

Is Classical Liberalism the Source of Libertarianism?*

¿Es el liberalismo clásico el origen del libertarismo?

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Abstract

In this paper I compare John Locke's and Murray N. Rothbard's theories of property. The main aim of that comparison is to show that Locke's theory of property, which seems to be crucial for contemporary libertarians, cannot be the foundation for the libertarian theory. The corollary is that Locke's theory, resp. classical liberalism, cannot be – as many, including M. N. Rothbard, the main proponent of libertarianism, claim – the source of libertarianism in a strict sense.

Keywords: John Locke, Murray N. Rothbard, theory of property, foundations of libertarian theory, classical liberalism.

Resumen

En este trabajo se comparan las teorías de la propiedad de John Locke y de Murray N. Rothbard. El propósito principal de tal comparación es mostrar que la teoría de la propiedad de Locke, que parece ser crucial para los libertarios contemporáneos, no puede ser el fundamento de la teoría libertaria. Su corolario es que la teoría de Locke, esto es, el liberalismo clásico, no puede ser en sentido estricto –como muchos libertarios pretenden, incluyendo a M. N. Rothbard, su principal defensor– la fuente del libertarismo.

Palabras clave: John Locke, Murray N. Rothbard, teoría de la propiedad, fundamentos de la teoría libertaria, liberalismo clásico.

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Many who are concerned with libertarianism, are of the opinion that the genesis of this political theory is to be found in John Locke's (1632-1704) view on private property. They are of the opinion, therefore, that libertarianism is a radical version of classical liberalism.¹ What is noteworthy, is that this view was maintained even by such radical contemporary libertarians as Murray N. Rothbard (1926-1995), who includes Locke in the ranks of the libertarians, hailing him as "a great libertarian political theoretician"² as well as a "classic liberal and libertarian".³

It would appear however, as I will attempt to show, that Rothbard's absolutist position regarding property, as well as his view on the role of the state, oblige us to review our concepts concerning the genesis of libertarianism and prevent us from deriving libertarian roots of Locke's theory.

The fundamental difference between these two positions is – appearing in various aspects – their relation to property. Rothbard opts for an absolute right to property, whereas Locke sees the right to property as being limited. What would appear at first glance to be only a difference of degree between Locke and Rothbard, in fact has a key significance and consequences.

The limits which Locke puts upon the right to property have a variable character, however they are dictated by the principal metaphysical, or, to put it precisely, theological suppositions of the author of *Two Treatises of Government*. Rothbard's theory is devoid of such suppositions.

1. The principal object of Locke's considerations concerning the question of property is land.⁴ Locke's position regarding the ownership of land however, is not com-

¹ Libertarianism as a version of classical liberalism is characterized, amongst others, by: S. Cox, "Albert Jay Nock: Prophet of libertarianism?", in *Liberty*, 1992, March, vol. 5, no. 4, p. 41; D. Boaz (ed.), *The Libertarian Reader*, New York, Free Press, 1998, p. xiv; D. Rasmussen, D. J. Den Uyl, *Liberalism Defended: the Challenge of Post-Modernity*, Cheltenham-Northampton, Edward Elgar Pub, 1997, p. 2; J. Narveson, *Libertarian Idea*, Philadelphia, Temple University Press, 1988, p. 8 (at the same time Narveson leaves it to researchers to answer the following question: "whether Locke gets us to libertarianism" – *ibidem*, p. 175); Ch. M. Sciabarra, *Total Freedom*, Pennsylvania, Penn State University Press, 2000, p. 195; M. N. Rothbard, *For A New Liberty. The Libertarian Manifesto*, New York, Collier Books, 1978, p. 2.

² *Idem*, *Economic Thought Before Adam Smith*, CreateSpace, Auburn, 2006, vol. I, pp. 313, 472.

³ *Idem*, p. 315. See also Rothbard's review of Kendall's book *John Locke and the Doctrine of Majority Rule* (Urbana 1941). See S. L. Richman, "Commentator on our Times: A Quest for the Historical Rothbard", in *Man, Economy, and Liberty. Essays in Honor of Murray N. Rothbard*, Auburn, Ludwig von Mises Institute, 1988, p. 370 (May 16, 1961), as well as a review from Richard H. Cox's book *Locke on War and Peace* (Oxford 1960), see S. L. Richman, *op. cit.*, p. 370, (June 22, 1962).

⁴ This is supposed to have a link with the Whigs landowning character of property. Frederick Copleston observes that "it is more to the point if attention is drawn to the frequently asserted view that in stressing so much the right of private property Locke was expressing the mentality of the Whig landowners who were his patrons". See F. Copleston, *History of Philosophy*, London, Burns, Oates & Washbourne Ltd,

pletely clear. On the one hand he affirms that God as the Creator of man has rights over him, that is, since man has been created by God, he is God's property – objects (including people) that are created belong to their Creator.⁵ The consequence of this thesis would be *per analogiam*, the conclusion that man does not have a right to the land, because he didn't create it. This argumentation of Locke's, dealing with the right to property, would only justify a right to those things which (omitting charity, inheritance, being in a state of need or being concerned with taking over an estate as a compensation for wrongs rendered) would be created thanks to work performed, and therefore not a right to the land, as given to man by God. The right to land, together with the goods found on it, would therefore be understood to be the right to the substance of the land itself, and therefore, as an absolute right to property, which is due to God alone. Man, as Locke writes, should treat the world as a foreign country, enjoying and taking advantage of everything, which the earth has to offer, but at the same time leaving it as it is – thinking about his real home, which awaits him at the end of his journey.⁶

It would appear that Locke, at the same time, maintains that labor constitutes not only a title to ownership of the fruits of the earth, but also of the very earth itself. “*As much Land as a Man Tills, Plants, Improves, Cultivates, and can use the Product of, so much is his Property*”.⁷ Therefore it seems that Locke would be prone to admit that property applies to the earth, but only to that part which is tilled.⁸

Hence it is not clear whether according to Locke, man is only a leaseholder (tenant) or an owner of the land which he cultivates. A solution to this question could be found in the recognition that man is at the same time a tenant and owner, the former in relation to God, and the latter in relation to other human beings. Simmons, who opts for just such an interpretation, nevertheless seems to treat these two forms of

1959, vol. V, p. 130. Locke himself was a landowner and invested in silk trade and the slave trade. The worth of his estate at his death was about £ 20.000. See M. Cranston, *John Locke: a Biography*, London–New York, Longmans, 1957, pp. 114–115, 377, 448, 475, quoted in C. B. Macpherson, *The Political Theory of Possessive Individualism. Hobbes to Locke*, Oxford, Oxford University Press, 1970, p. 253.

⁵ „For men being All the Workmanship of One Omnipotent, and infinitely wise Maker; All the Servants of one Sovereign Master, sent into the World by his order and about his business, they are his Property, whose Workmanship they are, made to last during his, not one another's Pleasure”. J. Locke, “The Second Treatise of Government”, in *idem, Two Treatises of Government*, P. Laslett (ed.), Cambridge, Cambridge University Press, 2004, par. 6, p. 271.

⁶ L. P. King (ed.), “The Life of John Locke with Extracts from his Correspondence”, in *Journals and Common-place books*, London, Colburn and R. Bentley, 1830, vol. II, p. 92–94, quoted in J. Tully, *Discourse on Property*, Cambridge, Cambridge University Press, 1980, p. 72.

⁷ J. Locke, *The Second Treatise...*, *op. cit.*, par. 32, p. 290. See also *idem*, “First Treatise of Government”, in *idem, Two Treatises...*, *op. cit.*, par. 42, p. 170.

⁸ Wasted land thereby becomes common property.

ownership on an equal level, not calling attention to the fact that the first form is of cardinal importance and imposes on the character of the second form.⁹ Ownership in relation to one's self and to one's own labor, and *ipso facto* to the earth, is limited due to the relationship with God, and especially with His order to preserve one's self and humanity as a whole. This is because our relation to God is primordial regarding our relationship to other people, the manner of ownership is in relation to God, and the resulting consequences, must be primordial in relation to ownership regarding other people.¹⁰ The result of all this, is that man is not the absolute owner of the earth, at most he is but an absolute tenant.

Not accepting this theological supposition, Rothbard, as opposed to Locke, maintained that from the viewpoint of political philosophy, and also from practice, property possesses only an earthly dimension,¹¹ and that the earth „in its original state is unused and unowned”.¹² When taking command of it, an individual becomes its private and absolute owner. The world in “earthly conditions” cannot therefore belong to everyone, but always to someone, be it an individual, group of people, or in particular, a government. Even if we accept the fact that the earth is God's property, then – as Rothbard asks – why would its possession in common by everyone, as espoused by Locke, be more moral than its possession by individuals? This is because the right to property in earthly conditions is understood by Rothbard, as opposed to Locke, to be the right to the substance of a given thing, therefore to the earth and the crops harvested from it, belong solely to their owner.

2. The divine order and obligation to protect and propagate the human race obliges Locke to accept the possibility of a (justified) taking advantage of another's (abundant) property in life-threatening circumstances. According to Locke, that minimum which guarantees survival constitutes man's general legitimation in the material sphere. If there is an individual who is in need, then the individual right to property of others will be superseded by the right of that individual (in need) and the necessary goods crucial for his survival become his property.¹³ The right to private

⁹ See A. J. Simmons, *The Lockean Theory of Rights*, Princeton, Princeton University Press, 1992, p. 263.

¹⁰ In addition, the case of property in the form of land is complicated by the appearance of a government. This is because, as Locke writes: “For in Governments the Laws regulate the right of property, and the Possession of land is determined by positive constitutions”. See J. Locke, *The Second Treatise.... op. cit.*, par. 52, p. 302.

¹¹ From the viewpoint of political philosophy is not essential if order which is discovered by reason is a work of God or not. Suarez for example, as well as Grocius, both of whom are quoted by Rothbard, affirmed that natural law is binding even if God didn't exist. See F. Suarez, *Tractatus de Legibus ac Deo Legislatore*, lib. II, cap. VI, and H. Grotius, *De Iure Belli Ac Pacis*, quoted in M.N. Rothbard, *The Ethics of Liberty*, New York, New York Press, 1998, p. 4.

¹² M. N. Rothbard, *For a New...*, *op. cit.*, p. 35.

¹³ J. Tully, *op. cit.*, p. 132.

property then is subjugated to the common good. Moreover, in the instance of not supplying someone in need with that which is necessary for his survival, the owner of those goods may be subject to punishment.¹⁴ Those goods necessary for an individual's survival cannot be denied a person in need.¹⁵ Therefore the legitimation of the person in need constitutes an obligation for the person possessing those goods.¹⁶ Charity, emphasizes Locke, “gives every Man a Title to so much out of another's Plenty, as will keep him from extreme want, where He has no means to subsist otherwise”.¹⁷ The right to charity, understood to be the supplying of help to someone in need, therefore overrides the negative obligation of refraining from depriving someone of his goods, or taking advantage of someone's property without his consent.¹⁸ Therefore, charity in Locke's opinion is not an extraordinary obligation, but a law of nature. A person who is not charitable is therefore not only someone who could do something more, but does not, but he is also someone whose behavior breaks natural law.

Locke's consenting to taking advantage of someone else's property by someone in need signifies *de facto* limiting of private property itself.

These conclusions result from the supposition which is the foundation of Locke's concept of property, which states that property does not exist without fulfilling a public function.¹⁹ Such an interpretation on Locke's part would be confirmed by the fact that – permitting an individual to appropriate an amount of land disproportionate to his needs – in Locke's view this land would be used for the benefit of others.²⁰

Macpherson, who presents Locke as being a proto-capitalist, argues with a pro-social interpretation of Locke's theories, maintaining that work and property do not have to serve societal goals above all others.²¹ He claims that the emergence of money bears a primordial limitation (“enough and as good”) and he points to an appendix to Locke's second edition of the *The Second Treatise on Government* citing paragraph 37, which commences with the words “To which let me add ...”.²²

¹⁴ J. Locke, *The Second Treatise...*, *op. cit.*, par. 37, p. 295.

¹⁵ *Idem*, *The First Treatise...*, *op. cit.*, par. 42, p. 170.

¹⁶ J. Dunn, *The Political Thought of John Locke*, Cambridge, Cambridge University Press, 1969, p. 217.

¹⁷ J. Locke, *The First Treatise...*, *op. cit.*, par. 42, p. 170.

¹⁸ A. J. Simmons, *op. cit.*, p. 345. Although certain declarations by Locke from the *Essay on Tolerance* and the *Letter on Tolerance* may attest to this, their author does not see anything wrong in a lack of charity, since it does not “violate the rights of others”, and “shouldn't be punished by the authorities”. This position however, as Simmons affirms, in an interpretation of other texts of Locke, is not confirmed, (*Ibidem*, pp. 343-345).

¹⁹ J. Tully, *op. cit.*, p. 99 and 103; see also J. Waldron, *The Right to Private Property*, Oxford, Oxford University Press, 1988, p. 137.

²⁰ J. Locke, *The Second Treatise...*, *op. cit.*, par. 37, p. 294.

²¹ See C. B. Macpherson, *op. cit.*, pp. 220-221.

²² J. Locke, *The Second Treatise...*, *op. cit.*, p. 294. See also C. B. Macpherson, *op. cit.*, pp. 211-214.

Macpherson recognizes that an increase in production linked with an appropriation of land disproportionate to one's needs has to imply the distribution of its effects (e.g. of the products of the land) "amongst those who don't own any land". Nevertheless, he does not perceive that this distribution may in the end take on a form, for example, which is in accordance with Rawls' Difference Principle. Macpherson opines thereby that those who are not able to expropriate anything for themselves will have to sell their labor to the proto-capitalists in return for wages. If that is the case, we would indeed have to contend with a proto-capitalist system. However, as *The Second Treatise on Government* would seem to indicate, aid intended to keep someone alive would have to be rendered as well to those who do not work. This collides with Macpherson's comparison of Locke's society to a commonwealth composed of shareholders and employees, in which the former are only interested in maintaining the latter because of the resulting economic profit.²³ Macpherson completely overlooks here the moral aspect of an obligation, that is maintaining one's life and the lives of others, which constitutes, according to Locke, divine design in relation to man, and, as it would appear, reduces Locke's understanding of "property" to one of wealth. Locke however understands property to be "life, liberty, and wealth".²⁴

In the light of this it would seem that private property cannot serve solely to meet one's own interests. This is not in accordance with God's will which desires that every individual created by Him, including those who cannot provide the means for their existence, would live on. Private interests also might not be made compatible with natural law, since due to the limited number of resources, it's impossible to meet the demands of everyone's interests simultaneously.²⁵

Rothbard, as opposed to Locke, is of the opinion that a general absolute law regarding the minimum amount of things needed to assure a man that he stays alive does not exist. Rothbard's right to property in relation to material things is deduced from the right to self-property. This is a general law, but it does not entail a positive obligation to maintain the life of anyone who finds himself in need. Hence, for Rothbard, property in the form of the means of keeping someone alive, is not something which belongs to everyone "regardless if they work or not". This type of property results from someone's putting their work into an effort to achieve something. Locke's view, however, allows the possibility of obtaining a title to something without putting any work into it (abstracting of course from instances of charity, inheritance,

²³ *Ibidem*, pp. 251-252.

²⁴ J. Locke, *The Second Treatise...*, *op. cit.*, par. 123, p. 350.

²⁵ *Idem*, "Question: 'Is each man's private interest the foundation of the law of nature? Answer: No' (Essays on the Law of Nature, No. VIII, 1964)", in *idem*, *Political Writings*, D. Wootton (ed.), Indianapolis, Mentor, 1993, p. 181. The self-interest, as Locke emphasizes, cannot be the primary law of nature, since "if it were the case all the noble examples of virtue ought to be consigned to oblivion and people whom we now admire as the best of men would have to be regarded not merely foolish, but as wicked and evil". *Ibidem*, pp. 179-180.

etc.). At the end of paragraph 37 Locke writes that someone who wastes things is “liable to be punished” since “(...) he offended the common Law of Nature”²⁶ – which suggests a transgression not only against the God’s order (here Locke could *notabene* use the term “sin”²⁷), but also against the temporal order. This means that someone’s right to wasted things which were created earlier has been abrogated. A crime has therefore been committed, for which some type of punishment must be exacted. At another point, he outright affirms „he wasted not the common Stock; destroyed no part of the portion of Goods that *belonged to others*, so long as nothing perished uselessly in his hands [emph. D.J.]”²⁸

3. Locke maintains that appropriation is just if it leaves the other person with a sufficient amount of equally good resources (*enough and as good*).²⁹

The condition imposed by Locke on the first appropriation was supposed to prevent a situation whereby it does not deprive others of property or waste the appropriation of goods to the detriment of their own interests. If such a situation occurs, that is the appropriation of goods which are not exhausted by their owner, they become common property. Locke provides no justification for prodigality and he affirms that if on somebody’s ground the grass rotted or the fruit perished without gathering, “this part of the ground, notwithstanding his inclosure, was still to be looked on as waste, and might be the Possession of any other”³⁰. Grunebaum is of the opinion that there is nothing wrong in an appropriation which, on the one hand leads to prodigality, but on the other hand leaves others with sufficiently large amount of goods of the same quality.³¹ It would seem then that the ultimate condition of appropriation is that it does not render harm unto others. In this instance, an appropriation that resulted in some goods being wasted, but that did not worsen the situation of others

²⁶ *Idem*, *The Second Treatise...*, *op. cit.*, p. 295.

²⁷ *Idem*, *The First Treatise...*, *op. cit.*, par. 42, p. 170.

²⁸ *Idem*, *The Second Treatise...*, *op. cit.*, par. 46, p. 300.

²⁹ Leaving others with “enough and as good” cannot be understood to “leasing others a sufficient amount of land”, but leasing others in a situation not worse than which they had before the appropriation. Let’s suppose that there are four persons, *A*, *B*, *C*, and *D* and a piece of land that comprises about 12 hectares. If *A* would want to appropriate a part of this land, that – interpreting Locke’s condition literally – means he could take a parcel of land that amounts to 3 hectares, then, the other people would have the remaining 9 hectares to divide up amongst themselves. Let’s also suppose that *A* would be able to get some products from his land, which only be enough to meet the needs of his family. Let’s assume that *B*, *C*, and *D* are no worse off than before *A* appropriated his piece of land. If however *A* were to appropriate the whole 12 hectares, and in addition would get enough products to ensure that *B*, *C*, and *D* would have a better quality of life than if *A* only appropriated 3 hectares, such an appropriation, on the basis of Locke’s theory, would be justified. See *ibidem*, par. 37, p. 294.

³⁰ *Ibidem*, par. 38, p. 295. “Whatever is beyond this, is more than his share, and belongs to others”. *Ibidem*, par. 31, p. 290.

³¹ See J. O. Grunebaum, *Private Ownership*, London-New York, Routledge Kegan & Paul, 1987, p. 63.

would not be evil. However, when taking Locke's supposition into consideration, the question arises as to whether man is not also responsible before God for using those resources which were granted unto him by Creator. If that is the case, and it would appear that such an interpretation of Locke's works is possible, then neither the criterion of "enough and as good" nor the criterion of "not harming others" would be sufficient. Therefore, if someone were to undertake the "production" of fruit on land that was justly appropriated, and the taste of that fruit would be so odd that he would be the only person who would find it appealing, and the land would only be suitable for the raising of this fruit, could one say that the surplus "production" of this fruit, which would be subject to being spoiled, harms someone or behaves irrationally and dishonestly, or rather that it is a sin against God? A partial response to this doubt may be found in Locke's work, at the end of paragraph 37, when he speaks of waste as being an offence "against the common Law of Nature".³² Wasting something is subject to punishment, since man, behaving in such a manner: "(...) invaded his Neighbor's share, for he had *no Right, father than his Use* called for any of them, and they might serve to afford him Conveniencies of Life".³³ Locke supposes that the earth and its fruits have to be used also for the good of others, and the moment when they cease to be useful, they also cease to – by very definition – constitute someone's (private) property and become public property. One's own interest cannot be at odds with the primordial right of every man to that which is due to him, regarding his survival and comfort. It would appear that one could propose the following hierarchical order, which reflects Locke's intention concerning a justified appropriation. Generally, it would have to be accepted, that *via* appropriation (assuming of course that the acquired rights of others have not been previously violated) one has to pay heed to God's will, which has made man a rational being responsible for keeping himself and others alive. This means, first of all, that only so much should be appropriated as may be rationally used. If as a result of this appropriation others are not worse off, it is justified and indefectible. The second type of the indefectibility of appropriation would occur when an individual appropriates more than he can use (part of these goods will be wasted) but as a result of which the situation of others is not worsened. The third type of appropriation is the acceptance of someone else's property and rationally using these resources, however this action leads to a worsening of

³² J. Locke, *The Second Treatise...*, *op. cit.*, par. 37, p. 295.

³³ *Ibidem*, par. 37, p. 295. Locke prohibits the wasting (squandering) of things, while of course being conscious of the fact that some things may be subject to deterioration without any fault on the part of the owner. Locke considers squandering to include the failure to use or thoughtless destruction of something. See *ibidem*, par. 46, pp. 300-301. Such a condition of wasting goods should not be interpreted in a manner that every evident abuse of someone's goods automatically makes them common property. Locke stresses that as long as goods are not wasted, they are someone's property. This means that retrospectively (after some goods have been wasted) one could pronounce that someone did not have a right to them. See J. Waldron, *op. cit.*, p. 219.

the situation of others. Finally, the fourth and worst type of coming into possession of something would be an appropriation whereby the result on one side leads to the appropriated goods being wasted, and additionally to a worsening of the situation of others.

A certain vagueness results from the very formulation “enough and as good” itself. Firstly, in a society with a large number of people, supplying everyone with a sufficient amount of equally good articles could lead to a situation in which more industrious individuals receive proportionally less (goods) and this in turn will reflect on the life of society as a whole. It is therefore, not without consequence, if these resources end up in the hands of someone who is industrious or someone who is incompetent. Second, Locke was not precise as to what type of people he had in mind. Becker perceived this problem, and he opined that in a competitive situation, appropriation of the land brings about a situation where some people do not obtain a sufficient amount of the proper resources. He therefore proposes that Locke’s condition be extended to “at least major means of production”.³⁴ As Becker explains Locke’s concept: “Land, other natural resources, and the major means of production (sources of energy, transportation, communication, heavy industry...) cannot be privately owned. If they are acquired privately, they either deprive others of opportunity, or put them at a competitive disadvantage. In either case the requirement that no one suffer loss by the producer’s acquisition of property is violated”.³⁵ Such consequences to which Locke’s theory can lead, may form, as Becker put it, “foundations for socialism”.³⁶

For Rothbard any type of limitation placed on property, and not resulting from the axiom of non-aggression, is unacceptable. “It is difficult to see – writes Rothbard – why newborn Pakistani baby should have a moral claim to a quotal share of ownership of a piece of Iowa land that someone has just transformed into wheatfield – and vice versa of course of Iowan baby and Pakistani farm. Land in its original state is unused and unowned”.³⁷ Locke’s *provisio*, which limits the possibility of appropriation, leads, in Rothbard’s opinion, to a situation where any type of appropriation would have to be preceded by a calculation concerning the situation of other people,

³⁴ L. C. Becker, *Property Rights*, New York, Routledge Kegan & Paul, 1983, p. 43.

³⁵ *Ibidem*, p. 43.

³⁶ *Ibidem*, p. 43. Some contemporary libertarians place Locke’s concept of property on the left side of the political spectrum. Peter Vallentyne for example does this in *Left Libertarianism and Its Critics: The Contemporary Debate*, (Palgrave 2000), p. 1. Barbara H. Fried in turn writes directly about leftist “Lockeism”. See B. H. Fried, “Left-Libertarianism: A Review Essay”, in *Philosophy and Public Affairs*, 2004, 32/1, p. 68. John Christman argues that “when distributive considerations are introduced as constraints on the initial acts of acquisition, there are no good arguments against extending such considerations to all subsequent distributions...”. See J. Christman, *The Myth of Property*, Oxford, Oxford University Press, 1994, p. 66.

³⁷ M. N. Rothbard, *For a New Liberty...*, *op. cit.*, p. 42.

resulting from such an act. First of all, this is, nevertheless, almost impossible in practice – this is because nobody is able to evaluate all the consequences linked with the appropriation of something, and secondly, it is theoretically unjustified – this is because in order to know what the worsening of someone’s situation entails, we would have to revert to some sort of value system, with which not everyone is obliged to completely agree.³⁸ In addition – as Rothbard maintains, in concordance with the tradition of the Austrian School of Economics – value is a correlate of the subjective preferences of individuals, so that any comparison with subjective utility is impossible.

The difference, in the question of a just appropriation between Locke and Rothbard, is expressed in Locke’s supposition that only permanent work on the appropriated land maintains some type of property title in relation to it (the land), whereas Rothbard is of the opinion that the primordial act of linking one’s work with something is sufficient to obtain that thing as (one’s) property regardless if it is used later or not.³⁹

4. Locke accepts the labor concept of value, maintaining that labor constitutes a proportion of 9/10 of the value of anything.⁴⁰ This theory is necessary for Locke to justify private property.

This is because if someone’s effort makes a change in the world for the better, that person has a right to those things which he extracted from their natural state. Locke states here that labor and the effort linked with it constitute a necessary but insufficient condition for appropriation. If the transformation of the world occurred in contrary proportions (if man’s effort would be only 1/10, and the “rest of the labor would be done by nature itself”) it would be difficult to justify private appropriation. Locke gradually increased this proportion to the benefit of labor (99/100 and 999/1000),⁴¹ in order to acknowledge: “For whatever *Bread* is more Worth than Acorns, *Wine* than Water, and *Cloth* or *Silk* than Leaves, Skins, or Moss, that is *wholly* owing to labor and industry [emph. D.J.]”⁴² It appears that Locke, however,

³⁸ For example, that life is the highest value.

³⁹ One could object, that an unused watch stashed away in a drawer is one thing, and appropriated, but currently fallow land, is another. In the former case, the fact that the watch is not on the market doesn’t harm the situation of others, whereas the lack of the land (on the market) – does. Only Locke is of this opinion, and not Rothbard, who states that land which is justly appropriated in a just manner, does not have any positive obligation in relation to others.

⁴⁰ J. Locke, *The Second Treatise...*, *op. cit.*, par. 40, p. 296. Rothbard ascribes to Locke not really labor theory of value but rather labor theory of the origin of property. See M. N. Rothbard, *Economic Thought...*, *op. cit.*, t. I, pp. 57, 317). It would seem however, that in Locke’s conception, labor is at the same time the source of property, as well as the value of things.

⁴¹ J. Locke, *The Second Treatise...*, *op. cit.*, par. 41, pp. 296-297, par. 43, p. 298.

⁴² *Ibidem*, par. 42, p. 297. It would seem that these examples aren’t sufficiently well chosen by Locke. In this specific instance, the wine and bread are to a considerable degree labor “performed by nature”.

was not completely consistent in this matter. This is because in *Some Considerations of the Consequences of the Lowering of Interest and Raising the Value of Money* he writes: “The Intrinsic Natural worth of Any Thing consists in this, that it is apt to be serviceable to the Necessities or Conveniences of human life, and it is naturally more worth, as the Necessity or Convenience it supplies is greater”.⁴³ He also adds that intrinsic value of things depends only on their usefulness to the human’s life,⁴⁴ however “Being of Any good and useful quality in anything, neither increases its Price, nor indeed makes it have any Price at all”.⁴⁵ On the one hand, the value of something depends, according to Locke, on the amount of labor put into it, and on the other hand – on the ability of a given thing to satisfy human needs. This second understanding could indicate a certain subjectivity – and therefore a compatibility – with Rothbard’s concept of value, if not for the fact that Locke writes explicitly about the “intrinsic value of things” which renders a consistent understanding of value in subjective categories impossible.

In as much as Rothbard was able to admit that labor constitutes a condition of appropriation, he would not agree with the affirmation that labor constitutes the value of things.⁴⁶ Classic theories of economics stated that the value of goods result from their cost, or the efforts incurred with the goal of obtaining this good in the future. “On the contrary, – writes Rothbard – it is clear that value can be conferred on a good only by individuals’ desires to use it directly in the *present* or in the present expectation of selling to such individuals in the *future*”.⁴⁷ Thus, a man might buy a cake and find that he does not like it at all. *Ex ante* the (expected) utility of the cake

Locke recognizes that there is a difference between baking bread (a number of people are engaged in an activity) and gathering acorns from the ground. In the latter instance, the labor theory of value seems to apply to a lesser degree. Therefore, as Waldron remarks, paradoxically, there seems more room for complaint about the exclusive appropriation of acorns than about exclusive appropriation of land, on the Lockean Labour Theory. See J. Waldron, *op. cit.* p. 193.

⁴³ J. Locke, *Some Considerations of the Consequences of the Lowering of Interest and Raising the Value of Money*, London 1692, p. 65, quoted in M. Grice-Hutchinson, *Early Economic Thought in Spain*, London, Routledge, 1978, p. 113-114.

⁴⁴ J. Locke, *The Second Treatise...*, *op. cit.*, par. 37, p. 294. Locke’s theory applies only to the use value of a given thing, and not to its exchange value. It does not determine therefore, what exchange rate it will have on the market, that if it will have a proportional character or not. See J. Waldron, *op. cit.*, p. 192. Value that comes from 9/10 of the work put into taking an apple from a tree, and the value coming from 9/10 of the work put into building a house are not the same.

⁴⁵ J. Locke, *Some Considerations...*, *op. cit.*, p. 62, quoted in M. Grice-Hutchinson, *op. cit.*, p. 114.

⁴⁶ If on appropriated land I raise some crops which nobody wants to harvest, then these crops do not have any value. It makes no difference if we talk about the use value or the exchange value. Wine does not have any use value (and exchange value) because of the person who produced it (if that wine were to contain so much tannic acid, that it couldn’t be drunk, it wouldn’t possess any use value), rather because it is fit for use, which means that there are people who would drink it.

⁴⁷ M. N. Rothbard, *Man, Economy and the State*, retrieved 7 June 2016 from: http://mises.org/rothbard/mes/chap4b.asp#5D._Planning_Range_of_Choice.

was greater than the marginal utility of the money forgone in purchasing it; *ex post* he finds that he was in error and that if he had it to do over again, he would not have bought the cake. The purchase was the consumer's responsibility and he must bear the loss, as well as the gain, from his voluntary transaction. Of course, no one can relive the past, but he can use this knowledge, for example, to avoid purchasing such a cake again. It should be obvious that the cake, once purchased, may have little or no value even though the man originally paid several grains of gold for it. The *cost* of the cake was the forgone marginal utility of the three grains of gold paid for it. But this cost incurred *in the past* cannot confer any value on the cake *now*.⁴⁸ According to Rothbard, the thing derives its value from its usefulness to satisfy one's desires at the time. If the value of the things would be determined by labor inserted in it, its value would have to be the same. However, the value is variable, since the same thing at different times may have different value for somebody.⁴⁹

5. Locke writes that the natural freedom of man denotes his being free "from any Superior Power on Earth, and not to be under the Will or Legislative Authority of Man, but to have only the Law of Nature for his Rule".⁵⁰ He thereby suggests the possibility of the existence of a stateless system. At the same time he adds that the will, which no person should be subject to, should be „inconstant, uncertain, unknown and arbitrary", which can in turn lead to the rather Hayekian idea that being subject to "constant, certain, known and non-arbitrary" will is justified.⁵¹ It would seem that this is exactly Locke's intention.

In Locke's opinion, the transition from a natural state to a social state, that is in which a government exists, takes place *via* a renunciation of natural rights regarding behavior and other rights, including the right to punishment, to the political authority.⁵² In a natural state, everyone may be a judge in his own case, which leads to unde-

⁴⁸ *Ibidem*.

⁴⁹ Ramon M. Lemos is of the opinion that Locke's labor theory of value is not related to the economic dimension of things, but only to moral and religious matters. The value that something would possess thanks to the labor put into it, would therefore be a moral *resp.* religious value. See R. M. Lemos, "Locke's Theory of Property", in R. Ashcraft (ed.), *John Locke. Critical Assessments*, London, Routledge, 1995, p. 347. Lemos's interpretation refers only to what type of character the value of something possesses, which was acquired thanks to the labor put into it. The character of this value is however of secondary importance; what is essential is that according to Locke, a thing obtains value, thanks to the labor put into it.

⁵⁰ J. Locke, *The Second Treatise...*, *op. cit.*, par. 22, p. 283.

⁵¹ *Ibidem*, par. 22, p. 284. See also F. A. Hayek, *The Constitution of Liberty*, Chicago, Routledge, 1978, chap. 9: *Coercion and the State*, pp. 133-147.

⁵² The reason of men putting themselves into Society and quitting the State of Nature is to avoid the State of War. See J. Locke, *The Second Treatise...*, *op. cit.*, par. 21, p. 282. Laslett argues that "The state of nature is already social and political. The state of society never completely transcends the state of nature: the contrast is never complete". See P. Laslett, "Introduction", in J. Locke, *Two Treatises...*, *op. cit.*, p. 100. Locke, however, allows for the possibility of being in the *ordinary* state of nature. These are relationships in which are princes and rulers of independent governments, as well as people on a

sirable consequences. In Tully's initial interpretation, the natural principles and rules of property which are obligatory in a natural state, have to be replaced in a civil society by positive laws. These principles however, cannot be contrary to the principles of natural law, and thereby to the will of God. This is because entering into society is signified by getting rid of the natural authority, which is superseded by the enforcement of laws, however this does not signify the abandoning of rights in general. Locke argues, that in this instance, "Civil Government is the proper Remedy for the Inconveniences of the State of Nature..."⁵³ Not only legal questions, but also those concerning property, are found in civil society in the competence of the government. Positive laws enacted in a civil society nevertheless oblige individuals to subordinate their property to society as a whole. As Locke writes: "For in Governments the Laws regulate the right of property, and the Possession of land is determined by positive constitutions"⁵⁴ The goal of society is, according to Locke, identical to the goal of people in a natural state, namely, the preservation of the human race. This is also the goal of a government, which has as its foundation the public good and the protection of property.⁵⁵ Since natural law, in other words God's will, is also obligatory in the political sphere, one may conclude that a government should act in accordance with God's will, thereby becoming subservient to an objective criterion as to what is morally good.⁵⁶

Tully is of the opinion that in Locke's conception, in spite of the fact that an individual becomes of a society with the goal of preserving his property (which is threatened as a result of the appearance of money), one of the conditions of membership (in a society) is the individual's surrendering his natural freedom, which is dependent on doing everything in order to maintain himself and others, and to guarantee for himself and others an appropriate comfort.⁵⁷ The individual when becoming a member of society, brings his property, which becomes public property subject to conventional distribution.⁵⁸ According to Tully, property in a society is treated entirely differently than in a natural state – it is something conventional and based

desert island. See J. Locke, *The Second Treatise...*, *op. cit.*, par. 14, pp. 276-277. The proper state of nature means that "Men living together according to reason, without a common Superior on Earth, with Authority to judge between them..." *Ibidem*, par. 19, p. 280.

⁵³ J. Locke, *The Second Treatise...*, *op. cit.*, par. 13, p. 276.

⁵⁴ *Ibidem*, par. 50, p. 302.

⁵⁵ *Ibidem*, par. 138, p. 360-361; par. 239, p. 425.

⁵⁶ See J. Tully, *op. cit.*, p. 101.

⁵⁷ *Ibidem*, p. 164.

⁵⁸ *Ibidem*, p. 165. Locke writes as well: "(...) every Man, when He, at first, incorporates himself into any Commonwealth, he, by his uniting himself thereunto, annexed also, and submits to the Community those Possessions, which he has, or shall acquire, that do not already belong to any other Government". J. Locke, *The Second Treatise...*, *op. cit.*, par. 120, p. 348. Gerlad A. Cohen polemicalizes with Locke's egalitarian interpretations. See G. A. Cohen, *Self-ownership, Freedom and Equality*, London, Cambridge University Press, 1995, chap. VII, pp. 165-194.

on an agreement.⁵⁹ He goes on to say that in Locke's opinion, a moral justification of the form of property in a civic society is legally regulated by a change of the private ownership in a natural state. The task of legislature, as an institution invoked by the majority of society is, on the one hand, to enforce natural law, and on the other – to regulate property. Regulating property has to be a means to an end, which is the public welfare, that is to preserve the human race. In Tully's interpretation, the distribution of property in a civic society takes on a conventional character.⁶⁰

A key moment in the clarification in the rise of a society and government, together with their respective competences, is the appearance of money. Locke is convinced that the barter stage, characteristic of a natural state, does not generate a problem of inequality (there is no need to amass beyond that which is one's essential need).⁶¹ The problem of inequality arises at the moment when the possibility of accumulating goods is more than what is essential. This possibility creates the nondestructive and incorruptible coined money. The problem of material inequality arises together with the appearance of coined money.⁶² Locke justifies the appearance of money as the result of an accepted convention.⁶³ Money in his opinion, arose on the basis of an agreement in a pre-political society and satisfies the unnatural desire to amass more goods than are absolutely necessary.⁶⁴ This fact is at the same time a key element in linking the natural state with a civic society. Prior to the discovery of money, man worked only to meet his needs.⁶⁵ With the appearance of money, some people started to till more land than was necessary to meet their natural needs, which led to unequal-

⁵⁹ J. Locke, *The Second Treatise* ..., *op. cit.*, par. 38, pp. 295-296; par. 45, p. 297.

⁶⁰ J. Tully, *op. cit.*, p. 164.

⁶¹ J. Locke, *The Second Treatise* ..., *op. cit.*, par. 36, p. 292; par. 48, p. 301.

⁶² Tully affirms that the overriding goal of the chapter on property in *The Second Treatise on Government* is delineate that factor which would motivate people to seek a satisfactory defense in the form of an institution such as a government. This factor is supposed to be money. See J. Tully, *op. cit.*, pp. 146-147. The "problem" of inequality of wealth appears where we have to deal with an inequality in the amount and quality of goods possessed. The appearance of money (coinage) is not essential here. We may observe that riches may be multiplied through the amassing of non-perishable goods and exchanging them for others. These non-perishable goods will of course fulfill the role of money, not being however money in the form of coinage. See J. Locke, *The Second Treatise*... *op. cit.*, par. 46, p. 196. On the other hand, money that is amassed but not invested, will be subject over time to devaluation, and therefore by analogy, subject to being wasted.

⁶³ *Ibidem*, par. 36, p. 293; par. 47, p. 300-301; par. 50, p. 301.

⁶⁴ *Ibidem*, par. 48, p. 301. Locke argues that money is not a natural, but rather an artificial good. "For as to Money, and such Riches and Treasure taken away, these are none of Natures Goods, they have but Phanstastical imaginary value: Nature has put no such upon them..." *Ibidem*, par. 184, p. 391.

⁶⁵ *Ibidem*, par. 48, p. 301. Locke assumes here the rationality of man, who knows that those goods which are accumulated above that which is necessary, and which are subject to destruction (perishable), is irrational.

ities in the amount of resources possessed.⁶⁶ As a result of the appearance of money, things ceased to have value based solely on their usefulness, and acquired value by the appearance of their being able to be exchanged for money.⁶⁷ Money acquired as a result of selling goods serving not only to meet current and essential needs, became the cause of accumulating goods beyond that which is an essential need. A picture appears in Locke's argumentation in which people before the appearance of money were only motivated to meet their natural needs and comforts,⁶⁸ after the appearance of money, the desire to possess more than what was required to meet natural needs, became the main motivating factor. The appearance of money led to the abolition of natural limitations concerning the right to property.⁶⁹ Hence this "monetarized" natural state led to inequalities which had to be regulated by the government *via* the constituted law.⁷⁰

Waldron, while defending Locke's interpretation, at the same time rejects Tully's, and affirms in turn that if together with joining society there would be a change in the status of laws from natural to conventional, then any limitations imposed on the government would not have any binding force; the government would cease to be linked with any natural law.⁷¹ Waldron proposes a solution that harkens back to Kant, saying that property rights are in a natural state, either temporary or transitional, and as such demand confirmation by laws constituted in a civil society. However, such a ratification cannot lead to the nullification of these laws.⁷² Tully is of the opinion that in Locke's concept, the government has a right to dispose of property acquired by individuals before they joined society. Waldron in turn, stresses that Locke's text does not allow such an interpretation. First of all, as Waldron suggests, those excerpts which Tully cites cannot be interpreted as referring to property relations between individuals in a civic society, but only to the relation between civic

⁶⁶ *Ibidem*, par. 50, p. 302.

⁶⁷ J. Tully, *op. cit.*, p. 148; J. Locke, *The Second Treatise...*, *op. cit.*, par. 36-38, 40-41, 48-49.

⁶⁸ *Ibidem*, par. 36, p. 292-293.

⁶⁹ See C. B. Macpherson, *op. cit.*, pp. 203-204.

⁷⁰ Tully is of the opinion that in Locke's view, money has a destructive influence on man, as it requires him to be greedy. Snyder in turn, when admitting that Tully is right, says that money in Locke's theory fills a positive role, aids – as a factor in increasing wealth – in the fulfillment in the divine obligation of preserving the human race. See D. C. Snyder, "Locke on Natural Law and Property Rights", in R. Ashcraft (ed.), *op. cit.*, pp. 376-377.

⁷¹ J. Waldron, *op. cit.*, p. 235.

⁷² Waldron criticizes Tully, when he attributes to him the view that private property does not exist in a natural state, and – being a creation of civil society – may always be redistributed with regard to the public good. Waldron argues that "is not that the existence of private property serves the public good (though Locke certainly believed that), but rather that rights of private property are among the rights that men bring with them into political society and for whose protection political society is set up (...)" ; see *ibidem*, p. 137. It seems that Waldron didn't interpret Tully's thoughts on the subject precisely. This is because Tully shows that as in a natural state, common goods become privatized, and then – as a result of the appearance of money – private property is increased.

society and that which is outside of it. Locke, in Waldron's opinion, when permitting an intervention of the government regarding property matters, has in mind only those resources, which have not been appropriated by anyone, and enter into, or also may become included in, the boundaries of civic society. The government hence would decide here about property, which belongs to nobody, and not about that property which individuals bring with them when they join civil society.⁷³ Waldron's analysis does not provide neither the factual state, finding a confirmation in Locke's text, nor the intention and spirit of Locke's concept of property. Locke, as Waldron himself confirms, uses the term property in two meanings: a narrow one referring only to possessions, and a wider one including also the concept of life and liberty.⁷⁴ If therefore, as Locke writes, civic society arose with the goal of defending property, that is also the life and liberty of all of its members, that means that linked with the obligation of defending the human race, and especially in a situation in which someone's life or liberty is threatened, the property of others may be sacrificed. Let's suppose that we have to deal with a situation in which society is composed of ten people, three of whom join it with a significantly greater amount of property (private property in a natural state) than the rest of them. Let's assume that *A*, *B*, and *C* are very rich people, *D*, *E*, and *F* are moderately well off, and the remaining people are living on the borderline of poverty. Let's assume further, that the land possessed by *A*, *B*, and *C* compose 75 per cent, and *D*, *E*, and *F* 25 per cent of the whole area occupied by society, and the rest of the people have nothing. Let's suppose that this society would appropriate for itself an area of 1 per cent of all the land which belonged to it previously. According to Waldron's interpretation, the newly created government would have a right to decide what would happen only with that 1 per cent, and not take into consideration the disproportion between the size of property of the various members of society, rendering it impossible for some of them to have a decent standard of living. It would appear however, that the obligation imposed by God upon man, that is of preserving one's own life and the lives of others, would require not only a distribution of this 1 per cent, but also of a part of the property belonging to *A*, *B*, and *C*, and perhaps *D*, *E*, and *F*.

A second counter-argument put forth against Tully's interpretation harkens back to the terminology employed by Locke. In Waldron's opinion, Locke never writes about the fact that in societies, the government confers the right to property. He maintains that in civilized societies, the possession of property is only "defined", "regulated" or "established" by positive law.⁷⁵ Waldron's thesis is supposed to con-

⁷³ *Ibidem*, p. 236-237.

⁷⁴ See J. Locke, *The Second Treatise... op. cit.*, par. 87, pp. 323-324.

⁷⁵ J. Waldron, *op. cit.*, p. 238; J. Locke, *The Second Treatise... op. cit.*, par. 30, p. 289. Locke writes here: "the Civilized part of Mankind (...) have made and multiplied positive Laws to *determined* Property (...)"

firm Locke's opinion, where he says that if together with joining society individuals would lose the right to property, they would lose something which was supposed to have been the goal of this action.⁷⁶ Since Waldron argues that the basic right on which Locke founds his concept, is the *general right* of every person to maintain his life, there is no need to have any conventional rights (that is those established by a government) in society to protect the poor from being taken advantage of by the rich, as Tully certainly would want.⁷⁷ According to Waldron, a positive right does not create new principles or authorization in the question of property, but only settles⁷⁸ rights in relation to property, which was initiated by labor and industriousness. This "settling" means, in Waldron's opinion, the establishment of precise limits on property, a system of titles of property which would eliminate unnecessary discussions, as well as create institutions (legal, executive, and administrative), which would have to settle problems related to property. Such a "regulation",⁷⁹ which Locke writes about, does not have, in Waldron's opinion, a creative character, but only "regulates" the property of citizens.⁸⁰ This regulation, as Waldron affirms, does not depend on confiscation or redistribution to which the government does not have a right.⁸¹ In order to be precise, one would have to affirm that Locke, in paragraph 139, as quoted by Waldron, actually prohibits the government from confiscating the property of its citizens, but not from redistribution. He writes: "The prince or senate, although they are supposed to have the authority to create laws and to define the property of their subjects, can never have any authority to *deprive* their subjects of a part or all of their property without their consent [emph. D.J.]"⁸² Locke does not allow the appropriation of citizens' property without their approval, but he does not prohibit, at least not outright, the transfer of property from some citizens to others. In his *Essay on Tolerance*, Locke writes about this explicitly: "For the magistrate having a power of making rules of transferring properties from one man to another may establish any, so they be universal, equal, and without violence, and suited to the interest and welfare of society (...)"⁸³ Simmons also agrees with my interpre-

⁷⁶ J. Waldron, *op. cit.*, p. 239. See also J. Locke, *The Second Treatise... op. cit.*, par. 138, pp. 360-361.

⁷⁷ J. Waldron, *op. cit.*, p. 232-241. Locke seems not to be a defender of the poor or *wage laborers*. Firstly, he thinks that "most so-called poverty was more the result of idleness and corruption than a real want". See M. Cranston, *John Locke: a Biography*, pp. 424-425, quoted in J. Waldron, *op. cit.*, p. 139. Secondly, Locke claims that members of the laboring class are in too low a position to be capable of rational life or act politically. See C. B. Macpherson, *op. cit.*, p. 223, 230.

⁷⁸ J. Locke, *The Second Treatise... op. cit.*, par. 38, p. 295; par. 45, p. 299.

⁷⁹ "The Prince or Senate, - writes Locke - however it may have power to make Laws for the regulating of Property between the Subjects one amongst another (...)" *Ibidem*, par. 139, p. 361.

⁸⁰ Locke writes: „(...) by Laws within themselves, regulated the Properties of the private Men of their Society (...)" *Ibidem*, par. 45, p. 299.

⁸¹ J. Waldron, *op. cit.*, p. 234. See also J. Locke, *The Second Treatise... op. cit.* par. 139, p. 361.

⁸² *Ibidem*, par. 139, p.361.

⁸³ *Idem*, "An Essay Concerning Toleration", in *idem*, *Political Writings, op. cit.*, p. 196. Laslett who

tation of Locke's views, when he affirms that: "When the large appropriations of some deny to others independence and self-government, those appropriations are illegitimate; governments must insure that remedies are available (that each person has access to a living), either by returning some holdings to common or by requiring a restructuring of employment opportunities to guarantee a chance for each person to lead an independent, moderately (not necessarily equally) comfortable existence".⁸⁴ Nozick also points out, when citing paragraphs 116, 117, and 120 from the *Second Treatise on Government*, that "Locke shifts illegitimately from someone's wanting society to *secure* and *protect* his property to his allowing it complete jurisdiction over his property [emph. D.J.]".⁸⁵ Locke indeed stresses that the authorities cannot deprive anyone of his earthly possessions and bestow them upon someone else for a reason which has nothing to do with civil government. If however, the goal of the government is to maintain the members of society alive and to ensure their comfort, it would be logical to present the conclusion that in a situation when it is impossible to assure some citizens the means to a comfortable life without taking advantage of the private property of others (not just land), depriving the latter of a portion of their property is nothing bad, but rather outright required.

It therefore seems that the government in Locke's concept has a greater task than just, as is traditionally attributed to it, to defend property. In his *Letter on Tolerance* we may read that: "The commonwealth seems to me a society of men constituted only for the procuring, preserving, and advancing of their own civil interests. Civil interest I call life, liberty, health, and indolency of body; and the possession of outward things, such as money, lands, houses, furniture, and the like".⁸⁶ What results is that if the state is to take care of the comfort of lives of its citizens, it has to provide necessary means for the comfortable subsistence so everyone is able to labor in, and enjoy the fruits of.⁸⁷ It would also seem that that goal would be attained by amongst others: "the increase of lands and the right employing of them is great art of government".⁸⁸ In a letter to Richard King dated August 15, 1703 Locke writes that the government should be concerned with such questions as war and peace, trade, employment of the poor, and anything that deals with the management of public goods.⁸⁹

Tully, when commenting on Locke's concept, affirms that "government is obligated to distribute to each member the civil rights to life, to the liberty of preserving

analyses *Treatises*, observes that Locke never contradicts that assertion. See P. Laslett, *Introduction*, *op. cit.*, p. 105.

⁸⁴ A. J. Simmons, *op. cit.*, p. 314.

⁸⁵ R. Nozick, *Anarchy, State, and Utopia*, New York, Basic Books, 1974, p. 350, footnote 9.

⁸⁶ J. Locke, *A Letter Concerning...*, *op. cit.*, p. 393.

⁸⁷ J. Tully, *op. cit.*, p. 169.

⁸⁸ J. Locke, *The Second Treatise... op. cit.*, par. 42, p. 288.

⁸⁹ *Idem*, *The Works of John Locke. A New Edition Corrected. In Ten Volumes*, London, T. Tegg, 1823, (reprint by Scientia, 1963), pp. 308-309.

himself and others, and to the requisite goods or ‘means of it’”.⁹⁰ The following statement by Locke confirms Tully’s position: “everyone must have meat, drink, clothing, and firing, so much goes out of the stock of the kingdom, whether they work or no. (...) the true and proper relief of the poor: it consists in finding work for them, and taking care they do not live like drones upon labor of others”.⁹¹ If this postulate of Locke’s is to remain nothing more than a declaration, the solution, at least in theory, would have to be some sort of welfare state. Simmons also reached a similar conclusion when he wrote: “(...) Locke’s position seems to require some form of ‘social welfare’ program, given that private giving is likely to be insufficient to the task and rights of ‘seizure’ for the poor invite chaos”.⁹² Grunebaum also agrees with this interpretation when he says if we accept Locke’s supposition, which states that in civil society the “life, liberty, and estate” ought to be protected, we can argue that “some forms of socialism protect everyone’s life, liberty, and estate where estate is appropriately defined”.⁹³ A similar view may be found in Laslett, who writes that “if not complete communism, certainly redistributive taxation, perhaps nationalization could be justified on the principles we have discussed”.⁹⁴

Regardless of which of these interpretations we perceive to be appropriate, be it Tully’s conventionalist or Waldron’s traditional one, in each of these instances we have to contend with a limited right to property in a civic society. Labor and industriousness do not constitute – regardless of the social consequences – a sufficient title to property in a political society.⁹⁵

⁹⁰ J. Tully, *op. cit.*, p. 166.

⁹¹ J. Locke, “Draft of a Representation Containing a Scheme of Methods for the Employment of the Poor. Proposed by Mr Locke, the 26th October 1697”, in *idem*, *Political Writings*, *op. cit.*, p. 452.

⁹² A. J. Simmons, *op. cit.*, p. 333. A similar view is also exposed by Ingram, when he writes that it is difficult to reconcile the concept of self-possession with the idea of the welfare state in the mind of a libertarian, as opposed to an orthodox Lockian. See A. Ingram, *A Political Theory of Rights*, Oxford, Oxford University Press, 2002, p. 53.

⁹³ See J. O. Grunebaum, *op. cit.*, p. 68. Ramon M. Lemos also describes Locke’s position as being one of “modest socialism” and claims that his very conception of the state is being one of social welfare capitalism. See “Locke’s Theory of Property”, in R. Ashcraft (ed.), *op. cit.*, p. 344. Lemos considers that the progressive income tax, minimum wage, or unemployment benefits would be justified on the basis of Locke’s theory. *Ibidem*, p. 353. Any kind of reference to socialism in Locke’s case would be an exaggeration, but the limitations imposed by him on property could lead to a certain form of egalitarianism, and as a consequence, to a welfare state. This thesis is confirmed by Tully’s position, when he affirms, that in Locke’s opinion, the manufacturer does not have a right to the complete product of his work, as he has to leave a sufficient amount of things which are “necessities of the public”. See J. Tully, *op. cit.*, p. 168. In this context, the comparison made by Barbara H. Fried of the limitations Locke imposed on the right to property, to the „Trojan horse” (in relation to right-wing libertarianism), seems to be justified. See B. H. Fried, *op. cit.*, p. 69.

⁹⁴ P. Laslett, *op. cit.*, p. 105.

⁹⁵ A. J. Simmons, *op. cit.*, p. 318.

From my viewpoint, each of these interpretations leads to the same thing – an individual in a civic society does not possess an absolute right to property in relation to that property which he acquired in its natural state. The transformation which takes place, together with the creation of a civil society by individuals, is dependent on the fact that henceforth, the government will take on the role of executor of natural law. The role of the government therefore does not only lead to a defense of the right to property, but to assuring all members of society adequate living conditions. In order to achieve this, the government should have control over all the property of its citizens, which does not mean that every intervention by the government in affairs concerning property is justified.

The considerations presented here lead to an obvious conclusion, that Rothbard's position, rejecting any type of limiting of property, and also the idea of a government (even a minimal one) and Locke's position, are irreconcilable. Their views on the origin of government also separates these two philosophers.

The government in Locke's concept, when fulfilling its obligations, simultaneously realizes the divine plan in relation to man. It's not surprising therefore, that Locke attributes government with a divine character. "(...) Therefore – writes Locke – God hath certainly appointed government to restrain the partiality and violence of Men",⁹⁶ and adds that one cannot claim that all Government in the World is the product only of Force and Violence".⁹⁷

The divine origin of government does not find any justification in Rothbard's concept, as he accepts Oppenheimer's thesis which says that state governments arose as a result of conquest, and violence is part of their nature.⁹⁸ The victors instead of looting and murdering the conquered populace, extort constant tribute from them. The only goal of authority then is the economic exploitation of its subjects. Rothbard writes that "the State is that organization in society which attempts to maintain a monopoly of the use of force and violence in a given territorial area; in particular, it is the only organization in society that obtains its revenue not by voluntary contribution or payment for services rendered but by coercion".⁹⁹ For Rothbard any type of „subjugation to the government" which occurs in Locke's civil society, leads sooner or later to a loss of property.

⁹⁶ J. Locke, *The Second Treatise... op. cit.*, par. 13, p. 276.

⁹⁷ *Ibidem*, par. 1, p. 267-268. In another place he also writes that „*Politic Societies* all began from a voluntary Union, and the mutual agreement of Men freely acting in the choice of their Governors, and forms of Government". *Ibidem*, par. 102, p. 335.

⁹⁸ See M. N. Rothbard, *For a New Liberty...*, *op. cit.*, 2006, p. 72.

⁹⁹ *Idem*, "The Anatomy of the State", in *Egalitarianism as a Revolt Against Nature and Other Essays*, Alabama, Ludwig von Mises Institute, 2000, p. 57.

Conclusions

This comparison of the views of Locke and Rothbard, principally in reference to the question of property, did not aim to indicate one position as being superior to the other, but rather stressed their differences. Pointing out the essential differences, above all those concerning property, it supposed to have constituted an argument against, the almost universally accepted thesis, which treats libertarianism as a continuation of classical liberalism.

Locke, as well as Rothbard, are of the opinion that private property is born as a result of labor that was mixed into something, but only Rothbard affirms that the individual who comes into possession of something in an industrious manner, has an absolute right to it.

For Locke, private property is not something that an individual has a right to as a result of nature, but only something which he has a right due to the labor that was required to obtain it. This right is not absolute, but rather a limited right to enable a person to keep himself and others alive.¹⁰⁰ Although Locke treats original resources as common property, the individual's property in relation to himself, enables him, through the property of labor performed, to take possession of these resources. Any limitations resulting from these theological principles of the author of *Two Treatises on Government*, placed on individual private property, causes it to lose its own, apparent, absolute character.¹⁰¹ Therefore, private property is not absolute in Locke's opinion, and as Ryan writes, "(...) no sort of absolute ownership is involved in either life, liberty or goods...".¹⁰² Tully also stresses that one of the obstacles to understanding Locke's theory is his tendency to understand property to be a term signifying an unconditional right to land and equating it with "private property".¹⁰³ Locke's position that fixed property in land does not have a natural and *a fortiori* absolute foundation, considers Tully as „Locke's main ideological conclusion".¹⁰⁴ At the same time, he stresses that questions about property have to be, in Locke's instance, considered in the context of positive obligations in relation to other and equal claims in relation to common goods. Property is founded in natural law only when it is understood in this manner.¹⁰⁵ Simmons also affirms that "it is clear that property rights in

¹⁰⁰ J. Locke, *The First Treatise...*, *op. cit.*, par. 42, p. 170.

¹⁰¹ Macpherson opts for an absolutistic interpretation of Locke's theory of property. *Idem, op. cit.*, p. 231. He however does not find, as I have shown, any confirmation of this view in Locke's texts.

¹⁰² A. Ryan, "Locke and Dictatorship of the Bourgeoisie", in R. Ashcraft (ed.), *op. cit.*, p. 429.

¹⁰³ J. Tully, *op. cit.*, p. 124. As Tully notes, radicals at the beginning of the 19th century took advantage of even Locke's theory in speeches against private property. *Ibidem*, C. H. Driver, "John Locke", in F. J. C. Hearnshaw, *The Social & Political Ideas of Some English Thinkers of the Augustan Age 1650-1750*, London, George G. Harrap & Co, 1928, p. 91.

¹⁰⁴ J. Tully, *op. cit.*, p. 122.

¹⁰⁵ The supremacy of natural law causes all laws to become a means to this end.

Locke cannot amount to absolute rights over a thing, for Locke accepts many limits on our use of property".¹⁰⁶

All limitations result from a fundamental right, which is at the same time an obligation, imposed upon man by his Creator, to sustain life. Locke supposes that obligations imposed on man by God will lead on the one hand to the establishment of a government, which should ameliorate the effects of human greed arising from the appearance of money, and on the other hand – to treat private property instrumentally, as it should serve to maintain the maximum amount of people alive.¹⁰⁷

Inconsistencies which appear between Locke's and Rothbard's concepts of property, which Rothbard himself appears to trivialize, have however – as we have tried to show – a more fundamental character. It would therefore appear that in the light of the presented argumentation, making Locke a precursor of libertarianism, in the strict sense of the word, is doubtful at best.

The conclusions which we reached after comparing Locke's and Rothbard's views on property, also have considerable importance for the question of defining libertarianism in general. If Locke's position is, as I have shown, incompatible with that of Rothbard's, and therefore, in universally accepted terminology, with anarcho-capitalism, speaking about the classical-liberal roots of libertarianism and placing anarcho-capitalism, as is generally done, in its ranks, becomes quite problematic. In this situation, it's necessary either to recognize Locke's libertarian roots and limit it to minarchism,¹⁰⁸ or desirous of maintaining anarcho-capitalism within the boundaries of libertarianism, seek its other origins.

¹⁰⁶ A. J. Simmons, *op. cit.*, p. 230.

¹⁰⁷ As Laslett writes: "In some way, then, it is through the theory of property that men can proceed from the abstract world of Liberty and equality based on their relationship with God and natural law, to the concrete world of political Liberty guaranteed by political arrangements". See P. Laslett, *Introduction*, *op. cit.*, p. 103.

¹⁰⁸ A limiting of libertarianism to nothing more than minarchism would be in accordance with the universally accepted thesis, that libertarianism is a radical branch of classic liberalism. Radicalism in this instance would be understood as a reduction of the function of the state to the absolute minimum necessary for it to operate.