly a coherent political theory at all.'

'The starting gate theory holds that justice requires equal initial resources. But it also holds that justice requires laissez-faire thereafter, presumably, with some version of the Lockean theory [of labour-mixture]. But these two principles cannot live comfortably together.'

(Ronald Dworkin, *Equality of Resources*, p.309)
‘Equality can have no greater force in justifying initial equal holdings… than later in justifying redistributions when wealth becomes unequal because people’s talents are different. The same point may be put the other way around. The theory of Lockean acquisition… can have no less force in governing the initial distribution than it has in justifying title through talent and effort later…’

(Ronald Dworkin, *Equality of Resources*, p.309)
Equal initial portions

P1  If every person has a right to an equal share of the objects in the world *initially*, then every person has a right to an equal share of the objects in the world *subsequently*.

P2  If every person has a right to as much as they can get by their native talents and industry *subsequently*, then every person has a right to as much as they can get by their native talents and industry *initially*.

P3  It cannot be true *at the same time* that every person has a right to an equal share of the objects in the world, and that every person has a right to as much as they can get by their native talents and industry.
Equal initial portions

Other concerns about this theory arise when we ask for a clearer specification of the terms…

‘…the world…’

Does this mean Planet Earth? Does it mean the Universe? Should it be the British Isles for British people?

‘…persons…’

Does this mean persons now, or persons at all times? Does it mean persons on Planet Earth, or does it mean persons anywhere in the Universe?
Equal initial portions

Suppose that every person starts out with private property rights over a $1/n$ share of all the objects in the Universe.

How do we know whether or not a particular person is claiming more than an equal share of all the objects in the Universe?

We don’t know how many objects there are in the Universe. Nor do we know how many persons there are.

If there is a very large number of objects, and there are no persons other than the ones on Planet Earth, then every person can legitimately claim a very large number of objects as his equal share.
Joint ownership

Joint ownership is ownership not by a particular person, but by a group of persons, who make decisions about the use and management of their property collectively.

We might agree to pool our resources and use them to buy a coffee machine, and thereby come to own this coffee machine as a group.

Under communism, there is joint ownership of the means of production.
Joint ownership

One question about joint ownership is how the will of the group is expressed.

Perhaps decisions require unanimity, so everyone in the group has a veto on decisions about the use of the property.

Perhaps decisions require a bare majority, or super majority, in a vote of all of the members of the group.

Perhaps decisions require a process of deliberation.
A supposed advantage of joint ownership of objects in the world is that it is incompatible with large-scale economic inequality.

Economic inequalities breed political inequalities. So members of the group will vote to prevent economic inequalities from arising.

Members of the group can use their veto to drive a hard bargain.

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Joint ownership

The disadvantage of joint ownership of objects in the world is that it is incompatible with personal liberty.

‘What is the point of owning myself if I can do nothing without the agreement of others? Does not joint world ownership entitle a person to prohibit another’s wholly harmless use of an external resource… and is it not, therefore, inconsistent with the most minimal effective self-ownership (and independently indefensible to boot)? … Self-ownership is not eliminated, but it is rendered useless, rather as it is useless to own a corkscrew when you are forbidden access to bottles of wine.’

(Jerry Cohen, *Self-Ownership, Freedom, and Equality*, p.98)
Joint ownership

Possible responses...

Can’t we restore personal liberty by agreeing to divide up the property into equal sized chunks of private property?

Then we face the same problems discussed in the previous section.

Aren’t we falsely assuming that property rights are all or nothing?

We can distinguish the control rights and transfer rights over property from the use rights and the income rights.

Perhaps the control rights and transfer rights belong to people collectively, but the use rights and income rights belong to people individually.
Some pieces of land are still owned in common…

In Cambridge, Midsummer Common…

…in Oxford, Port Meadow.
Common ownership

Midsummer Common belongs to the people of Cambridge…

…each member of the community has a right to use Midsummer Common (as long as their use of it doesn’t conflict with anybody else’s).

…and each member of the community has a right to the income that they derive from their use of Midsummer Common.

…only the community as a whole has the right to sell any part of Midsummer Common, say, to one of its members, or an outsider developer.

…only the community as a whole has the right to prohibit or subsequently permit someone to use Midsummer Common.
Common ownership

One concern about this sort of joint ownership is that since members of the community do not have control rights or transfer rights over the property...

...there is no incentive for them to invest in this property to make it more efficient in terms of yielding income.

If a Cambridge resident uses modern farming techniques to improve one patch of Midsummer Common so that the cows that graze on it produce more milk, they cannot exclude others from using this patch of Midsummer Common tomorrow.
Another concern is the famous *tragedy of the commons*…

Each member of the community gains the income from his/her use of the property…

…but the costs of any damage that is done to the property as a result of this use are borne by the community as a whole.

Hence there is an incentive for members of the community to over-use the property.

But there are possible solutions to this problem…
Common ownership

Perhaps we should say that members of the community have a right unilaterally to transfer ownership of (part of) the property to themselves as long as they satisfy ‘payment requirements’…

…i.e. as long as they compensate everybody else for the loss of rights they have incurred.

How might these requirements be determined?

Perhaps with reference to a proviso of the sort discussed in §1…