Property, Labour and Theft

Lecture 3: The Lockean proviso

§1. The problem of appropriation

Did Carla own the piece of wood? Presumably if we work back far enough we will find an *initial owner* of the piece of wood… How did this initial owner come to own the piece of wood…? How was the piece of wood *appropriated*…?

§2. The labour mixture theory

T1 ‘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…’

*(Second Treatise, Chapter 5, L287-288)*

T2 ‘…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…’

*(Second Treatise, Chapter 5, L288)*

P1 If X is my property, and I mix X with Y, then Y becomes my property.

P2 My labour is my property.

C If I mix my labour with Y, then Y becomes my property.

But what if I mix my property with your property…?

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 I mix my labour with Y, and Y is nobody’s property, then Y becomes my property.

T3 ‘…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?’

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

The tin of tomato juice…
Let’s say that X is my property *by nature* if and only if I own it, but not because I mixed it with something else that I owned, or because I exchanged it for something else that I owned because I mixed it with something else I owned, etc.

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

P2  My labour is my property by nature.

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

T4  ‘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)

§3. The provisos

T5  ‘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.*’

(Second Treatise, Chapter 5, L288)

If I mix my labour with X, and X is nobody’s property, then X becomes my property *if there is enough, and as good, left in common for others.*

T6  ‘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)

If X is nobody’s property, and I mix my labour with X/put a flag in X/claim X, then X becomes my property *if the position of others is not thereby worsened.*

How could anybody object to my coming to own something if nobody’s position is thereby worsened…?  Everybody is at least as well off as they would have been otherwise…

‘Nobody’s position is worsened by my coming to own X’ means: everybody is at least as well off as they would have been *if X had remained unowned*…’
'[this] 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*, p.78)

‘…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)

‘Nobody’s position is worsened by my coming to own X’ means: everybody is at least as well off as they would have been if they had come to own X instead…’

§4. Anne and Bob

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This satisfies the proviso on Nozick’s interpretation…

Objection: Bob is better off in terms of bushels of wheat… But he may be worse off in other respects…

‘…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.’


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What if Bob is a super-farmer…?

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But it is reasonable for Bob to object if he/everyone would have been better off if he had come to own the field instead…
§5. Back to Locke

T10 ‘Nor was this appropriation of any parcel of land… any prejudice to any other man, since there was still enough, and as good left… 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…’

(Second Treatise, Chapter 5, L291)

‘Nobody’s position is worsened by my coming to own X’ means that there are still at least as things of this type as there are people…

P1 I can come to own a previously unowned thing only if this type of thing is super-abundant.

P2 If a type of thing is super-abundant, there’s nothing to be gained by owning a thing of this type (as opposed to merely possessing it).

C If I can come to own a previously unowned thing, there’s nothing to be gained by owning it.

T11 ‘Let us suppose, that nature has bestowed on the human race [a] profuse abundance of all external conveniences… It seems 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 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, p.183-184)

References