Recall Amartya Sen’s example of Anne, Bob and Carla, and the toy flute.

P1  The toy flute is the product of Carla’s labour.

P2  If the toy flute is the product of Carla’s labour, then it is her property.

C   The toy flute is Carla’s property.
Recap: the toy flute

Carla’s labour is only one of the factors of production…

We also need to consider the wood that Carla made the toy flute out of…

If we know that Carla didn’t own the wood – if, for example, we know that she stole it from Bob – then we will be unlikely to conclude that the toy flute is Carla’s property.

On the other hand, if we know that Carla did own the wood, then we will be likely to conclude that the toy flute is Carla’s property.
Recap: the toy flute

Suppose the wood was previously Anne’s property.

And suppose that Carla acquired the wood from Anne in a free exchange.

Then it is plausible that the wood was Carla’s property.

(This is Nozick’s principle of justice in transfer.)

But this doesn’t really help us to work out whether the wood was Carla’s property, since now we simply have to work out whether the wood was previously Anne’s property.

We need to consider the person who owned the wood *initially*.
Recap: the toy flute

If we subscribe to self-ownership theory, then we think that everyone *initially* owns themselves.

Recall that self-ownership theory is perfectly compatible with people *not* owning themselves.

So if we subscribe to self-ownership theory, and Carla made the toy flute not out of wood, but rather out of her own thighbone, then we are already in a position to conclude that the toy flute is her property.

The trouble is that the wood was never a part of Carla, or of anybody else for that matter.
‘Though the earth, and all inferior creatures, be common to all men, yet every man has a property in his own person: this no body has any right to but himself. The labour of his body, and the work of his hands, we may say, are properly his…

....Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property…’

(John Locke, Second Treatise of Government)
Call this the labour-mixture theory.

P1     If X is my property, and Y is nobody’s property, and I mix X with Y, then Y becomes my property.

P2     My labour is my property.

C      If Y is nobody’s property, and I mix my labour with Y, then Y becomes my property.
Nozick objects to P1.

‘...why isn’t mixing what I own with what I don’t a way of losing what I own rather than a way of gaining what I don’t? 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)

But Locke can accept C without accepting P1.
The labour-mixture theory

P1 If X is my property, and Y is nobody’s property, and I mix X with Y, then Y becomes my property.

Why does labour-mixture only work in the case of objects that are not already somebody’s property?

P3 If X is my property, and I mix X with Y, then Y becomes my property.

This would imply that the toy flute is Carla’s property even if she stole the wood from Bob!
The labour-mixture theory

P4 If X is my property, and Y is nobody’s property, and I mix X with a part of Y, then this part of Y is my property.

P5 If X is my property, and Y is nobody’s property, and I mix X with a part of Y, then Y is my property.

‘If a private astronaut clears a place on Mars, has he mixed his labor with… the whole planet, the whole uninhabited universe, or just a particular plot?’

(Robert Nozick, *Anarchy, State, and Utopia*, p.174)
The labour-mixture theory

Perhaps the thought is something like this…

Nobody can do anything with any part of the toy flute without doing something with the part that is the fruit of Carla’s labour.

Carla cannot do anything with the part of the toy flute that is the fruit of her labour without doing something with the part that is not.

If the use of X and the use of Y are completely dependent upon one another, how can anyone own X without owning Y, and vice versa?
So far, I have ignored one important part of Locke’s theory of property.

‘It being by him removed from the common state nature hath placed it in, it hath by this labour something annexed to it, that excludes the common right of other men: for this labour being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to, at least where there is enough, and as good, left in common for others.’

(John Locke, Second Treatise of Government, my italics)
The proviso

Nozick agrees.

‘A process normally giving rise to a permanent bequeathable property right in a previously unowned thing will not do so if the position of others no longer at liberty to use the thing is thereby worsened.’

(Robert Nozick, *Anarchy, State, and Utopia*, p.178)

And this is Nozick’s final word on the initial ownership of things other than selves.
The proviso

If Y was previously nobody’s property, and X takes Y under his/her control...

...and this leaves nobody else worse off...

then Y is X’s property.

The idea is that...

...nobody could reasonably object to X taking Y under his/her control, since everybody is at least as well off as they would have been otherwise.

But we need to take a lot of care with this last word: ‘otherwise’.
The proviso

Here’s one interpretation:

‘Everybody is at least as well off as they would have been otherwise.’ =

‘Everybody is at least as well off as they would have been if nobody had taken control of Y.’

Suppose there was a single piece of wood in the garden. Carla took control of this piece of wood, and made it into a toy flute. Did the wood become her property? It did if this made Anne and Bob better off than they were when nobody had taken control of the piece of wood.

Perhaps it makes them better off because Carla lets them play with the toy flute, and the nursery is now full of music.
Objection 1:

This theory has an unacceptable implication.

‘it allows a single individual in a state of nature to engage in an enriching acquisition of all the land there is if she compensates all others by hiring them and paying a wage that ensures that they end up no worse off than they would have been if they had continued to live the meager hand-to-mouth existence of hunters and gatherers on nonprivate land.’

(Michael Otsuka, *Self-Ownership and Equality*)
The proviso

What is involved in ‘taking control’ of a piece of land?

Suppose it is sufficient to cordon it off, or plant a flag in the middle of it.

Then it is possible for someone to acquire ‘all the land there is’ according to this theory.

Suppose it is necessary to mix one’s labour with every part of the piece of land.

Then it isn’t obviously possible for someone to acquire ‘all the land there is’ according to this theory.
The proviso

Suppose Elon Musk arrives on Mars, claims it as his own, and spends billions of dollars making it a hospitable place for human beings. Suppose he then declares that everybody can come live on Mars as long as they pay him a thousand dollars.

Why is it morally unacceptable to permit Musk’s appropriation of ‘all the land there is’ on Mars?

‘…it is manifestly unfair that a first grabber be allowed to acquire a much greater share than others…’

(Otsuka, *Self-Ownership and Equality*, p.157)
Objection 2:

For Nozick…

‘Everybody is at least as well off as they would have been otherwise.’ =

‘Everybody is at least as well off as they would have been if nobody had taken control of Y.’

What about…

‘Everybody is at least as well off as they would have been otherwise.’ =

‘Everybody is at least as well off as they would have been if they had taken control of Y instead.’
An example from Jerry Cohen…

Suppose Anne and Bob live on a field. Suppose that if neither of them has control of the field, each of them is able to grow 10 bushels of wheat.

<table>
<thead>
<tr>
<th>Nobody controls the field</th>
<th>Anne</th>
<th>Bob</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10</td>
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</table>

Now suppose Anne takes control of the field, and tells Bob that if he works for her, she will give him a cut of the produce. Because Anne and Bob produce much more working together, the cut is greater than what Bob was producing before.
The proviso

<table>
<thead>
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<th>Anne controls the field</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anne</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>Bob</td>
<td>10</td>
<td>11</td>
</tr>
</tbody>
</table>

Bushels of wheat might not be the only thing to consider when asking whether Bob is better off than he would have been otherwise…

‘…entitlement theorists frequently neglect the value people place on the kind of power relations in which they stand to others, a neglect that is extraordinary in supposed libertarians professedly committed to human autonomy.’

(Jerry Cohen, *Self-Ownership, Freedom, and Equality*, p.80)
Now suppose that Bob had taken control of the field and persuaded Anne to work for him.

<table>
<thead>
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<th>Bob controls the field</th>
</tr>
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</tr>
<tr>
<td>Bob</td>
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<td>20</td>
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</tbody>
</table>

Clearly, in the case where Anne controls the field, Bob is not better off than he would have been if he had taken control of the field.

Can Nozick give any *reason* to think that the relevant counter-factual is the one where the field had remained in common, rather than the one where Bob controlled the field instead?
Now suppose that Bob had taken control of the field and persuaded Anne to work for him, and suppose that Bob is amazing at farming.

<table>
<thead>
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<th>Anne controls the field</th>
<th>Bob controls the field</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anne</td>
<td>10</td>
<td>20</td>
<td>21</td>
</tr>
<tr>
<td>Bob</td>
<td>10</td>
<td>11</td>
<td>40</td>
</tr>
</tbody>
</table>

If we interpret the proviso in the first way, we must still say that the field is Anne’s property…

…even though *everybody* would have been better off if Bob had taken control of the field instead.
The proviso

The proviso gains some of its plausibility from the intuition that taking control of a piece of land, or an object, is morally permissible if *everybody wins* or, at the very least, *nobody loses*.

But in this case, if Anne gets there first, and takes control of the field before Bob, *everybody loses*!

This isn’t a decisive objection against the proviso as Nozick interprets it…
'Nor was this appropriation of any parcel of land, by improving it, any prejudice to any other man, since there was still enough, and as good left; and more than the yet unprovided could use. So that, in effect, there was never the less left for others because of his enclosure for himself: for he that leaves as much as another can make use of, does as good as take nothing at all. No body could think himself injured by the drinking of another man, though he took a good draught, who had a whole river of the same water left him to quench his thirst...'

(John Locke, *Second Treatise*)
The proviso

For Locke…

‘Everybody is at least as well off as they would have been otherwise.’ =

‘There are still at least as many perfectly Y-like objects as there are people.’

Suppose the garden contained a super-abundance of wood.

An objection…

But this condition is never satisfied. No objects are perfectly alike.
'Let us suppose, that nature has bestowed on the human race such profuse abundance of all external conveniences, that... every individual finds himself fully provided with whatever his most voracious appetites can want... It sees evident, that, in such a happy state... the cautious, jealous virtue of justice would never once have been dreamed of. For what purpose make a partition of good, where every one has already more than enough? Why give rise to property, where there cannot possibly be injury? Why call this object mine, when, upon the seizing of it by another, I need but stretch out my hand to possess myself of what is equally valuable?'

(David Hume, *Enquiry Concerning the Principles of Morals*)
The proviso

For Hume, scarcity is a necessary condition of property.

Suppose I take control of Y.

If there are still as many perfectly Y-like things as there are other people, then there is no reason for anybody to object to my taking control of Y.

But if there are still as many perfectly Y-like things as there are other people, what reason do I have to object to anyone taking control of the Y that I had previously taken control of?
It is hard to tell a plausible story about appropriation.

One way to deal with this problem is to suggest that, initially, objects other than selves are *jointly owned, or owned equally*.

This suggestion motivates left-libertarianism.

‘Left-libertarianism rests on two central claims: (1) full initial self-ownership for all agents, and (2) egalitarian ownership of natural resources.’

(Vallentyne et al, *Why Left-Libertarianism Is Not Incoherent, Indeterminate, or Irrelevant*)