

## QUALITY CHECK: A CONTEXTUAL ANALYSIS OF THE LOCKEAN PROVISIO

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### Introduction

IN CHAPTER FIVE of the *Second Treatise* (1689),<sup>1</sup> “Of Property,” Locke makes an attempt to justify the individual’s right to appropriate natural resources from the common stock in the state of nature subject to what has come to be known as the “sufficiency limitation/provisio,” “enough-and-as-good proviso,” or “Lockean/Locke’s proviso”<sup>2</sup>—namely, a proviso requiring “enough, and as good” be left in common for others after one’s appropriation (Locke 1988, II.27, 33).<sup>3</sup> Locke’s proviso has generated much debate among scholars, especially in libertarian circles, particularly about how

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<sup>1</sup> References to Locke’s *First Treatise* and *Second Treatise* (Locke 1988) are by treatise number (I or II) and paragraph number.

<sup>2</sup> I will be using these terms interchangeably hereafter.

<sup>3</sup> Some commentators have raised questions about the role of this clause as a proviso. See, e.g., Waldron (1979) and Schmidtz (1990). Jeremy Waldron argues that the proviso is best understood not as a proviso but as a sufficiency condition, while David Schmidtz claims it is best seen as an imperative requiring appropriation.

best to interpret it and which reading can be best defended from a normative standpoint. This article aims to contribute to the former, exegetical question of how best to understand Locke's proviso through a contextual analysis of his often neglected writings. In the process, it will also defend the reading from two criticisms, one that it is untenable and the other that it is potentially imperialistic. In doing so, it also offers an outlook that blends certain aspects of left- and centrist libertarianism, broadening the options for the normative discussion. The article will end with a brief reflection on the implications of the reading defended for how libertarians might understand and approach Locke's proviso.

It is necessary briefly to clarify what is meant by "how best to interpret" the proviso, not least because more than one sense is suggested in the literature. What I wish to do is to approach what Locke himself could have meant by the proviso—that is, to try to understand Locke on his own terms. This should be distinguished from a Locke-inspired approach that tries to show what Locke would or should have said if he had had our "superior vantage-point" (Otsuka 2003, 1–2; cf. Mack 1995), or from the normative approach that seeks to identify the most "plausible," the "right," or the "correct" interpretation from a normative standpoint (Narveson 1999, 205, 208; Wendt 2018, 169). The normative question will not be the focus of this article.

The reading I identify as Locke's is one that shares the language and structure of left-libertarians' analysis while making a weaker demand than the left (in fact, more like that of centrist and right-libertarians), and in actual content coming closer to the centrists. As many commentators have noted, there is both a quantitative ("enough") and qualitative ("as good") component in the proviso (e.g., Tomasi 1998, 450). In this article, I will be concerned only with the qualitative aspect. Regarding the qualitative component, left-libertarians have suggested that Locke was defending a strict egalitarian proviso, one that demands people be left with both a "quantitatively and qualitatively similar bundle of natural objects" (Steiner 1977, 45). Right-libertarians reject this reading and accuse the left of attributing to Locke an untenable and even preposterous doctrine, and instead interpret Locke as requiring less stringently that only as good a resource as existed before the appropriation took place must be left for others (Mack 2013; see also Mack 1995; 2002).<sup>4</sup> Falling in between are

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<sup>4</sup> Indeed, some left-libertarians also concur that this is the "best interpretation" of the proviso. See Vallentyne (2013).

centrist libertarians, who argue that the proviso requires sufficient resources be left for an independent living (Simmons 1992, 292–98).

In this article, I will argue that the existing literature has overlooked how Locke actually talks about quality in chapter 5. Indeed, most analyses tend not to be based on a systematic treatment of how Locke employs the idea of quality and qualitative equality in the chapter. While most analyses naturally tend to focus on the text of the proviso itself, or, at most, on the proviso considered within the context of the chapter, I will take as my starting point Locke's commentaries on wine in his journal entries and *Observations upon the Growth and Culture of Vines and Olives* (1680) together with his remarks on land in his writings about interest rates. What will emerge from my analysis is that Locke's proviso was structurally formulated in the left's mold, and coherently so (contra the right-libertarian criticisms), showing that Locke thought it would be easily met, thanks to his optimism informed by the particular circumstances of the seventeenth century and, more importantly, by the specific way he believed qualitative equality could be achieved, which rendered inequalities in certain other aspects irrelevant.

### **Locke's Proviso and the Problem of Indeterminacy**

In this section, I will briefly sketch the interpretation of Locke's proviso I will be defending and show how it shares a common structure with that of left-libertarians' analysis. I then introduce the concerns and criticisms made by other libertarians and non-libertarians (and indeed by some left-libertarians) that such a reading is impractical in logistical (as opposed to normative) terms. In response, I will show that Locke had the intellectual resources to be mindful of such a problem, thereby exonerating him from any potential charge of inadvertence, and in turn, paving the way for an investigation into how the proviso is immune to the above criticisms.

I maintain that the "as good" requirement in Locke's proviso should be understood as mandating a qualitatively equal resource be left for others after one's appropriation. I do not enter into the question of whether this requires an equal quality of the same resource or whether it could be any resource that could be deemed of equal quality. Also, as indicated above, I do not discuss the quantitative part of the proviso in any detail. As I understand it, Locke seems to require only that enough and not an equal amount must be left.

The reading of Locke's proviso I defend is along the lines of what Hillel Steiner has called the "exact similarity requirement": "It imposes an egalitarian structure on individuals' appropriative entitlements, prescribing to each quantitatively and qualitatively similar bundle of natural objects" (Steiner 1977, 45). It also bears similarity to Michael Otsuka's "egalitarian proviso,"

which requires that one leave an “equally advantageous share of unowned worldly resources” (Otsuka 2003, 24), a formulation, Otsuka notes, that has the advantage of not confining him to such a resource-based specification of the resource to be left as Steiner’s formulation does (Otsuka 2003, 47n).

I defend this reading at this point simply on the basis that it is the most straightforward reading, and, later in the article, on the basis of, or rather bolstered by, the fact that it is explainable and defensible in Locke’s own terms. Indeed, when Jan Narveson, a right-libertarian, introduces five different interpretations of the proviso, noting the third of these as the “qualitative equivalence” reading—the egalitarian one we have been looking at—he writes that this is “the most obvious reading,” or “natural reading,” or the “most popular and natural understanding of Locke’s proviso” (Narveson 1999, 210–11).<sup>5</sup> Yet, while it may be the most natural reading, it faces strong opposition from right-libertarians and others.

The objection to this literal interpretation stems less from a linguistic concern about whether the clause can in fact be read thus than from a logistical concern that if it is interpreted in the egalitarian mold, the proviso would have to be seen as requiring the impossible, and Locke, who propounded it, would have to have been incredibly confused. Thus, in his assessment of the egalitarian reading of the proviso, Narveson remarks that it is “hopeless” and a “complete cropper.” If just as good a resource need be left for B after A’s acquisition, there is a “horrendous problem” of “specifying the relevant kind to the satisfaction of all possible comers.” Supposing B is entitled to “an equally fertile area of land,” we must ask: “Is the land down the road ‘as good’? Even if its soil is identical, perhaps the sun doesn’t shine as well on it, or the shade trees along its borders are less numerous, or it’s farther from town” (Narveson 1999, 210–11). Likewise, A. John Simmons, a centrist libertarian, observes that the idea of enough and as good was not an “especially clear notion.” He writes, “Neither the quantitative nor the qualitative aspects of the requirement wears its meaning on its face. And however these are read, the practical difficulties of calculation in determining when enough and as good has been left are bound to be enormous, if not insuperable” (Simmons 1992, 295). If there is no way of determining what can count as “as good,” then the worry is that initial acquisition is impossible, and the precept of law of nature requiring us to preserve ourselves and others cannot be met—we must starve to death (e.g., Waldron 1979, 325; Locke 1988, II.6). Thus the egalitarian reading is faced

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<sup>5</sup> It should be noted that Narveson himself is not interested in arriving at the “definitive interpretation of Locke” in his article (Narveson 1999, 205).

with the crucial problem of indeterminacy with respect to qualitative equality of resources.

The problem of indeterminacy might give us reason to prefer the right-libertarian or centrist libertarian's interpretation of the proviso, which makes the less stringent demand (in an egalitarian sense) of not harming others by one's acquisition or ensuring that sufficient resources are left for an independent living (Kelly 2007, 76; Mack 1995; 2002; Simmons 1992). However, what I propose to do is to try to show that while in the end Locke's proviso does settle somewhere close to the centrist's sufficiency requirement, we need not deny that Locke was calling for some kind of qualitative equality. In other words, while Locke's proviso required qualitative equality in the resources to be left, what that stipulated was only that qualitatively sufficient resources with respect to survival and reasonable comfort be guaranteed.

Before moving on to the task of showing how this reading of Locke's proviso is immune to the problem of indeterminacy, I will attempt to flesh out how Locke in fact talked about quality and qualitative equality in his writing. While what emerges from this survey might seem obvious and redundant to some readers, I nonetheless maintain it is important to lay it out, partly because it demonstrates what ideas were available to Locke, and so it can help us to see what views we can reasonably attribute to him, but also because it may defend him from the potential charge that he lacked foresight in not being able to see that there could be a plurality of ways in which the quality of a certain resource can be understood (Lloyd Thomas 1995, 110). What becomes apparent through this survey is that Locke could have been mindful of most of the typical criticisms leveled at the egalitarian reading, thus suggesting that if his proviso indeed shared the language and structure of the left-libertarians' (as I argue), the content of such a proviso would need to be different from a demand for exact qualitative equality in all aspects.

Despite the fact that there has been much discussion about Locke's proviso, as I see it there has not been much discussion about how Locke actually talks about quality in chapter 5 and how those assumptions figured in his argument there. Wherever one stands concerning Locke's proviso, it seems the interpretations or appraisals are based solely on a textual analysis of the proviso itself and its variants in the chapter, a limited number of other passages in the chapter, or the proviso considered within the overall discussion of the chapter. I wish to add another dimension to the debate by making use of resources outside the *Second Treatise* and thereby cast a different light on the proviso. Thus, wherever one finds oneself in the debate, there is something to gain from the analysis below—or so I hope. Focusing on land,

I will show that Locke understood both geological and geographical differences in the quality of land that seem equal at first sight.

The first thing I demonstrate is that Locke was aware that land could be the same in quantity (i.e., equal size) but of different quality. Moreover, I am talking about land that might very well be supposed to be of equal quality. To this end, I want to turn to *Observations upon the Growth and Culture of Vines and Olives*. Between 1675 and 1679, Locke spent time in France, and, among other things, learned and made observations about viticulture and wine making. His observations are recorded in his journals, and thereafter made their way to *Observations*, which he sent to his patron the Earl of Shaftesbury, to be received by the latter in February 1680. In his journal, Locke records how the appearance of land could be deceptive, causing misleading perceptions of its quality: At Pouly, “the wine is excellent good, & the soyle where the vineyards are, full of litle stones soe as one would think it a very barren soyle” (Locke 1953, 248). Moreover, commenting on the difference in quality of soil in vineyards of the same region, he writes in *Observations*: “[T]here is such a particularity in the soil, that at Mr. Pontac’s, near Bourdeaux, the merchants assured me that the wine growing in the very next vineyards, where there was only a ditch between, and the soil, to appearance, perfectly the same, was by no means so good. The same also they observe about Montpellier, where two vineyards, bounding one upon another, constantly produce the one good and the other bad wine” (Locke 1823, 329–30).

Locke also takes note of the relationship between sunlight and the quality of the vineyard: “They plant their vineyards both in plains and on hills, with indifferency; but say that on hills, especially opening to the east or south, the wine is best” (Locke 1823, 329). His tone is stronger in the diary: “[T]he vineard must have an opening towards east or South, or else noe good is to be expected” (Locke 1953, 51). What these passages show is that Locke had the notion of *terroir*—that is, the idea that idiosyncrasies of a region’s climate and soil quality affect the quality of wine (Unwin 1998, 128). It shows that for Locke, while a piece of land could be in the same region and have the appearance of the same quality, the soil quality for wine making could be different; and even if the soil quality were the same, the openness of the land to sunlight could also influence the quality of the wine, and hence, the quality of the land for wine making. Thus Locke understood the geological differences in land quality. From this, we can also say that should he be confronted with the question of what would count as equally fertile land (cf. Narveson’s questions above), he would be fully aware of how it could lead to the problem of indeterminacy.

We can also see that Locke held these views from the 1660s to the 1690s; that is, we may suppose that Locke was writing the *Second Treatise* with such knowledge around the late 1670s and early 1680s. In his early memorandum on interest (1668) and subsequent work *Some Considerations of the Consequences of the Lowering of Interest* (1692), Locke makes the following observation about land both in the earlier and later writings: “Land in its soyle being different, as some fertill, some Barren, and the products of it very various both in their sorts and value too according as their quantity and vent varies” (Locke 1991, 180); or “Land in its Soil being different, as some fertile, some barren; and the Products of it very various, both in their Sorts, goodness and vent” and so “is not capable of any fixed estimate by its quantity” (Locke 1991, 246). While this observation about the difference in land quality due to the soil quality is more general than his observations about vineyards, it still shows that he would have been mindful that the quality of land of equal size could be different from what it might seem at first sight.

A closer examination of the *Second Treatise* itself also reveals that Locke understood a geographical sense of land quality contrary to what is sometimes supposed (cf. Lloyd Thomas 1995, 110).<sup>6</sup> By this, I mean the worth of a piece of land depends on its distance from the epicenter of something desirable—say, economic activity. Locke writes: “For I ask, What would a Man value Ten Thousand, or an Hundred Thousand Acres of excellent *Land*, ready cultivated, and well stocked too with Cattle, in the middle of the in-land Parts of *America*, where he had no hopes of Commerce with other Parts of the World, to draw *Money* to him by the Sale of the Product?” (Locke 1988, II.48).

To be sure, this point is made in regard to a separate point about how the invention of money would motivate and enable people to enlarge their possessions. However, at the same time, it shows that a land rich in a geological sense would not have the same attractiveness, and hence worth, as a piece of land with an equal or lesser quality in a geological sense but with access to money economy. Locke seems to be suggesting that the former would be of less use than the latter and that while we might suppose for

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<sup>6</sup> D.A. Lloyd Thomas seems to suggest that Locke did not recognize this: “Even if the plain extends on and on, and consists of uniformly fertile land (and no one else was there to begin with), land is not as good if it is far from existing settlement. Locke seems to be thinking very literally of the material resources necessary for survival, and not to be considering such things as the disadvantages of being in a remote place. However even from the point of view of physical survival it is usually better to be near the help of settled civilized society.”

some other individual the latter might be of more worth (e.g., someone who wants to live a simple, self-sufficient life free from the consumerism of the big city), the point remains: the geographical location of a piece of land could affect its quality, and Locke was aware of that.

So by turning our eyes to Locke's writings on vineyards and interest rates, and also by a closer examination of chapter 5 itself, we can see that Locke was aware of differences in land quality in both a geological and geographical sense both before and after the writing of the *Second Treatise*. Therefore, it seems plausible to assume that if Locke had meant by the enough-and-as-good proviso that an appropriator needed to leave as good a piece of land, being mindful of the differences in land quality in these aspects he would have also been mindful of the difficulty of doing so. The question for us then is this: if Locke's proviso is to be understood in the literal sense of demanding qualitative equality, yet Locke himself is conscious of the problem of indeterminacy, how did he think the proviso was achievable?

### **Absences and Assumptions in Chapter 5 to Locke's Idea of Qualitative Equality**

Once we appreciate that Locke could have been mindful of the impracticality of leaving a qualitatively equal piece of land, it helps us take note of some interesting and peculiar absences in chapter 5, which in turn helps us see more clearly what he might have been doing with the proviso, namely, conceptualizing qualitative equality in terms of sufficiency. There are two absences (a) I note. They are: (a1) an absence of talk about barrenness of land and (a2) an absence of talk about the differences in the natural resourcefulness of land having some kind of impact on the outcome. These absences then call attention to two assumptions (A) Locke made: first, (A1) the land remaining after acquisition is assumed to have a degree of fertility, and second, (A2) in terms of its resourcefulness, it is equal to others. Let me start by expanding on the first absence and assumption (a1 and A1).

As we saw above, in his writings on interest rates, Locke noted that some land may be fertile while other land lies barren. However, in chapter 5 of the *Second Treatise*, Locke curiously does not talk about land being barren (a1). He does talk about "wasteland," but that is not the same as it being barren. Wasteland, Locke defines, is "[l]and that is left wholly to Nature, that hath no improvement of Pasturage, Tillage, or Planting," and "is called, as indeed it is, *wast*; and we shall find the benefits of it amount to little more than nothing" (Locke 1988, II.42). In other words, it is uncultivated land. While the monetary value we reap from wasteland may not be much, this is not the same as saying such land cannot be productive with some kind of



intervention. In fact, Locke's wasteland is potentially productive, and so a degree of fertility is supposed, whereas "barren" suggests a stronger, indeed, natural lack of this potentiality.<sup>7</sup> It is true that in Locke's time, Devonshire was known as a naturally barren land that was made productive thanks to the husbandry of the local farmers (Wood 1984, 60), but in Locke's example the county is described as an "equally *fertile* land" (Locke 1988, II.37, my emphasis), as the "uncultivated wast of America," which Locke later describes as a place "rich in Land" and whose inhabitants "Nature... furnished as liberally as any other people, with materials of Plenty, *i.e.* a fruitful Soil, apt to produce in abundance, what might serve for food, raiment, and delight" (Locke 1988, II.41).

The first of Locke's assumptions to register then is that he seems to assume a degree of fertility of land (A1). This might be explained by saying he was optimistic about the natural resourcefulness of land thanks especially to the discovery of the naturally blessed continent of America (Farr 2009), but it is also consistent with his belief in a God who provides for humankind (Locke 1988, I.41). Furthermore, this optimism seems also to relate to the faith he had in the power of labor. For a fuller story, however, we need to turn to the next absence and assumption (a2 and A2).

The second absence is that Locke seems not to accredit natural land quality for outcomes (a2) and so seems to neutralize the differences in the base or initial quality of land—that is, he makes such differences irrelevant to his discussion such that he can assume their initial land quality to be equal (A2). It is important to note that I am not using the term "quality of land" in Locke's sense of "value of land," which is computed by the income the land generates through the production of saleable commodities (Locke 1991, 180; Locke 1988, II.43). By quality of land, I am referring to the land's natural fertility or resourcefulness, its potential to yield quality products. So while land may be naturally fertile and so be of quality, its value may be very little without labor. The two, however, might also be related.

Returning to the point at hand, as in the passage cited above (Locke 1988, II.41), when comparing England and America, or more generally cultivated and uncultivated land, Locke sets these as "equally fertile land," "an acre of Land, of an equal richness" (Locke 1988, II.37), "an Acre of the

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<sup>7</sup> *OED*, s.v. Barren: "Of Land: producing little or no vegetation; not fertile, sterile, unproductive, bare." Compare Locke 1991, 181: "Land produces naturally something new profitable and of value to man kinde, But mony is a Barren thing and produces nothing." Being barren, money does not, and cannot, generate anything new.

same Land” (Locke 1988, II.40), “an Acre of as good Land” (Locke 1988, II.43). Land in the New World, the land in the commons, is assumed to be of equal natural quality to land in England already appropriated. One may quickly object that Locke makes this assumption for an obvious reason: he is trying to establish the point that labor makes the difference in the value produced by land, all things being equal. To bring out the contrast between what he perceives as the state of affairs in England and America, Locke supposes the initial quality of land to be equal, with labor generating a great difference—that is, one hundred to one in terms of provisions (Locke 1988, II.37) or five pounds to than less a penny in terms of income (Locke 1988, II.43). Indeed, in *Some Observations*, he states: “The value of Land is raised, when its intrinsick worth is increased, *i.e.* when it is fitted to bring forth a greater quantity of any valuable Product. And thus the value of Land is raised only by good Husbandry” (Locke 1991, 357). Crucially though, in emphasizing the impact of labor, he effectively takes attention off the difference in initial natural quality of land and reduces its importance in the discussion, thereby creating the space to see different pieces of land as equal. In fact, his point seems precisely to be that the initial quality of land itself did not matter, and that it was the effect, and so value, of labor that we need to appreciate. He remarks: “The ground which produces the materials, is scarce to be reckoned in, as any, or at most, but a very small part of it [*i.e.*, value]” (Locke 1988, II.42).

Significantly, however, this idea that the natural fertility of the land is negligible seems to contradict the ratio between labor and land quality in the observations he had made about wine making. Locke notes in *Observations*:

Upon the skilful mixture of these several sorts of grapes, as well as on the propriety of the soil, depends, in a great measure, the goodness of their wine: though, as far as I could observe, it was not so far improved as it might; nor any other great care taken, but that there should be always a mixture of white grapes when they made their red wine, which will otherwise be too thick and deep-coloured. (Locke 1823, 334)

Likewise, in his journals, he makes the following two observations, emphasizing the difference natural land quality can make:

The goodnesse of their wine to drink seems to depend on two causes, besides the pressing & ordering the fermentation. One is the soyle they plant in, *on which very much depends the goodnesse of the wine*; and this is a constant rule, seting a side all other qualities of the soyle, that the vineard must have an opening towards east or South, or else noe good is to be expected. The other is a mingling of good sorts of wine in their vineyards, for they seldome make red wine of red grapes alone; it will be too thick & deepe coloured except the

Spiran which, they say, will make good wine by its self, but to make their red wine pleasant & delicate, they use to mingle a good quantity of white grapes with the red. (Locke 1953, 51, my emphasis)

And:

But to make their wine, they generally plant of all these sorts together (except the Muscat) in their vineyards, & upon the skilful mixture of these, *next to* property of the soile, the goodness of their wine does much depend, but the soile is *so considerable* that two fields which only a ditch parts, doe one yield good wine & the other constantly bad” (Locke 1953, 52, my emphasis).

How can we make sense of this difference of emphasis? How can we explain the weight Locke puts on the natural quality of the land for wine making, but not for the case of husbandry in the *Second Treatise*? There are a number of possible explanations. One might simply be that Locke is not talking about natural quality of soil, but soil that has already been treated (or in other words, benefited from labor) in the case of the French vineyards, and not so in the *Second Treatise*. In fact, Locke notes that the locals “turn the ground” (Locke 1823, 331). However, even if this is the case, he also notes the “particularity in the soil,” which, comparing vineyards only a ditch apart, is “to appearance, perfectly the same,” but in terms of the final product, “by no means so good” (Locke 1823, 329). This also suggests he was thinking about the *natural* quality of the soil.

Another explanation might be that he came strongly to believe that labor—that is, good husbandry—could dramatically transform the quality of the soil, no matter how poor the quality was. While clearly optimistic about the effect of labor, there is reason to believe that Locke was not completely enchanted by its power, maintaining a critical perspective and being mindful of bogus inventions and technology. In *Observations*, he comments skeptically on a practice of making fruitful grapevines: “I have been told that a sheep’s horn buried at the root of a vine will make it bear well even in barren ground. I have no great faith in it, but mention it, because it may so easily be tried” (Locke 1823, 331). Moreover, in the 1690s, Locke was consulted by a friend, John Cary, who was worried about being called a “projector,” a pejorative term for those promising purported improvement schemes, for his tract on commerce (Locke 1979, 634).<sup>8</sup> So, while there was optimism about

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<sup>8</sup> For an extensive study of projectors in early modern England, see Yamamoto (2018).

technological improvement during Locke's time, there was also skepticism about it. Locke, I believe, showed signs of both.

The most natural explanation, I believe, is that in the *Second Treatise*, while the (American) land was naturally rich and so could potentially yield plenty, Locke's point was that potentiality had of itself no value in monetary terms. Unless the potential is brought out by tilling the land, planting the grapevines, and harvesting the fruits, the land was of no value no matter how good its natural quality. This seems to be the key to understanding Locke's point. If, through our labor, we make a hogshead of wine from the land, the value we produce in that respect changes the value of the land from, say, one to one thousand. Now suppose also that thanks to the natural quality of the soil, we produce a very high quality wine, making the value of the land two thousand. It seems Locke's interest in the *Second Treatise* is with this first jump—from one (no wine) to one thousand (hogshead of average wine)—and not the jump from the average-grade wine to the high-grade wine.

At this point, I believe it helps to consider the difference in the subject matter, and, hence, the goal sought between the two writings, to understand why the jump from one to one thousand should be more of a concern for Locke in the *Second Treatise*. This is also the linking piece that bridges the discussion about absences and assumptions in chapter 5 and the discussion of how the idea of qualitative equality works in Locke's proviso. Locke's comments on the effects of soil quality in his *Observations* concern the quality of wine rather than whether it is a reasonably delightful beverage—that is, whether it is a valuable product compared to something like plain water (which is, of course, valuable, but not as valuable commercially speaking under the circumstances Locke is supposing).<sup>9</sup> In contrast, in the *Second Treatise*, the apparent faith in labor and disinterestedness in initial land quality (a2) (together with the assumption about a certain degree of fertility of land [A1]) seems to be a result of the goal of appropriation and labor being the less luxurious one of self-preservation and a reasonably comfortable life (Locke 1988, II.44). God had willed people to appropriate and labor to “improve it for the benefits of life,” Locke writes, to take them out of their “penury” (Locke 1988, II.32). On Locke's calculation, that did not require too much in terms of the land left in a spatial sense (Locke 1988, II.33, 34,

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<sup>9</sup> Although Locke takes note about the soil's effects on the quality of wine, he seems to have not been too concerned about the qualities of different French wines he was drinking. See Unwin 1998, 135.

36) and also, it seems, in a qualitative sense (Locke 1988, II.42),<sup>10</sup> although he does assume that land in America had all the natural blessings, “a fruitful Soil, apt to produce in abundance, what might serve for food, raiment, and delight” (Locke 1988, II.41).

We have seen Locke’s disinterestedness in the initial quality of land (a2), but what of the supposition of the equality of the quality of land hinted above (A2)? Why would he believe the land in America and England to be of equal quality? Given the specific end of subsistence and convenience in the *Second Treatise*, Locke could suppose the land to be of equal quality to that end. Since the initial quality of land could be supposed good enough in the first times and in the present in America, and since it was labor that could be supposed to produce the greater part of the necessities and comforts of life in quantity and quality, though differences in land quality could exist, for the specified end they could be supposed equal. In other words, the metric of equality is relative to its end. Inequalities not related to the end could be ignored and only the relevant part measured. For subsistence and convenience, the land quality *was* equal.<sup>11</sup> And with the help of labor, one could equally secure these goals.

Again, one might immediately object that Locke does not talk about equality of land in this way, but rather in terms of equality of economic outcomes. In the *Second Treatise*, he writes: “An Acre of Land that bears here Twenty Bushels of Wheat, and another in *America*, which, with the same Husbandry, would do the like, are, without doubt, of the same natural, intrinsick Value” (Locke 1988, II.43). In this equation, an equal piece of land would therefore imply one that produces the same quantity of sellable products. It is interesting to note, however, that Locke stops here at saying that the equality of commodities in quantity produced (i.e., twenty bushels of wheat) seems to imply equality of land value.<sup>12</sup> Given that in his early writings on interest rates Locke assumed that the annual income derived from the land would determine its value, it would seem then he would also have to assume that the wheat from the two pieces of land in the example cited

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<sup>10</sup> For that matter, it also did not seem to require too much effort. See Locke 1991, 493–95, “Labor.”

<sup>11</sup> For discussions on how scales of equality are determined, see Evans 1981, 1393; McCloskey 1966, 54; Westen 1990, 30. This discussion might also have similarities with what John Rawls terms “range property.” For a discussion, see Waldron 2002, 76–77.

<sup>12</sup> Cf. Locke (1991, 357): “The value of Land is raised, when its intrinsick worth is increased, *i.e.* when it is fitted to bring forth a greater *quantity* of any valuable Product. And thus the value of Land is raised only by good Husbandry” (my emphasis).

would be of the same market value to be able to say that the land is of equal value. However, he says nothing about the quality of the wheat produced, and so too about the potential differences in the (geological) quality of the land that yielded them. This is an interesting omission not least because he later says in *Some Considerations* that the products of land cannot yield “any fixed estimate by its quantity” (Locke 1991, 246). If the quality of wheat was different between two lands, then we might assume they would be of different value if sold in the same market, and thus would, by implication, make the two lands of different value. Nevertheless, if we suppose that the Lockean market’s perspective of the wheat’s use is informed by the measure of subsistence and comfort, then it could be the case that the wheat from the two lands may be of equal commercial value notwithstanding any qualitative differences between them, and so would in its turn make the value of the land producing them the same. Given that, the two lands can be supposed to be of equal value without being equal in quality as a matter of fact.<sup>13</sup> But if the two lands producing the same quantity of wheat are equal in value, then from that market’s perspective, the wheat and hence the land can be supposed to be of equal quality too, given that the differences in the wheat have no effect on the market price. Thus, the idea of qualitative equality being relative to the purpose is not inconsistent with what Locke says about equal land value in the *Second Treatise*.

We are now in a place to see why Locke would have introduced the enough-and-as-good proviso’s requirement of qualitative equality without such concern over its application and implementation as modern commentators have expressed. Given the emphasis he put on appropriation and labor aimed at improving the benefits of life, qualitative equality was required only for this end. Thus differences (inequalities) in land quality in geological and geographical aspects became unimportant. What mattered was whether there were sufficient resources in qualitative terms for our subsistence and convenience, and no more than we could use.<sup>14</sup> To meet this

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<sup>13</sup> We can also say that while two pieces of land may be equally productive (yielding twenty bushels of wheat each year), if sold at different markets (which need not be far away but are under different circumstances), due to their geographical location, there may be a difference in income, hence, a difference in the value of the land. Thus, the land may be equally productive, but of different quality and value. Cf. Locke 1991, 496–500, “Venditio.”

<sup>14</sup> How we see the relationship between what is enough and what we can make use of is an interesting but indeed intricate question. It is complicated because the relationship may be relative to the person. An incompetent person may only be able to make use of

limited requirement was also to meet the requirement of equality. Qualitative equality was not required on all fronts.

To conclude this section, then, we can suppose Locke to have put forward a proviso requiring qualitative equality without being troubled by the problem of indeterminacy (which he could have been mindful of) because the objective of appropriation was for the limited end of securing the natural resources for subsistence and the benefits of life, which one could improve by combining it with one's labor; and because it was for this specific end, and given too we could suppose the initial conditions of existing land to be reasonably good (A1) (i.e., it was not barren and so was workable), Locke could assume that differences in land quality did not matter that much and could suppose different pieces of land equal for that end (A2). Qualitative sufficiency for survival and comfort could be seen as guaranteeing qualitative equality.

### **An Inconvenient Implication of Qualitative Equality in the Proviso**

So far, I have shown that Locke could be understood as offering a proviso requiring qualitative equality, while defending him from the problem of indeterminacy by showing the peculiar way in which he conceptualized it. In this final section, I want to point out one negative implication of a reading that does not take into account the specific purpose Locke had assigned to appropriation (in other words, that the proviso requires people to leave, say, "as good *simpliciter*" as opposed to "as good for the benefits of life"). My intention in bringing this up is to exonerate Locke (pre-emptively) from a criticism he had foreclosed, and also to reinforce the sense of qualitative equality he was putting forward, which was limited to a specific end.

Twice in chapter 5, Locke refers to the inland of America, each time to make a slightly different point. In the first case, in paragraph 36, Locke introduces the inland to make a point about how it was like the first ages—vacant—and to claim that while people could appropriate land there, they would only take little and would not be injuring other people. The other, in paragraph 48, as discussed earlier, is that people would not have the motivation to appropriate that much because they would not be able to trade with the outside world; they would keep to the "spoilage limitation"—that is, appropriating only what one could make use of before it spoils (Locke 1988, II.31). The latter reference, I noted, also shows that Locke recognized a

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little, but it may be enough, while it may not be enough for another person who has greater physical needs.

geographical sense of land quality: being isolated from economic activity would lower the value of the land relative to other land of the same geological quality but closer to the epicenter of such activity.

Now, there is a question about who is appropriating land in the inlands. Because they do not cultivate the ground, the indigenous population, on Locke's description, do not seem to possess the inlands (Goldie 2016, 556; cf. Bishop 2006). If we suppose Locke is talking about English settlers, then we need to answer the following question: if the settler is entitled to a piece of land that is as good as others, who is the other we are comparing him or her to? If we suppose this settler is entitled to as good land as English people with access to commerce, this has important consequences. This would mean that to equalize the (geographical) quality of land, we would need to ensure that the inland is connected with the market. This, in other words, would justify English economic expansion into the inlands of America. Of course, this does not prevent indigenous peoples from owning land, but it would come at the cost of radically altering their (presumed) way of life, not to say losing their culture entirely.

If this was the consequence of the requirement of the proviso's qualitative equality, it is quite significant. Although the colonialist reading of Locke is nothing new, incrimination is traditionally reserved for the spoilage limitation (Arneil 1996, 143): because the indigenous population is wasting the land, the English settlers may appropriate it. On traditional accounts, the sufficiency limitation also has a role in ensuring no injury is done to the indigenous peoples by leaving enough for their subsistence. But it only plays a negative role. Only the spoilage limitation gives the justification for active colonization, whereas if an unspecified qualitative-equality reading is granted ("as good *simpliciter*"), it shows that there may be a duty to equalize the quality of land for inland English settlers, and this can be understood as doing work actively to justify English expansion. This would be the negative consequence of the qualitative-equality reading of the sufficiency limitation accepting at the same time the possibility of geographical quality of land.

However, we may reject this reading because Locke had foreclosed it by specifying where equality was required. It was not blank, unspecified equality of quality vis-à-vis others he was calling for. If it were equality on all fronts, then given that there were both inland and coastal settlers, equalizing the quality of land between them means the proviso may require coastal settlers with access to the market to provide equal access for inland settlers. However, Locke's proviso was rather a call for an equality of resources necessary for survival and the conveniences of life; in this case, while there would be a gap in the geographical quality of land between the coastal and inland settlers, the inland settlers would have enough and as good to subsist



and enjoy a reasonably comfortable life, while they would also be able to leave as much to others settling inland because they would have neither the motivation nor the means to enlarge beyond a limited point. The qualitative-equality reading without a parameter would not only have to face the indeterminacy problem, but it would also create space for justifying colonialism. While we may not completely free Locke from the latter charge, at the very least we can say he did not do it through the sufficiency limitation. Thus Locke's proviso was assumed to be realizable and did not open a way to justifying expansion in the name of equality.

### Concluding Remarks and Implications

When pondering why America should have been on Locke's mind at the time of composing the *Second Treatise*, David Armitage writes, "After all, wines, silks and oils are not prominent among the products alluded to in 'Of Property'" (Armitage 2013, 103). In a similar manner to something John Dunn once said about Jesus Christ and St. Paul in the *Two Treatises of Government*—that while they "may not appear in person in the text," "their presence can hardly be missed" (Dunn 1969, 99)—what I have tried to do in this article is to show that while wine did not appear markedly in chapter 5, assuming the knowledge Locke had acquired about wine making and land quality was available to him at the time of writing the *Second Treatise* can help us see how Locke intended the proviso to operate.

What my analysis shows is that Locke's proviso can be understood as sharing a common structure with left-libertarians' analysis without falling prey to the indeterminacy problem, although we need to pay close attention to how Locke conceptualized equality. As the left has claimed, Locke might be understood in the literal sense of demanding that enough and qualitatively equal a resource be left for others. However, as right-libertarians say, this is not to be taken as requiring equal quality in all conceivable aspects (Mack 2009, 63; 2013). The key question for Locke is this: equality of what *for what*? If we are entitled to equally good land for subsistence and comfort, this purpose informs whether equality of a certain kind (e.g., qualitative equality of resources) has been met.<sup>15</sup> Thus the demands on equality are relative to

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<sup>15</sup> Cf. Varden (2012, 424). In her article, Helga Varden inquires: "Obviously, different pieces of land can provide enough resources to secure survival and conveniences, but in virtue of what can we demonstrate that they are 'as good'?" In response, we can note that the answer is in the question itself: in virtue of securing survival and convenience.

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and shaped by the prescribed purpose. Conceptualizing equality as such, Locke can bypass the problem of indeterminacy.<sup>16</sup>

In closing, I sketch the implications of my exegetical analysis of Locke's proviso for libertarians. The first implication is that Locke cannot be pigeonholed in a left-right-center categorization. Locke displays traces of different strands of libertarian interpretations. The Lockean proviso I have depicted requires qualitative equality as the left has suggested, yet, because of the conditions under which it operates, the standard of equality is effectively broadened so that qualitative sufficiency can satisfy the qualitative-equality requirement, putting Locke in line with centrist and right-libertarians in terms of setting a lower bar than the left, and in terms of content closer to centrist libertarians. Yet he cannot be labeled as or claimed by any one of these groups. His proviso is in its own way unique and should be appreciated as such.

To see more clearly the space Locke occupies, let me briefly compare and contrast my rendering of the proviso with those of Eric Mack and A. John Simmons, representing the right and center respectively. Note I am doing this only to highlight the difference between them and not to show that one is superior to the other in a normative sense. There are a number of similarities between Locke's proviso as I present it and Mack's version, which he dubs the "self-ownership proviso" (Mack 1995; 2002). Both my version and Mack's are less stringent than the left's strict egalitarianism, in my interpretation requiring sufficiency vis-à-vis an individual's comfortable preservation and in Mack's requiring "a baseline of noninterference with that individual's employing his self-owned labor in pursuit of his comfortable preservation" (Mack 2013; see also Mack 1995). More specifically, the self-

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<sup>16</sup> I do not intend to say that the subsistence and comfortable life scale is without its difficulties. As Lloyd Thomas noted (note 6 above), even if we suppose Locke was "thinking very literally of the material resources necessary for survival, and not to be considering such things as the disadvantages of being in a remote place," we may still say "from the point of view of physical survival it is usually better to be near the help of settled civilized society." In other words, geographical quality of land would have implications for our survival and comfort, and hence would have to enter our calculation of leaving as good for others. Other problems might include dealing with people with expensive tastes. However, all I am claiming is that Locke's perspective would significantly reduce the number of questions relative to a demand for qualitative equality without any relevant criteria. Also pace Lloyd Thomas, the point I am making is that Locke did have the resources to envision such problems, but simply did not see them as relevant from his perspective of what was necessary for survival and comfort.

ownership proviso “is satisfied if and only if the institution, development, and elaboration of private property yields an economic environment that is at least as receptive to that individual’s deploying his talents, efforts, and time in pursuit of his comfortable preservation as the pre-property environment would have been” (Mack 2013; see also Mack 2009, 63). Moreover, like the Locke I have depicted, Mack maintains that it is “relatively easy for a socioeconomic system to satisfy the demands” of the proviso (Mack 2002, 245).

However, a point to note is that Mack’s self-ownership proviso is concerned not so much with one’s entitlement to property as with one’s use of property, namely the concern that people may not harm others (i.e., disable their “world interactive powers,” or “capacity to affect [their] extra-personal environment in accord with [their] purposes”) by using their property while the property might rightfully belong to them (Mack 1995, 186–87). Thus, as Fabian Wendt points out, in a case in which an individual’s economic opportunities are limited not as a result of another agent’s use of property nor in a case where an individual’s opportunities are open but the individual does not have sufficient resources, Mack’s proviso seems to offer little in support (Wendt 2018, 179). In contrast, the Lockean proviso I have illustrated maintains that individuals are entitled to a qualitative equal—that is, sufficient resources for comfortable preservation.

Centrists like Simmons similarly argue that the proviso should guarantee individuals what is sufficient for an independent living: they must be guaranteed what is needed for their self-preservation and self-government (Simmons 1992, 292–98). However, while the centrist’s sufficientarian proviso might call for sufficiency of resources, it may be open to the left’s criticism of not taking seriously enough people’s equal entitlement to resources (e.g., Vallentyne and van der Vossen 2014). This takes me to the second implication I wish to highlight.

My second point is that Locke’s proviso as it stands invites us to appreciate that equality can be conceptualized in broader terms, which is defined by the end for which it is demanded. For Locke, the purpose and scale of equality was fixed by the idea of subsistence and convenience derived from the duties and rights prescribed to us by God. On this scale, exact qualitative equality of resources was not needed, but rather resources that were qualitatively sufficient for survival and comfort could meet the requirement of equality. However, the point I have tried to impress is that it is an account of equality.

The point of this article has not been to say that Locke was a left-libertarian egalitarian. For Locke, equality mattered, but not in all conceivable

senses. He had his own way of identifying which aspects of it mattered, and devised a realistic way of guaranteeing a certain form of equality to individuals living in a unique world where no two things are exactly the same. Locke shows we can remain sensitive to equality yet at the same time adopt a realistic perspective ensuring that equality exists not for its own sake but for the goal of achieving a reasonable living for all, a living that can be made better or worse through human effort. What is interesting therefore is the way he blends the ideal of equality with a kind of realism. Thus, in contrast to centrists, Locke can exploit the rhetorical force of equality. Whether this blend between left- and centrist libertarianism does better from a normative standpoint than the unadulterated formulations, however, is a subject for another paper.

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