

# Sufficiency and freedom in Locke's theory of property

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## Abstract

It is traditional to ascribe to Locke the view that every person who acquires natural property rights by labouring on resources is obligated to leave sufficient resources for everyone else. But during the last several decades, a number of authors have contributed to a compelling textual case against this reading. Nevertheless, Locke clearly indicates that there is *something* wrong with distributions in which some suffer while others thrive. But if he does not endorse the traditional proviso, what exactly is the problem? In this paper, I offer a solution to this puzzle. I argue that according to Locke, once people use their natural rights to acquire large properties, many individuals are unable to enjoy the material and moral wellbeing, or “preservation,” that is the end of natural law. For even if such large properties pose no problem for material preservation, they foster arbitrary power that offends against moral preservation.

## Keywords

Locke, property, republicanism, money, natural law

## 1. Introduction: Locke without the Proviso

Most scholars of John Locke's political philosophy believe that his theory of property includes a proviso, or restriction, that prohibits people from appropriating resources to such an extent that there is not enough left for others. This norm has variously been called the ‘sufficiency restriction’,<sup>1</sup> the ‘Lockean proviso’, or simply the ‘proviso’.<sup>2</sup> The key text commentators use to attribute the proviso to Locke appears near the outset of his famous chapter on property, where Locke explains that labour on unowned resources affords the labourer property in those resources, ‘at least where there is enough, and as good left in common for others’.<sup>3</sup>

Jeremy Waldron has levelled a sustained challenge to this received reading.<sup>4</sup> According to Waldron, the only restriction that limits individuals' natural moral power to create property rights is a waste restriction that forbids people to take

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more than they can use. A right of charity allows those in desperate need to use others' property to survive, but there is no sufficiency-oriented restriction on individual acquisitive acts.<sup>5</sup> Waldron's argument is, I think, quite compelling, and it will be useful to reproduce some of its central features. First, Locke simply does not assert that leaving enough and as good is a necessary condition of just, property-creating acquisition. Rather, he identifies leaving enough and as good as a *sufficient* condition of just, property-creating acquisition:

Whatsoever then he removes out of the State that Nature hath provided, and left it in, he hath mixed his *Labour* with, and joyned to it something that is his own, and thereby makes it his *Property*. It being by him removed from the common state nature 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 joyned to, **at least** where there is enough, and as good, left in common for others.<sup>6</sup>

Surely it is most natural to read 'P, at least where Q' as 'if Q, then P' rather than as 'if P, then Q.' Thus, it is most natural to read this passage as saying that if there is enough and as good left for others, then everyone has a right to what she has appropriated. But in order to constitute a necessary condition on the justice of individual acts of appropriation, the conditional would have to run the other way.

Second, Locke repeatedly identifies the waste restriction as the sole natural restriction on individuals' moral power of appropriation. Here are two representative passages:

It will perhaps be objected to this, That if gathering the Acorns, or other fruits of the Earth, &c. makes a right to them, then any one may *ingross* as much as he will. To which I Answer, Not so. The same Law of Nature, that does by this means give us *Property*, does also *bound* that *Property* too. *God has given us all things richly*, 1 Tim. vi. 17. is the Voice of Reason confirmed by Inspiration. But how far has he given it us? *To enjoy*. As much as any one can make use of to any advantage of life before it spoils; so much he may by his labour fix a *Property* in. Whatever is beyond this, is more than his share, and belongs to others.<sup>7</sup>

He that *gathered* a Hundred Bushels of Acorns or Apples, had thereby a *Property* in them; they were his Goods as soon as gathered. He was **only** to look, that he used them before they spoiled; else he took more than his share, and robb'd others . . . the *exceeding of the bounds of his just Property* not lying in the largeness of his Possession, but the perishing of any thing uselesly in it.<sup>8</sup>

The first of these two passages appears only four paragraphs after the famous 'enough, and as good' passage. Why would Locke take up, as though for the first time, the challenge of how much individuals may appropriate and answer it by appealing to a waste restriction if he had already answered the same question completely differently less than two pages earlier?

Third, if individuals may not appropriate in ways that worsen others' positions, it might sometimes be mandatory to violate the natural law. Locke explains that everyone's first duty is to herself; once someone has seen to her own 'preservation', she is obligated to help others with their preservation, but not before.<sup>9</sup> However, if each person must leave enough and as good for others, it follows that she might, under conditions of scarcity, be required to sacrifice her own preservation. You might reply that the proviso is meant to apply only under conditions of great plenty such as Locke takes to have marked the early generations of human history. But even if this is right, there is still the difficulty of future generations. John Sanders has pointed out that if each individual must leave enough and as good not just for each member of her own generation but for future generations as well, no one may ever appropriate more than a tiny bundle property, if any at all.<sup>10</sup> This concern applies with particular force to property in land, the supply of which is naturally limited. Locke, though, takes property in land to be paradigmatic of the sort of property people may acquire in the state of nature through individual appropriation.<sup>11</sup>

The arguments just reviewed have won few converts;<sup>12</sup> John Simmons,<sup>13</sup> John Marshall,<sup>14</sup> Eric Mack<sup>15</sup> and many others continue to find the traditional proviso in Locke's account of property. This is, I think, hardly surprising. For in spite of the textual considerations that count against the received reading, Locke repeatedly suggests that there is something morally wrong with distributions in which some people's property leaves others with very little. In particular, he contrasts the original age of abundance—in which 'there could be no doubt of Right, no room for quarrel',<sup>16</sup> and in which people had no 'reason to complain, or think themselves injured'<sup>17</sup>—with later ages of scarcity during which some people experienced 'prejudice' and 'injury'.<sup>18</sup> As John Simmons aptly notes: "The clear implication is that in later ages, when scarcity *is* a problem, there is room for doubt about . . . largeness of possession."<sup>19</sup> Moreover, one of Locke's fundamental commitments is that God gave the world to humankind in common.<sup>20</sup> If all persons are equally the recipients of the world's resources as a gift from God, surely there must be something wrong with situations in which some people's property prevents others from enjoying that gift. Finally, why would Locke bother pointing out that the availability of enough and as good for all is a sufficient condition of just appropriation if he did not take that availability to be morally significant?

It seems, then, that we are faced with a puzzle. On the one hand, there is reason to doubt that Locke was committed to the Lockean proviso as it has traditionally been understood. But on the other hand, Locke's text makes it very hard to deny that there is some kind of serious moral problem with distributions that leave some people badly off while others thrive. This puzzle raises three questions. First, if acts of appropriation never violate the rights of others unless there is waste involved, what *kind* of moral problem could there be with efficient distributions that leave some people with very little? Second, assuming there is a good answer to the first question, what *in particular* is wrong with such distributions? Third, what moral duties do people acquire once such distributions have arisen? In what remains, I will address these questions in turn. First, I will argue that in order to be morally

acceptable, a distribution must both respect everyone's rights and support the two dimensions of human well-being, or 'preservation', at which the natural law aims. These are material preservation, which pertains to physical health and comfort, and moral preservation, which is a matter of independence from arbitrary power. Second, I will argue that once pre-political monetary economies usher in full appropriation of resources, most people suffer harm with respect to moral preservation even though they benefit with respect to material preservation. Finally, I will argue that once full appropriation has rendered natural property rights insufficient to guarantee both material preservation and moral preservation for all, individuals acquire a duty to consent to civil authority in order to secure these goods for themselves and others.

## **2. What kind of moral problem could there be with conditions of insufficiency?**

In *Anarchy, State, and Utopia*, Robert Nozick distinguishes historical conceptions of distributive justice from end-state conceptions of distributive justice.<sup>21</sup> According to historical conceptions, whether a given distribution of some good (material or otherwise) is morally acceptable depends entirely on its pedigree. As long as each exchange leading up to the distribution took place without violating any rights, there is nothing morally problematic about it. Thus, according to historical conceptions, it is wrong-headed to assess the moral acceptability of a distribution by asking whether it manifests any particular pattern or instantiates any particular goal. End-state conceptions of distributive justice, by contrast, insist that the history of a distribution is insufficient to settle whether it is morally acceptable. For according to these conceptions, a distribution can only be morally acceptable if it manifests a certain pattern or achieves a certain goal. For instance, a proponent of an end-state conception might insist that even if (contrary to fact) the current distribution of wealth in the United States had been reached by a series of impeccably rightful steps, that distribution would nonetheless be morally problematic, as it concentrates wealth too heavily among the wealthiest citizens. It is possible to divide end-state conceptions into two subgroups, whose members we can call 'pure end-state conceptions' and 'mixed end-state conceptions', respectively. According to pure end-state conceptions, the fact that a distribution manifests a particular pattern or meets a particular goal is necessary and sufficient for its moral acceptability; no question of its pedigree is germane to the question of its moral acceptability. According to mixed end-state conceptions, manifesting a pattern or meeting a goal is necessary but insufficient for the moral acceptability of a distribution; in order to be morally acceptable, a distribution must both possess a clean pedigree and manifest a pattern or meet a goal.

Nozick claims that the entirely historical conception of distributive justice he endorses is basically the same as Locke's.<sup>22</sup> If Nozick is right about this, it is unclear how Locke could hold that there is something morally wrong with distributions in which there is not enough and as good for all without endorsing something like the traditional proviso. However, Nozick has Locke wrong; Locke's

conception is not a wholly historical conception, but rather a mixed end-state conception. According to Locke, a distribution must *both* accord with the aim of natural law and result from a series of rightful transfers in order to be morally acceptable. Locke holds that all laws, whether natural or political, aim at the ‘preservation’, or simply the ‘good’, of all those under it. He writes, for instance, that ‘the *fundamental Law of Nature* [is] *the preservation of Mankind*’,<sup>23</sup> and that ‘the *Foundation and End of all Laws* [is] *the publick good*’.<sup>24</sup> Moreover, securing the preservation, or good, of the people subject to law is the sole purpose of law. Locke writes: ‘*Law . . . prescribes no farther than is for the general Good of those under that Law. Could they be happier without it, the Law, as an useless thing would of itself vanish*’.<sup>25</sup> Thus, law as Locke understands it is not simply a collection of rights, but rather a system of rights justified within a basically teleological structure.<sup>26</sup> To be clear, I am not attributing to Locke the position that the rights people hold in consequence of rightful appropriations and transfers are only valid against intrusion by others if the resulting distribution secures preservation for all. That would be incompatible with Locke’s understanding of rights, according to which rights are property,<sup>27</sup> and property is that to which a person cannot lose her claim unless she consents.<sup>28</sup> To the contrary, I am claiming that by Locke’s lights, if rightful appropriations and transfers result in a distribution that fails to secure preservation for all, there is something morally objectionable about that distribution *even though* it is compatible with everyone’s rights. If people’s rights end up undercutting that goal rather than supporting it, there is a moral problem afoot that is distinct from rights violation and compatible with the absence of any rights violations.

The preservation at which law aims has both a material dimension and a moral dimension. The material dimension of preservation is uncomplicated, and nearly all commentators have noticed it in Locke’s text. It pertains to the good of each person as a material being in need of sustenance, shelter, clothing and related goods. It is in order that everyone might enjoy material preservation that ‘the Earth, and all that is therein, is given to Men for the Support and Comfort of their being’.<sup>29</sup> By contrast, the moral dimension of preservation pertains to the good of each person as a rational moral agent who enjoys a high moral ‘rank’ in relation to both God and other human beings.<sup>30</sup> And unlike the lower animals, whose preservation is entirely material, rational beings only enjoy preservation appropriate for their moral status if they also enjoy equal social freedom. Locke trumpets the importance of social freedom at the very outset of the main text of the *Second Treatise*. Along with natural equality, it is one of the foundations from which he says we must proceed in order to come to a correct understanding of politics:

TO understand Political Power right, and derive it from its Original, we must consider, what State all Men are naturally in, and that is, a *State of perfect Freedom* to order their Actions, and dispose of their Possessions and Persons as they think fit, within the bounds of the Law of Nature, without asking leave, or depending upon the Will of any other Man.<sup>31</sup>

How exactly are we to understand this freedom? Following Isaiah Berlin, many have interpreted Locke's social freedom as freedom of action a moral agent<sup>32</sup> enjoys within the space of her rights.<sup>33</sup> A person's rights, which Locke sometimes calls a person's property, include all and only the options to which she is entitled, and which others therefore may not remove or alter without her consent.<sup>34</sup> According to the interpretation I have in mind, a person enjoys social freedom to the extent that no person or institutional arrangement interferes with her capacity to enjoy her rights in accordance with her own choices. John Simmons has offered the clearest and most sophisticated version of this reading of Locke's conception of social freedom. According to Simmons, freedom of this sort can be understood as a kind of grand composite right, which he calls the right of self-government:

The composite right is what Locke calls the "right of freedom to his person" (II 90) and what I will hereafter refer to as the *right of self-government*. It includes the right to our duty (our equal mandatory rights), the right to pursue our nonobligatory ends (our equal optional rights), and the powers to make special rights.<sup>35</sup>

There can be no doubt that Simmons's reconstruction is onto something; Locke clearly does think that freedom of action within the scope of rights is a necessary condition of social freedom. He makes this clear in the II 4 passage quoted above, in which he explains that persons' natural freedom includes the capacity to 'order their Actions, and dispose of their Possessions and Persons as they think fit, within the bounds of the Law of Nature'. Nevertheless, Simmons's framing is incomplete. For as Locke makes clear in the final two clauses of II 4, a socially free person must have the power not just to enjoy all of her rights, but to do so 'without... depending upon the Will of any other Man'. Moreover, he adds a little later: '*Freedom from Absolute, Arbitrary Power, is so necessary to, and closely joyned with a Man's preservation, that he cannot part with it, but by what forfeits his Preservation and Life together*'.<sup>36</sup> Locke's conception of social freedom, then, has a significant classical republican dimension of concern for arbitrary power (as opposed actual interference) that is lost if we read his treatments of freedom solely in terms of rights and interference.<sup>37</sup>

One might suppose that Locke does not take freedom from arbitrary power to be a dimension of preservation distinct from material preservation, but rather only a means to material preservation. That is, you might think that material preservation is what Locke really cares about, and that he warns against arbitrary power only because he is (reasonably) worried that those who wield such power will use it in ways that are harmful to material preservation. However, there are two good reasons to reject this reading of Locke on arbitrary power. First, it runs contrary to the structure of Locke's argument in the Second Treatise, in which he (a) treats natural liberty as a basic premise, and (b) defines liberty in terms of the absence of arbitrary power. The passage from II 4 we considered above, in which Locke claims that we must derive a theory of political justice from the premise of equal freedom, is the very first statement Locke makes in the main body of the Second Treatise. His point there is clearly that the equal freedom of all persons is the most



fundamental moral datum we must use if we are to ‘understand Political Power right’.<sup>38</sup> Moreover, he tells us explicitly in the same passage that freedom demands independence from the wills of others. Consequently, if freedom from arbitrary power is only instrumentally valuable, Locke’s presentation of the basic structure of his argument is deeply misleading.

Second, if freedom from arbitrary power had value only instrumentally and in relation to material preservation, it would be hard to make sense of Locke’s claim, which is fundamental to the argument of the First Treatise, that anyone subject to an absolute monarch is utterly unfree, *no matter what such a monarch might do*. As Locke was well aware, Filmer and other absolutists assured their audiences that absolute monarchs would be benevolent royal fathers who would see to the well-being of their subjects more effectively than those subjects could see to it themselves.<sup>39</sup> So if Locke’s view were that arbitrary power is only instrumentally evil, his argument against Filmer’s absolutism would need to focus on rebutting Filmer’s claims about how absolute monarchs would be likely to use their power. Although Locke certainly did have serious concerns about material preservation under absolute power,<sup>40</sup> he develops the argument of the First Treatise around a more foundational attack on absolutism: according to him, any person living under absolutism is in a morally unacceptable position, *no matter how the monarch might choose to behave*. Locke opens the First Treatise by describing slavery this way: ‘Slavery is so vile and miserable an Estate of Man, and so directly opposite to the generous temper and courage of our Nation; that ‘tis hardly to be conceived, that an Englishman, much less a Gentleman, should plead for’t’.<sup>41</sup> One might suggest that Locke here takes slavery to be “vile and miserable” because it puts people at risk of being harmed in various ways by the slave master, in this case an absolute monarch. If a slave master (or absolute monarch) was to turn out to be a totally reliable model of beneficence, there would be nothing to complain about. But this is not what Locke says. To the contrary, he goes on to state explicitly that it is strictly impossible to be both subject to the arbitrary power of a monarch and in a morally acceptable condition of freedom. If Filmer is right, Locke explains, ‘Life and Thralldom we enter’d into together, and can never be quit of the one, till we part with the other’.<sup>42</sup> (I 4). It is important to note that Locke does not say merely that there is no way to escape *dependence* while subject to an absolute monarch, but rather that such dependence makes it impossible to escape ‘Thralldom’. If Locke had chosen a morally neutral characterisation of the inescapable power dynamic he sees in Filmer’s schema, there might be reason to understand the relationship between a dominated person and her dominator as morally bad only insofar as it raises the chances of a distinct, further evil for the former at the hands of the latter. But Locke’s actual language leaves little doubt that subjection to arbitrary power *constitutes*, and does not merely *cause*, a morally unacceptable position for any free and equal person under natural law. Someone might press further still and insist that although Locke takes thralldom to be a conceptually necessary feature of subjection to arbitrary power, he takes thralldom to be a moral evil only when it conduces to some further violation against material preservation. Such a

reading, however, would simply ignore the morally-loaded connotations of Locke's language.

Locke has much more to say about social freedom and its relationship than I can give adequate attention here. But in the interests of clarity going forward, it will be useful to set out his position schematically. Locke's view, I suggest, is that in order to be a free person in relation to others within a community, a person must (1) be a moral agent, endowed with the moral freedom to guide her action according to law who (2) possesses the freedom to act as she sees fit, without interference from others, within the scope of her rights and duties (3) without depending on the arbitrary will of any other person. *Prima facie*, it might seem that condition (3) is otiose in light of condition (2). How, you might ask, could someone possess the freedom to enjoy her rights while also depending on someone's arbitrary will? The answer is that someone might hold arbitrary power over someone else but decide to let her do as she pleases. If I do not interfere with you but could do so how ever I saw fit and with total impunity, you are subject to my arbitrary power, no matter what range of choice or action I might decide to allow you.

There are, then, two distinct ways in which a state of affairs can fail to meet the end of natural law, which is preservation. Most obviously, it can fail to secure material preservation for some or all people. But additionally, it can feature relations of arbitrary dependence, relations which need not contribute to material deprivation in order to be morally objectionable. In the next section, I will argue that although persons may rightfully appropriate as much as they can use without wasting, the development of monetary economies allows rightful appropriators to bring about distributions in which many people's moral preservation, or social freedom, is compromised.

### 3. What in particular is wrong with conditions of insufficiency?

According to Locke, there was no serious risk of material insufficiency prior to the development of monetary economies, a development which Locke thinks can occur, and in many cases did occur, outside of civil society.<sup>43</sup> Until this economic transition took place, no one had either a right—due to the waste restriction—or an incentive to hoard up more than she could use before the onset of spoilage, and such modest estates could not even begin to exhaust the earth's plenty.<sup>44</sup> However, once people began to use durable items as media of exchange, it became possible to rationally and licitly accumulate much larger properties, including large holdings in land.<sup>45</sup> Since money does not go to waste like naturally useful resources do, individuals could permissibly accumulate large amounts of it and then use it to hire workers, which in turn made it possible to develop more land and produce more goods to sell.<sup>46</sup> Consequently, where there was once an abundance of land and other resources for the taking, money introduced scarcity of resources for appropriation.

Did the rise of monetary economies undercut material preservation, moral preservation or both? Let us first consider material preservation. It is tempting to think that once some people's appropriations left most others unable to appropriate for



themselves, there must have been widespread material harm. But this is a mistake; Locke argues, quite plausibly, that full appropriation of land and other resources left everyone materially better off. He writes:

Nor is it so strange, as perhaps before consideration it may appear, that the *Property of labour* should be able to over-balance the Community of Land: for it is *labour* indeed that *puts the difference of value* on every thing . . . There cannot be a clearer demonstration of any thing, than several Nations of the *Americans* are of this, who are rich in Land, and poor in all the Comforts of Life; whom Nature having furnished as liberally as any other people, with the materials of Plenty, i.e. a fruitful Soil, apt to produce in abundance, what might serve for food, rayment, and delight; yet for want of improving it by labour, have not one hundredth part of the Conveniencies we enjoy: And a King of a large and fruitful Territory there feeds, lodges, and is clad worse than a day Labourer in *England*.<sup>47</sup>

Some commentators have urged that since the full appropriation of resources improves everyone's material condition, there is nothing morally suspect about it.<sup>48</sup> But this is too fast. For even if we grant that full appropriation makes everyone better off with respect to material preservation, it does not follow that no one is harmed with respect to moral preservation. In fact, there is good reason to believe that full appropriation *does* harm most people with respect to moral preservation, since the large majority of people in an extra-political, and so totally unregulated, monetary economy must receive their livelihoods at their employers' pleasure or else not at all. Labourers in such an economy enjoy an increase in material preservation relative to the pre-monetary status quo, but at the cost of dependence on the arbitrary power of others and, thus, a sharp dive in moral preservation.

It will be useful to pause a moment to characterise in greater detail the arbitrary dependence that must feature heavily in the lives of most people in a state of nature after the introduction of money. Once money has made it possible for people to efficiently and licitly appropriate far more than they can use themselves, the availability of high quality resources available for appropriation in any given region must sharply decline. After a few generations of monetary exchange, very few people are likely to be able to see to their needs by appropriating from the common. Rather, the majority of people who do not own substantial estates must sell their labour, which is naturally their own property, to those who do own substantial estates. This is not to say that class mobility must be totally impossible in a pre-political monetary economy (although it is hard to see how it could be especially easy). Nor is it to say that those in a position to be employers must necessarily offer undesirable or unfair terms to their employees; there is no reason to suppose that economic power cannot be wielded humanely and responsibly. Rather, the point is that the introduction of money into Locke's pre-political economy creates a small class of persons with the power to set, as they see fit, the terms on which everyone else will receive (or not receive) the resources they need to pursue their licit aims.

Another point worth clarifying is the relationship between the objectionable dependence I have been discussing and the right (and corresponding duty) of

charity Locke endorses in the First Treatise.<sup>49</sup> There, Locke states: ‘Charity 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’.<sup>50</sup> When Locke describes the right of charity as one that entitles each person to whatever portion of another’s property she needs to ‘subsist’, I take him to mean that everyone has a right to receive ‘from another’s Plenty’ sufficient resources to continue living. Consequently, the arbitrary power that arises in the monetary state of nature is limited in one respect; everyone has a right against the wealthy to receive support sufficient to stave off death, and if a wealthy person does not willingly provide such a level of support, a desperate person may simply take it. However, there is plenty of space for objectionably arbitrary dependence left over once the demands of charity (so understood) have been met. If Jack faces a choice between (a) accepting his employer’s terms and, consequently, receiving sufficient income for clothes, housing, heat, and childcare, and (b) rejecting his employer’s terms and receiving just enough support to prevent death (as required by charity), he intuitively faces objectionably arbitrary dependence, despite the fact that starvation is off the table. Moreover, the intuitive plausibility of treating such dependence as objectionably arbitrary is buttressed by Locke’s own claims about the extent and purpose of God’s gift of the earth’s resources, of which each human being is an equal recipient.

God, who hath given the World to Men in common, hath also given them reason to make use of it to the best advantage of Life, and convenience. The Earth, and all that is therein, is given to Men for the Support and Comfort of their being.<sup>51</sup>

Even if someone is in no danger of death, she might be far removed from ‘the Comfort of (her) being’. Consequently, there is space for objectionable arbitrary dependence in the pre-political monetary economy even if we assume that each wealthy person discharges her duties of charity.

It is worth pausing here to consider two challenges to the position I have attributed to Locke. First, a challenger might object that, although employees certainly do depend on employers, the dependence is bi-directional. Employers, after all, depend on labour for their success; this is why very large estates were rare before the rise of money made it possible to hire workers efficiently. However, individual employees’ smaller capital reserves make it very difficult for them to hold out against employers in disputes over wages and other benefits, at least in completely natural labour markets. Adam Smith makes this point especially clearly:

What are the common wages of labour depends every where upon the contract usually made between those two parties, whose interests are by no means the same. The workmen desire to get as much, the masters to give as little as possible...[.] It is not, however, difficult to foresee which of the two parties must, upon all ordinary occasions, have the advantage in the dispute, and force the other into a compliance with their terms...[.] In all such disputes the masters can hold out much longer. A landlord, a farmer, a master manufacturer, or merchant, though they did not employ a single workman, could generally live a year or two upon the stocks which they have

already acquired. Many workmen could not subsist a week, few could subsist a month, and scarce any a year without employment. In the long-run the workman may be as necessary to his master as his master is to him; but the necessity is not so immediate.<sup>52</sup>

Another objection that might arise at this point is that if I have reconstructed the moral situation in pre-political monetary economies correctly, Locke is guilty of a kind of rule-worship.<sup>53</sup> For why shouldn't rights – including property rights – simply cease to have any force in the event that they come to conflict with the goals that support them? If rights are justified by a relationship to a goal, why should they outlive that relationship in the way I have suggested rights to control large estates outside civil society outlive the positive relationship between property accumulation and social freedom? Moreover, can't people lose their property rights by wasting their resources? And aren't individuals in the state of nature licensed to make judgments about when others have lost their property rights on account of waste? So why doesn't the natural law likewise include a cancellation condition for property that infringes on moral preservation and empower people to judge whether others' property has done so?<sup>54</sup>

The right answer, I think, is that while waste can and does take place in isolation from systemic features of a region's economy, it is not any particular person's holdings that create objectionable dependence in the pre-political monetary economy. Rather, it is the systemic concentration of wealth, and thus the power to dictate economic terms, within a class of owners. To understand this difference between waste violations and property's capacity to undercut moral preservation, it will be useful to consider two examples. First, suppose that Jack is a farmer who sows more than he can reap, so that many of his crops are liable to die on the vine. This constitutes a waste violation, and it does so in a way that is both easily identifiable and rectifiable by Jack; he can simply give away his excess and plant more modestly next year. Now compare Jack's situation to that of Jaqueline, a pre-political landowner who efficiently (i.e. without waste) runs a large estate on which she employs a fair number of people. Even if Jaqueline were to give up her moneyed position and distribute her holdings evenly among her employees, this would not address the problem at hand. For although Jaqueline would no longer be a member of the class of people with the capacity to set economic terms for everyone else, the structural economic situation would remain unchanged. Furthermore, this would be true, at least in the long run, even if every member of the highly propertied class elected to divide up his or her capital and live a simpler life. For if they did so, there would be no reason why people could not begin once again to grow large estates, estates which, although not at odds with preservation on their own, would soon jointly constitute another system of objectionable dependence. Thus, the problem facing any interpretation of Locke's pre-political monetary economy on which property rights dissolve (and may be judged by individuals to have dissolved) when they conflict with moral preservation is not just that it would be too hard for anyone to identify violators and issue sanctions. Rather, the problem is that the issue at hand is irreducibly systemic; in order to fix the problem, a

unilateral actor in the state of nature would have to reconstitute the norms governing property, its distribution and its use. That is, he or she would have to do something *political* where a political condition does not yet exist.

#### 4. How should people address the problem of insufficiency?

If I am right about the moral consequences of pre-political monetary economies as Locke understands them, we need to consider how people within such economies ought to address those consequences. Most scholars read Locke as attempting to justify the consequences of money by appealing to consent.<sup>55</sup> This interpretation cannot, I think, be correct, for it is untenable on both systematic and textual grounds. Locke makes it clear that no one can enter into a contract or agreement to put herself under the arbitrary power of any other person. He writes: ‘no Man, or Society of Men, (has) a Power to deliver their *Preservation*, or consequently the means of it, to the Absolute Will and arbitrary Dominion of another’.<sup>56</sup> In light of the two dimensions of preservation we have been discussing, it is clear why no one can give valid consent to her own complete dependence on someone else; if such consent was possible, it would follow that people have a moral power to directly and purposely subvert one dimension of the basic aim that justifies moral powers in the first place.

Furthermore, Locke simply does not assert that consent justifies the effects of monetary economies. Rather, he invokes consent to explain how money came into use. The only consideration he employs in defence of the results of money is that money does not spoil. Locke writes:

But since Gold and Silver, being little useful to the Life of Man in proportion to Food, Rayment, and Carriage, has its *value* only from the consent of Men, whereof Labour yet makes, in great part, *the measure*, it is plain, that Men have agreed to a disproportionate and unequal Possession of the Earth, they having, by a tacit and voluntary consent found out a way, how a man may fairly possess more land than he himself can use the product of, by receiving in exchange for the overplus, Gold and Silver, which may be hoarded up without injury to any one, these metalls not spoiling or decaying in the hands of the possessor.<sup>57</sup>

According to the traditional reading, this passage contains three elements. First, there is an explanation of how objects lacking what Adam Smith would later call “value in use” came to have what Smith would term ‘value in exchange’.<sup>58</sup> The answer on offer is that money acquired its value in exchange by consent. Second, there is an attempt to justify the effects of money by appeal to consent. Third, there is, in the remark following the final comma, an attempt to answer the potential objection that very large estates violate the waste restriction.

I propose a different reading. As I read this text, it contains two claims. The first is that consent explains how money came to have value in exchange. The second is an explanation of how it was possible, given the demands of natural law, for individuals to acquire rights to large estates. This was possible, Locke says, because

these estates satisfied the waste restriction, which is the only natural restriction on individual appropriation. This does not entail anything about whether distributions containing such estates are, all things considered, morally acceptable. There *would* be such an entailment if Locke endorsed a pure historical theory of distributive justice. But as we have seen, Locke endorses a mixed end-state theory of distributive justice, according to which a distribution must both achieve the goals of natural law and possess a rightful pedigree in order to be morally acceptable, all things considered.

Two further considerations suggest that my reading is right and the received reading is wrong. First, while Locke's text makes clear that consent was the mechanism through which people assigned value to money and thereby made it possible for people to increase the size of their properties, it includes no direct indication that this same mechanism justified the economic state of affairs marked by such properties. Second, if consent is sufficient to justify the effects of money, the point of invoking the waste restriction must be to rebut the objection that large estates must be wasteful. But why would such estates be wasteful? After all, no one would suspect that money itself might rot, and besides, the whole reason why some estates were able to become so large was that wage labour made it possible to grow estates efficiently and productively. Thus, the only plausible role for the appeal to waste in this passage is that of explaining how it was possible for individuals to attain rights in very large properties that made it hard for others to appropriate. And since Locke holds that the waste restriction is *the* rule of property applicable to individuals in the state of nature, this appeal seems well-suited to the role.

The foregoing discussion has left us with the conclusion that although the development of monetary economies does everyone some material good, it does many people serious moral harm that cannot be justified by consent. This harm is not attributable to any malfeasance or rights violations; after all, everyone has the right to appropriate as much as she can use. The problem is instead with the condition of the natural legal order itself. People have operated, within its boundaries, in a way that has rendered those boundaries insufficient to its ends. Consequently, it would seem that the proper remedy is not private action under the natural law in its unaltered condition, but rather reconstruction of the law itself on terms that respect its goals. In other words, the proper solution is the creation and maintenance of civil societies capable of redistributing property to ensure material preservation and moral preservation for all. For this reason, individuals have, by the standards of Locke's system, a duty to consent to civil society once a monetary economy has ushered in full appropriation, at least where civil society can secure both moral preservation and material preservation. This follows straightforwardly from the first law of nature, which requires each person to preserve herself in all cases and to preserve others when doing so 'comes not in competition' with self-preservation'.<sup>59</sup> If a person is one of the majority of people who lack moral preservation under conditions of monetary full-appropriation, she must enter civil society to preserve herself. And if she is lucky enough to be among the highly-proprietyed few, she must enter civil society to preserve others, as her own preservation is already secure in all respects.

I have mentioned this before,<sup>60</sup> but it is important enough to bear repeating: it won't do to object that people might instead defend their rights outside the state. For as we have seen, the moral problem at hand is not that anyone's rights have been violated, but that rightful appropriations and transfers have resulted in a distribution that does not accord with the aim of natural law. It is the system of rights itself that needs to change, and no one has the standing to alter rights except through a common authority to which all have consented.

I have already sketched the reading of Locke on natural law and its goals that supports the conclusions I set out in the previous paragraph. In the remainder of this section, I want to defend those conclusions further by situating them in relation to some other features of Locke's text. The first textual point worth considering is the narrative arc of Locke's chapter on property. In the final section of that chapter, Locke writes: 'It is very easy to conceive without any difficulty, *how Labour could at first begin a title of Property* in the common things of Nature, and how the spending it upon our uses bounded it'.<sup>61</sup> Notice Locke's use of the past tense; in summing up the argument of the chapter, he makes it clear that he is talking about something that happened in the past. Labour *at first began* a title, but it does not necessarily explain everything about people's proprietary entitlements through all of history. Indeed, in the immediately foregoing paragraph, Locke explains that 'in Governments the Laws regulate the right of Property, and the possession of land is determined by positive constitutions'.<sup>62</sup> By contrast, 'in the beginning and first peopling of the great Common of the World, it was quite otherwise. The Law Man was under, was rather for *appropriating*'.<sup>63</sup> Taken as structured whole, then, Locke's property chapter explains how there was *at one time* a set of property norms that allowed for free appropriation subject to the waste restriction before giving way to civil property law.

Second, consider Locke's description of the state of affairs that precipitated the move to civil society. According to Locke, this was a condition of great 'inconveniencies' brought on by everyone attempting to enforce their rights under circumstances that made these rights highly controversial.<sup>64</sup> It is easy to assume that Locke meant by 'inconveniencies' what we might mean by it today, namely something like 'annoyances'.<sup>65</sup> But as Kirstie McClure has pointed out, 'inconveniency' and its related verbal and adjectival forms possessed in the 17th century elements of semantic content that are now obsolete.<sup>66</sup> In general usage, it could connote an offense against reason generally or an offense against moral reason in particular.<sup>67</sup> And in more distinctly legal and political contexts, it was used to refer to a legal or juridical disruption affecting the community as such rather than a mere 'mischief' or 'injury' against one person or subgroup in particular. Consider how Locke uses this language in the context of tyrannical acts by officials who have violated their public trust:

But if . . . these illegal Acts have extended to the Majority of the People; or if the Mischief and Oppression has light only on some few, but in such Cases, as the Precedent, and Consequences seem to threaten all; and they are perswaded in their Consciences, that their Laws, and with them their Estates, Liberties, and Lives are in



danger, and perhaps their Religion too; how they will be hindered from resisting illegal force, used against them, I cannot tell. This is an *Inconvenience*, I confess, *that attends all Governments* whatsoever, when the Governours have brought it to this pass, to be generally suspected of their People.<sup>68</sup>

I suggest that by Locke's lights, the rise of monetary economies led to the inconvenience of many people lacking moral preservation, even in the absence of any rights violations. The (natural) legal organisation of the community was not suited to deal with this problem, so dependence persisted, generating reasonable conflict that was irresolvable in the absence of civil institutions.<sup>69</sup> Only once people left this condition for a political one did inconveniency cease and moral order return.

One might object at this point that even if the condition of 'inconvenience' people abandon for life in civil society is a morally bad one, people's motivations for entering civil society are not typically moral. To the contrary, people leave in order to better secure their rights. Locke writes:

IF Man in the State of Nature be so free, as has been said; If he be absolute Lord of his own Person and Possessions, equal to the greatest, and subject to no Body, why will he part with his Freedom? Why will he give up this Empire, and subject himself to the Dominion and Controul of any other Power? To which 'tis obvious to Answer, that though in the state of Nature he hath such a right, yet the Enjoyment of it is very uncertain, and constantly exposed to the Invasion of others.<sup>70</sup>

I certainly agree that according to Locke, most people's choice to consent to civil society is motivated by such prudential concerns as securing their rights. But this does not cause a problem for my reading; I have argued on Locke's behalf that the arbitrary power occasioned by the rise of monetary economies creates a moral reason to enter and support civil society, but I have not made any claims about what *motivates* people to enter civil society. Moreover, Locke urges that although personal utility is not the ground of our moral duties, it is typically a consequence of abiding by them: 'utility is not the basis of the law or the ground of obligation, but the consequence of obedience to it'.<sup>71</sup> Consequently, it is not surprising that prudential considerations should motivate people to do their duty. Furthermore, my reading does much to make sense of Locke's assertion that the insecurity of rights that precedes the transition to civil society stems from reasonable confusion about rights rather than from anything like an innate human tendency toward violent competition. Let us consider at greater length a passage I quoted earlier:

And thus, I think, it is very easie to conceive without any difficulty, *how Labour could at first begin a title of Property* in the common things of Nature, and how the spending it upon our uses bounded it. So that there could then be no reason of quarrelling about Title, nor any doubt about the largeness of Possession it gave. Right and conveniency went together; for as a Man had a Right to all he could employ his Labour upon, so he had no temptation to labour for more than he could make use of. This left

no room for Controversie about the Title, nor for Inroad on the Right of others.<sup>72</sup>

Locke here describes the young state of nature as a peaceful condition in which rights were not insecure. It was, as he puts the point elsewhere, a condition of 'Men living together according to reason, without a common Superior on Earth'.<sup>73</sup> Only later did confusion about rights develop and damage the security of people's rights. My reading explains why rights became insecure and how this insecurity reflected reasonable confusion; pre-political monetary economies generated the morally confused – and confusing – situation in which individual rights failed effectively to support both dimensions of preservation under natural law.

I have urged that people have a duty to submit to political authority once monetary economies generate full appropriation of resources. But some might object that according to Locke, life in civil society is morally optional, something in which people may elect to participate if they wish, but which they may also freely eschew.<sup>74</sup> Locke certainly does argue that there can be no legitimate civil power, and indeed no truly *civil* power at all, without the consent of everyone subject to it.<sup>75</sup> However, it does not follow from the fact that a person's consent is required in order for civil power to be legitimate with respect to her that she cannot have a duty to give her consent. To the contrary, cases in which one person may not do something unless another consents, but in which the latter is duty-bound to give her consent, are very common. Most people believe, for instance, that parents are morally required to consent to their children's vaccinations, but few object to laws forbidding doctors to administer vaccinations to children without parental consent.

It is also significant that Locke never makes the claim, which would have been *very* radical in his time and place, that life in civil society is always, or even usually, morally optional. To the contrary, he offers some remarks that suggest that civil life is morally required. For instance, in the First Treatise, Locke seems to grant that while everyone has a duty to submit to authorised government, this entails nothing about what government is authorised. This opens up a space between the moral importance of government and the political power of particular people, a space Locke fills with his consent doctrine. Locke writes:

Though Submission to Government be every ones duty, yet since that signifies nothing but submitting to the Direction and Laws of such Men, as have Authority to Command, 'tis not enough to make a Man a Subject, to convince him that there is *Regal Power* in the World, but there must be ways of designing, and knowing the Person to whom this *Regal Power* of Right belongs, and a Man can never be oblig'd in Conscience to submit to any Power, unless he can be satisfied who is the Person, who has a Right to Exercise that Power over him.<sup>76</sup>

Moreover, Locke suggests in a commonplace book from the 1670s that political life is established by God as proper for human beings:

If he finds that God has made him and all other men in a state wherein they cannot subsist without society and has given them judgment to discern what is capable of preserving that society, can he but conclude that he is obliged and that God requires him to follow those rules which conduce to the preservation of society?<sup>77</sup>

Additionally, Locke writes in the Second Treatise: 'I easily grant, that *Civil Government* is the proper Remedy for the Inconveniences of the State of Nature'.<sup>78</sup> There is, then, no reason to infer from Locke's consent doctrine that political life is morally optional, and there are textual reasons to suppose that Locke joined nearly all of his contemporaries in holding that people have moral reason to leave the state of nature for civil society, at least once the natural law cannot achieve its aims without political alterations.

## 5. Conclusion: Toward a Lockean political economy

I have argued that once a monetary economy leaves many people objectionably dependent on employers, most people have a moral duty to enter and support a civil society capable of securing independence for all. How, though, should the state work to achieve this goal? A full and satisfying answer would require (at least) another paper. But by way of conclusion, I will offer some cursory thoughts to set the stage for a more extended discussion.

Although unregulated employment relationships are, for the reasons I have set out, morally problematic within Locke's framework, the same cannot be said of employment relationships in general. Locke would not have agreed with Marxian critiques of employment, according to which the relationship between labour and capital is inherently, and objectionably, disposed to alienate workers from their production. He never questions the basic permissibility of wage labour, and he takes it for granted that those who can afford to do so may innocently hire servants.<sup>79</sup> Nevertheless, a just Lockean state must secure both the material preservation and the moral preservation of each citizen. Questions about the extent and precise content of these moral demands on the state naturally arise at this point, and it would take us beyond the scope of this paper, and into the large and growing literature on neo-republican distributive justice and political economy, to pursue them here.<sup>80</sup> However, we can say for sure that unless a state secures each person in both the 'Comfort of her being' and in the ability to independently pursue a plan of life within the space of rights that are hers under natural law, it has not met its demands. And as a means of securing citizens in these bedrock goods, states must guarantee each individual an economic stake, which she can control on her own terms, that is sufficient to give her significant leverage with respect to what work she will do, for whom, and on what terms.<sup>81</sup>

Despite the fact that a just Lockean state must take steps to secure people against arbitrary power, it is important to note that Locke's conception of social freedom does not require the state to minimise *all* arbitrary dependence between individuals. This is because, as we have observed, Locke is not worried about arbitrary dependence *simpliciter*, but rather arbitrary dependence within the

scope of exercising first order rights.<sup>82</sup> Consequently, it is not necessarily the case that a Lockean state must be a highly intrusive one that concerns itself with rooting out arbitrary dependence wherever it might crop up. This is a positive result for Locke, as one recurring criticism of contemporary versions of republicanism is that they permit (or even require) the government to forbid at-will employment, even in cases in which the employee receives an enormous salary.<sup>83</sup> Such arrangements obviously involve arbitrary power—the employer may end the relationship on a whim—but it seems absurd to object to them out of concern for the employee. On Locke's model, there is no need for the government to be concerned about at will arrangements unless they threaten either party's enjoyment of first order natural rights. And while such threats are a real possibility at the bottom of the income scale, they are very unlikely at the top of it.

The very general considerations just canvassed leave wide open the question of what specific policies states should enact in light of the conclusions drawn in this paper. This question is very difficult, not least because it depends on empirical economic contingencies. Most western countries have in place (or had in place until recently) policies aimed at minimising the political influence of economic power, and we can look to these for guidance. But when it comes to guaranteeing each person a sufficient, and sufficiently independent, economic stake, we need to turn to more theoretical political-economic proposals. One recently-developed proposal, which has its best-known defender in Philippe van Parijs, stands out as especially promising: states should pay citizens an equal and unconditional basic income in periodic installments.<sup>84</sup> Such a program might have the potential to solve the problem at hand, which is objectionable dependence of employees on employers, without ushering in equally undesirable dependence on state planners. Nevertheless, the question of whether this or any other particular redistributive public policy would ultimately be both desirable on Lockean moral grounds and practically feasible lies beyond the scope of the present inquiry.

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### Notes

1. See, for instance, Helga Varden (2006) Locke's waste restriction and his strong voluntarism. *Locke Studies* 6: 127–141.
2. Robert Nozick employs both of these latter two labels. See Robert Nozick (1974) *Anarchy, State, and Utopia*. New York, NY: Basic Books, p. 179.

3. Peter Laslett (ed) (1988) *Locke: Two Treatises of Government, Second Treatise*, Section 27. Cambridge: Cambridge University Press. I will henceforth site the *Two Treatises* by treatise (I or II) and section number.
4. Jeremy Waldron (1979) Enough and as good left for others. *Philosophical Quarterly* 29: 319–328. See also Waldron (1988) *The Right to Private Property*. New York, NY: Oxford University Press, pp. 209–218.
5. For Locke's discussion of charity as distinct from justice, see Locke (n. 3), I 42.
6. Locke (n. 3), II 27.
7. Locke (n. 3), II 31.
8. Locke (n. 3), II 46, bold added.
9. Locke (n. 3), II 6. Parents may be required to see to their children before themselves. See Locke (n. 3), II 56.
10. John T Sanders (1987) Justice and the initial acquisition of private property. *Harvard Journal of Law and Public Policy* 10: 377.
11. Locke (n. 3), II 32.
12. John Tomasi is a kind of half-convert. As he reads Locke, Locke does endorse an enough-and-as-good proviso on acts of appropriation, but only as a kind of "buttress" meant to supplement the waste proviso. See John Tomasi (1998) The key to Locke's proviso. *British Journal for the History of Philosophy* 6: 454. I think Tomasi's reading is right insofar as the early stages of the state of nature are concerned. But as I will argue below, conditions in which there is not enough and as good for all, which arise after the introduction of money, are morally problematic, albeit not on grounds of rights violation, even if no one is wasting resources.
13. A John Simmons (1992) *The Lockean Theory of Rights*. Princeton: Princeton University Press, pp. 291–298.
14. John Marshall (1994) *John Locke: Resistance, Religion, and Responsibility*. Cambridge: Cambridge University Press, p. 268.
15. Eric Mack (2009) *John Locke*. New York, NY: Continuum Press, pp. 61–75.
16. Locke (n. 3), II 39.
17. Locke (n. 3), II 36.
18. Locke (n. 3), II 36. We see at Locke (n. 3), II 31 that Locke also uses the language of "prejudice" to describe violations of the waste restriction. I thank an anonymous reviewer for this journal for bringing this to my attention.
19. Simmons (n. 9), p. 291.
20. Locke (n. 3), I 86–87, II 25.
21. Nozick (n. 2), pp. 153–155.
22. Nozick (n. 2), p. 9. As an anonymous reviewer for this journal reminds me, some readers of Nozick have called into question his theory's credentials as a purely historical theory of justice, primarily on the grounds that his inclusion of a "Lockean" proviso on initial acquisition introduces a significant element of patterning. See, e.g. Will Kymlicka (2002) *Contemporary Political Philosophy: An Introduction*. 2nd ed. New York, NY: Oxford University Press, p. 164.
23. Locke (n.3), II 135.
24. Locke (n.3), II 165.
25. Locke (n.3), II 57.
26. In the First Treatise, at Locke (n. 3), I 42, Locke endorses a right of charity that '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'. While this passage certainly lends support to my claim that Locke does not have a purely historical conception of

- distributive justice, it runs the risk of looking like an aberration unless we consider, as I do in this paragraph, how the deep structure of Locke's approach supports a mixed end-state conception.
27. Locke (n.3), II 123.
  28. Locke (n.3), II 138.
  29. Locke (n.3), II 26.
  30. Locke (n.3), II 4, 6.
  31. Locke (n.3), II 4.
  32. For an exhaustive scholarly study of Locke on moral agency, see LoLordo (2012) *Locke's Moral Man*. New York, NY: Oxford University Press.
  33. In his famous "Two Concepts of Liberty," Berlin classes Locke, along with almost all other British liberals, as a theorist of "negative liberty" *from* interference, which Berlin contrasts with "positive liberty" *to* authentic self-development. See Isaiah Berlin (2002) Two concepts of liberty. In: *Liberty*. New York, NY: Oxford University Press.
  34. Locke (n.3), II 123.
  35. Simmons (n. 9), p. 85.
  36. Locke (n.3), II 23.
  37. Philip Pettit agrees. See Philip Pettit (2012) *On the People's Terms*. Cambridge: Cambridge University Press, p. 93.
  38. Locke (n.3), II 4.
  39. Johann P Somerville (ed) (1991) *Filmer: Patriarcha and Other Writings*. Cambridge: Cambridge University Press, p. 12.
  40. He asks rhetorically at Locke (n. 3), II 93: 'What Security, *what Fence*, is there in such a State, *against the Violence and Oppression of this Absolute Ruler?*'
  41. Locke (n.3), I 1.
  42. Locke (n.3), I 4.
  43. Locke (n.3), II 50.
  44. Locke (n.3), II 36.
  45. Locke (n.3), II 50.
  46. This is how Simmons (correctly, I think) understands Locke's rather threadbare explanation of how the introduction of money gives rise to insufficiency. See Simmons (n. 9), pp. 300–301.
  47. Locke (n.3), II 40–41.
  48. See, for instance, Mack (n. 11), pp. 69–70.
  49. Thanks to an anonymous referee for this journal for pressing me on this point.
  50. Locke (n.3), I 42.
  51. Locke (n.3), II 26.
  52. Campbell RH, et al. (eds) (1981) *Adam Smith: An Inquiry into the Nature and Causes of the Wealth of Nations*. Indianapolis: Liberty Fund, pp. 83–84.
  53. I am grateful to Geoffrey Sayre-McCord for this objection.
  54. Thanks to an anonymous referee for this journal for pressing this point.
  55. For instance, Simmons (n. 9), p. 303: 'Locke could hardly be clearer about what he thought justified inequality. We consent to the use of money, so we consent to the natural consequences of the use of money (large appropriations, scarcity, inequality).' It is worth noting, though, that almost every author (including Simmons) who has commented on this purported attempt at justification by consent has judged it to be an abject failure.
  56. Locke (n.3), II 149.
  57. Locke (n.3), II 5.



58. Smith (n. 26), p. 44.
59. Locke (n.3), II 6.
60. See p. 7 above.
61. Locke (n.3), II 51.
62. Locke (n.3), II 50.
63. Locke (n.3), II 35.
64. Locke (n.3), II 13, 127.
65. This is how Katrin Flikschuh, who correctly takes herself to be reporting the received reading of Locke on the transition to civil society, presents Locke's appeals to the "inconveniences" of the state of nature. See Katrin Flikschuh (2008) Reason, Right, and Revolution: Kant and Locke. *Philosophy and Public Affairs* 36: 378.
66. Kirstie McClure (1996) *Judging Rights*. Ithaca, NY: Cornell University Press, p. 157.
67. Consider that the translators of the 1599 Geneva Bible could write in their preface to the Book of Numbers: "God is ever true in his promise, and governeth his by his holy Spirit, that either they fall not to such inconveniences, or else return to him quickly by true repentance." See (1599) *The Bible*. London: Christopher Barker, pp. 52–53.
68. Locke (n.3), II 209.
69. I think this is the right way to understand the state of war Locke describes, and contrasts with the original state of nature, in the Second Treatise. See Locke (n. 3), II, 16–21.
70. Locke (n.3), II 123.
71. W von Leydon (ed and trans) (1954) *Locke: Essays on the Law of Nature*. Oxford: Clarendon Press, p. 133.
72. Locke (n.3), II 51.
73. Locke (n.3), II 219.
74. Helga Varden has recently argued (on different grounds) that although Locke ends up committing himself to a duty to enter civil society, this is incompatible with the consent requirement. See Varden (n. 1), p. 127.
75. See Ruth Grant (1991) *John Locke's Liberalism*. Chicago: University of Chicago Press, p. 102.
76. Locke (n.3), I 81.
77. Law of nature. In: Mark Goldie (ed) (1997) *Locke: Political Essays*. Cambridge: Cambridge University Press, p. 270.
78. Locke (n.3), II 13.
79. Locke (n.3), II 28.
80. For three recent and rather different approaches to this topic, see Alex Gourevitch (2013) Labor republicanism and the transformation of work. *Political Theory* 41: 591–617; Eric MacGilvray (2011) *The Invention of Market Freedom*. Cambridge: Cambridge University Press; and Robert S Taylor (2013) Market freedom as anti-power. *American Political Science Review* 107: 593–602.
81. Locke's republican commitments thus lead to conclusions similar to those drawn in the 19th century by labour republicans, who sought to leverage the republican critique of arbitrary power to criticise the dependence of workers on capitalists under industrial capitalism. For helpful discussion of these figures and their arguments see Gourevitch (n. 40).
82. See p. 8 above.
83. See Geoffrey Brennan and Loren Lemasky (2006) Against reviving republicanism. *Politics, Philosophy and Economics* 5: 247. As an anonymous reviewer for this journal reminds me, though, some non-Lockean interpretations of the republican project can and do avoid this concern by casting domination and its absence in terms of social

relationships. Even if a high-powered at-will employee depends on her employer for her enormous salary, she probably does not stand in a position of social dependence to her employer. See, e.g. Frank Lovett (2010) *A General Theory of Domination and Justice*. New York, NY: Oxford University Press, pp. 25–54.

84. See Philippe van Parijs (1991) Why surfers should be fed: the liberal case for an unconditional basic income. *Philosophy and Public Affairs* 20: 101–131. Philip Pettit defends a republican right to basic income in his (2007) A republican right to basic income? *Basic Income Studies* 2: 1–8. For skepticism about the power of basic income to relieve domination, see Gourevitch (n. 40), pp. 598–601.